



REPUBLIC OF KENYA

**THE NATIONAL
ASSEMBLY
OFFICIAL REPORT**

**SECOND PARLIAMENT INAUGURATED
6th FEBRUARY 1970**

Vol. XXXIV

Fifth Session—(Contd.)

Tuesday, 28th May, 1974

to

Thursday, 4th July, 1974

Note.—Index incorporated in this Volume

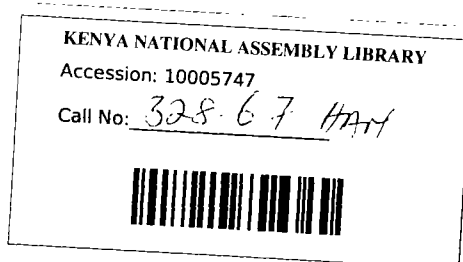
DAYS OF SITTING—Vol. XXXIV

TUESDAY, 28th MAY, 1974 TO THURSDAY, 4th JULY, 1974

<i>Day</i>	<i>Column No.</i>
Tuesday, 28th May	1- 54
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Wednesday, 3rd July	1077-1126
Thursday, 4th July	1127-1184

CORRIGENDA TO VOLUME XXXIV

- 17 Title of Procedural Motion: Insert the word "Elections" between the words "Presidential" and "(Amendments)".
- 47 Name of Member continuing speaking—top of column: read "Mr. Umuro".
55, 64, 157, 160 and 1021-1024—Title at top of columns: read "Oral Answers",
not as printed.
- 112-116 and 981-981-984—Title at top of columns: read "Questions by Private Notice,"
not as printed.
- 251 Name of Member speaking at top of column: read "Mr. Kitonga", *not* Mr.
"Mr. Kahengeri" as printed.
- 392-408 Title of Motion at top of column: read "Review of Cotton Seed Prices",
not as printed.
- 499 Bottom of column immediately after ruling by Speaker: insert the name of
Member speaking before the words "The Member now trying"
"THE ATTORNEY-GENERAL (Mr. Njonjo):"
- 519 Name of Member speaking at top of column: Read "Mr. Kabingu-Muregi",
not as printed.
- 652 Title of third speaker from bottom of column: read "THE TEMPORARY
DEPUTY SPEAKER:", *not as printed.*
- 627 Title of Member speaking at top of column: read "THE ASSISTANT
MINISTER FOR FINANCE AND ECONOMIC PLANNING", *not as
printed.*
- 737-740 Title at top of column: read "Committee of Ways and Means", *not as printed.*
- 807 Name of Member speaking at top of column: read "SPEAKER", *not as
printed.*
- 905 Name of Member speaking at top of column: read "MR. ARARU", *not
as printed.*
- 928-959 Date at top of columns: read "27th June, 1974", *not as printed.*
- 969 At top of column, below the title of Motion: Delete all the words between
the word "OFFICE" on the first line and "Government" on the third
line and insert in their place the words "(Mr. Munyi): on behalf of the
Minister for Local Government"
- 988 Title of Ministerial Statement, substitute "Misappropriation" for "Mis-
appropriations".
- 989-990 Substitute, as title at top of column, "Personal Statements" for Ministerial
Statements".
- 1020 Title of Second Motion, first word read "Acquisition", *not as printed*—also
insert the word "and" between the words "Kibos" and "Miwani".
- 1106 Name of second speaker from top of column: insert "Kariuki" after the
initials "J. M.".
- 1140 Second word of title of Considered Ruling, at bottom of column: for "to"
substitute "of".
- 1182 Insert, at bottom of column, immediately below the ruling by Deputy Speaker,
title of Motion "APPROVAL OF MAGISTRATE'S COURTS ORDER.
1974".



THE NATIONAL ASSEMBLY

LIST OF MEMBERS

Second Parliament—Fifth Session 1974

MINISTERS

<i>The President</i>	His Excellency, The Hon. Mzee Jomo Kenyatta, C.G.H., M.P.
<i>Vice-President and Minister for Home Affairs</i> ...	His Excellency, The Hon. D. T. arap Moi, E.G.H., E.B.S., M.P.
<i>Minister for Defence</i>	The Hon. J. S. Gichuru, E.G.H., M.P.
<i>Minister for Foreign Affairs</i>	The Hon. Dr. N. Mungai, E.G.H., M.P.
<i>Minister of State, President's Office</i>	The Hon. Mbiyu Koinange, E.G.H., M.P.
<i>Minister for Agriculture</i>	The Hon. J. J. M. Nyagah, E.G.H., M.P.
<i>Minister for Finance and Economic Planning</i> ...	The Hon. Mwai Kibaki, E.G.H., M.P.
<i>Minister for Commerce and Industry</i>	The Hon. Dr. J. G. Kiano, E.G.H., M.P.
<i>Minister for Labour</i>	The Hon. E. N. Mwendwa, E.G.H., E.B.S., M.P.
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<i>Minister for Housing</i>	The Hon. P. J. Ngei, E.G.H., M.P.
<i>Minister for Works</i>	The Hon. J. Nyamweya, E.G.H., M.P.
<i>The Attorney-General</i>	The Hon. C. Njonjo, E.G.H., M.P.
<i>Minister for Local Government</i>	The Hon. J. C. N. Osogo, E.G.H., M.P.
<i>Minister for Power and Communications</i>	The Hon. I. E. Omolo-Okero, M.P.
<i>Minister for Information and Broadcasting</i> ...	The Hon. R. S. Matano, M.P.
<i>Minister for Co-operatives and Social Services</i> ...	The Hon. M. Muliro, E.B.S., M.P.
<i>Minister for Health</i>	The Hon. Dr. Z. Onyonka, M.P.
<i>Minister for Natural Resources</i>	The Hon. W. O. Omamo, M.P.
<i>Minister for Tourism and Wildlife</i>	The Hon. J. L. M. Shako, M.P.
<i>Minister for Education</i>	The Hon. T. Towett, M.P.

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<i>Ministry of Housing</i>	The Hon. G. G. Kariuki, M.P.
<i>Ministry of Works</i>	The Hon. A. A. Hirsi, M.P.
<i>Ministry of Commerce and Industry</i>	The Hon. W. C. Mukuna, M.P.
<i>Ministry of Power and Communications</i>	The Hon. J. Keen, M.P.,
<i>Ministry of Information and Broadcasting</i>	The Hon. D. N. Kuguru, M.P.
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<i>Ministry of Tourism and Wildlife</i>	The Hon. D. C. N. Moss, M.P.
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	The Hon. S. K. arap Choge, M.P.
	The Hon. S. S. ole Oloitipiti, E.B.S., M.P.
	The Hon. M. Jahazi, M.P.
	The Hon. A. A. Ochwada, M.P.
	The Hon. S. M. Kioko, M.P.
	The Hon. J. M. Kariuki, M.P.
	The Hon. P. Mbai, M.P.
	The Hon. C. W. Rubia, E.B.S., M.P.

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Abubakar-Madhbuti, The Hon. M., M.P., <i>Lamu East</i> .	Hussein, The Hon. I. A., M.P., <i>Wajir West</i> .
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¶ Anyieni, The Hon. Z. M., M.P., <i>Majoge-Bassi</i> .	¶ Kariuki, The Hon. J. M., M.P., <i>Nyandarua North</i> .
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Cheserek, The Hon. E. K., M.P. <i>Kerio North</i> .	Kiilu, The Hon. S. K., M.P., <i>Yatta</i> .
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Gatuguta, The Hon. J. K., M.P., <i>Kikuyu</i> .	Kivuitu, The Hon. S. M., M.P., <i>Parklands</i> .
Gichohi, The Hon. T., M.P., <i>Laikipia East</i> .	Koigi, The Hon. M. M., M.P., <i>South Tetu</i> .
Gichoya, The Hon. K. N., M.P., <i>Kirinyaga East</i> .	
§ Gichuru, The Hon. J. S., E.G.H., M.P., <i>Limuru</i> .	

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

- § Koinange, The Hon. M., E.G.H., M.P., *Kiambaa*.
 Komen, The Hon. W. K., M.P., *Nakuru West*.
 ¶ Kubai, The Hon. F. P. K., C.B.S., M.P., *Nakuru East*.
 ¶ Kuguru, The Hon. D. N., M.P., *Mathira*.
 Kurgat, The Hon. S. K., M.P., *Kerio South*.
 Lenayiarra, The Hon. J. K., M.P., *Samburu West*.
 Lentaya, The Hon. D., M.P., *Samburu East*.
 Lotodo, The Hon. F. P. L., M.P., *Pokot West*.
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 Magugu, The Hon. A. K., M.P., *Githunguri*.
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 Marwa, The Hon. S. M., M.P., *Kuria*.
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 Mboja, The Hon. M., M.P., *Kilifi South*.
 Mbori, The Hon. J. E., M.P., *Kasipul-Kabondo*.
 Migure, The Hon. O. G., M.P., *Mbita*.
 Mnene, The Hon. D. J., M.P., *Taveta*.
 Modhihiri, The Hon. M. M., M.P., *Lamu West*.
 Mohamed, The Hon. A. A., M.P., *Garissa Central*.
 Mohamed, The Hon. Y. H., M.P., *Garissa North*.
 † Moi, The Hon. D. T. arap, E.G.H., E.B.S., M.P.,
Baringo Central.
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 ¶ Mukuna, The Hon. W. C., M.P., *Emuhaya*.
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Kitui Central.
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 Mwicigi, The Hon. G. N., M.P., *Kandara*.
 Mwithaga, The Hon. M. W., M.P., *Nakuru Town*.
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 ¶ Nabwera, The Hon. B., M.P., *Lurambi North*.
 Nampaso, The Hon. M. P., M.P., *Narok South*.
 § Ngei, The Hon. P. J., E.G.H., M.P., *Kangundo*.
 ¶ Ngureti, The Hon. L. K., M.P., *Kirinyaga South*.
 ¶ Njeru, The Hon. J. G., M.P., *Meru South-East*.
 Njiru, The Hon. J., E.B.S., M.P., *Kirinyaga West*.
 Nthenge, The Hon. G. G. W., M.P., *Iveti South*.
 Nyaga, The Hon. G. E., M.P., *Embu North*.
 § Nyagah, The Hon. J. J. M., E.G.H., M.P., *Embu South*.
 § Nyamweya, The Hon. J., E.G.H., M.P., *Nyaribari*.
 Obongita, The Hon. F. M. N., M.P., *Mumias*.
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 Ogingo, The Hon. M. O., M.P., *Ndhiwa*.
 ¶ Oguda, The Hon. L. J., M.P., *Migori*.
 ¶ Ogutu, The Hon. M. J., M.P., *Ugenya*.
 § Okero, The Hon. I. O., M.P., *Gem*.
 Okudo, The Hon. P. J., M.P., *Alego*.
 ¶ Oloitipitip, The Hon. S. S. ole, E.B.S., M.P., *Kajiado South*.
 § Omamo, The Hon. W. O. M.P., *Bondo*.
 ¶ Onamu, The Hon. J. H., M.P., *Hamisi*.
 Onyango, The Hon. (Mrs.) G., M.P., *Kisumu Town*.
 § Onyonka, The Hon. Dr. Z., M.P., *Kitutu West*.
 Onyulo, The Hon. G. N., M.P., *Winam*.
 § Osogo, The Hon. J. C. N., E.G.H., M.P., *Busia North*.
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 Saina, The Hon. W. M. arap, M.P., *Eldoret North*.
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 ¶ Shikuku, The Hon. J. M., M.P., *Butere*.
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 Tsuma, The Hon. B., M.P., *Lurambi South*.
 Tuva, The Hon. F. B., M.P., *Malindi South*.
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 † Waiyaki, The Hon. Dr. F. L. M., M.P., *Mathari*.
 Wanjagi, The Hon. R. M., M.P., *Kangema*.
 ¶ Wanjigi, The Hon. M., M.P., *Kamukunji*.
 ¶ Wood, The Hon. B. M. M.P., *Nakuru North*.
 Ziro, The Hon. J. K., M.P., *Kilifi North*.

LIST OF MEMBERS—(Contd.)

NOMINATED MEMBERS

¶ Balala, The Hon. S. M., M.P.	Matiko, The Hon. G. M., M.P.
Gecaga, The Hon. (Mrs.) J., M.P.	McKenzie, The Hon. B. R., E.G.H., D.S.O., D.F.C., M.P.
Haji, The Hon. A., M.P.	Mulli, The Hon. J. M., M.P.
Kamau, The Hon. G., M.P.	Odha, The Hon. H. S., M.P.
¶ Leken, The Hon. S. K. ole, M.P.	Yego, The Hon. D. K. arap, M.P.
Lugonzo, The Hon. I., M.B.S., M.P.	

<i>Ex Officio</i> Members—The Hon. F. M. G. Mati, M.P., Speaker;	
The Hon. C. Njonjo, E.G.H., M.P., Attorney-General ...	2
Elected Members	158
Nominated Members	11
Vacant Seat	1
	<hr/>
TOTAL ...	172
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* His Excellency The President.

† His Excellency The Vice-President.

§ Minister.

¶ Assistant Minister.

‡ Deputy Speaker.

STAFF OF THE NATIONAL ASSEMBLY

The Speaker:

THE HON. F. M. G. MATI, M.P.

The Deputy Speaker and Chairman of Committees:

THE HON. DR. F. L. M. WAIYAKI, M.P.

Clerk of the National Assembly:

MR. L. J. NGUGI

1st Clerk Assistant:

MR. J. O. KIMORO

MR. R. V. MUGO

2nd Clerk Assistant:

MR. H. B. N. GICHERU

3rd Clerk Assistant:

MR. J. K. MASYA

Serjeant-at-Arms:

MR. J. BARASA

Senior Assistant Serjeant-at-Arms:

MR. S. G. KIBUTHU

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J. MWANIAH; P. NYANG'AU; F. WANJOHI; S. WAWERU.

[Mr. Mulwa]

district is obviously too large to be covered by two officers, could he tell the House whether or not at the moment he has some people being trained as information officers?

Mr. Kase: Mr. Speaker, Sir, we have 34 trainees at the Kenya Institute of Mass Communications and on top of this number of 34 trainees, we intend to take in more in two month's time.

Question No. 295

TAKE-OVER OF EBUSHIRI HEALTH CENTRE

Mr. Tsuma asked the Minister for Health—

- (a) to tell the House how the balance of about Sh. 6,000 out of the Sh. 20,000 donation by the Government towards Ebushiri Health Centre was spent;
- (b) to say when the health centre is going to be taken over by the Government; and
- (c) state what further development plans the Government has for the said health centre.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

The answer to part (a) of the question is: a donation of Sh. 20,000 was given to the Kakamega County Council to enable the Council to complete Ebushiri Health Centre. As the sum of Sh. 20,000 was a donation, the Ministry of Health is not in a position to find out how the Council spent the money and therefore, I would like to request the hon. Member to take up the matter with the Ministry of Local Government. The answer to part (b) of the question is: the health centre will be taken over by the Government as soon as it is completed. Finally, Mr. Speaker, Sir, the answer to part (c) of the question is that the health centre is earmarked as a Rural Health Demonstration Centre.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Assistant Minister's reply to part (a) of the question, is he aware that this money was given to the county council through the Ministry of Health, which was responsible for this money, and not the Ministry of Local Government?

Mr. Jahazi: Mr. Speaker, Sir, if the Ministry of Health was responsible for this money, we would not have given it to the county council. We gave a donation to the county council to enable them build this centre. This donation of Sh. 20,000 was not a donation to complete the health centre, it was just a donation as a good gesture from the Government to encourage the county council to build the health centre. Therefore, as far as the question of how the money was spent is concerned it is not the business of the Ministry of Health. However, if the hon. Member feels that the money was not well spent, he should report this to the right place. When we give donation to a responsible county council, it is not our business to find out how they spend the money.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister not have some powers over the money he gives to some of these county councils? If there is an indication that some of this money was not properly spent, does he not have the right to follow up this money,

the money being public funds, to find out what exactly happened to it? I am saying this because the question clearly shows there is something wrong somewhere.

Mr. Jahazi: If there is a rat somewhere, let it be shown to me.

Mr. Migure: Mr. Speaker, Sir, the Assistant Minister has been informed that there is something wrong somewhere regarding the way this money was used. Is the Assistant Minister really in order to avoid the question?

Mr. Jahazi: I have answered the question!

Mr. Mwithaga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, to part (a) of the question, it appears that the hon. Member has some knowledge about the misappropriations that have taken place, would the Assistant Minister not be in order to ask the hon. Questioner to give him more details in order to know whether it is the Ministry of Health or the Ministry of Local Government who should reply to this question of misappropriation?

Mr. Jahazi: If the hon. Member wants to say that the money was wrongly spent, he has all the right to say so. However, when he asks me to find out what happened, I really do not know how I can do that. We should find out how this money used to be issued. It was the policy of the Ministry of Health, when the health services were under the county councils, to give some lump sum to the county councils to build health centres. Once the money was given to a county council, that was all. The question of how the money was spent was not our business. It was the responsibility of the county councils under the Ministry of Local Government to go into the question of how money is spent. This was stopped in 1969 when we took over the health services from the local authorities. If there is any doubt as to how this money was spent, I would advise the hon. Member to report the matter to the Ministry of Local Government. Sir, once we give a cheque out we do not follow it because we do not want to know what happens to the money once we give it away for a project.

Mr. Tsuma: Mr. Speaker Sir, it is my view that the Assistant Minister is evading my question. Why should he say that they are not interested in knowing what happens to a cheque once they give it away? I would like to know how the balance of Sh. 6,000 was spent. Is the Assistant Minister aware that the money was given to a district officer and the project committee does not know where the money is up to now?

Mr. Jahazi: Mr. Speaker, Sir, a district officer is a Government officer, and I am sure that, at that time he was responsible for receiving money. Now, that the hon. Member is saying that the district officer did not pass on the money to the people concerned, then I would request hon. Munyi and the Ministry of Local Government to help us trace where the money is at the moment. All along, we thought that the money given to the district officer was given to the county council concerned. However, if we can be told the name of the district officer, we will follow up this matter seriously.

Question No. 136

HOUSES FOR GAME OFFICIALS IN TURKANA

Mr. Ejore asked the Minister for Tourism and Wildlife whether he would construct houses and

[Mr. Ejore]

offices for the Game Department officials in Turkana District.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply.

Sir, my Ministry is actively engaged in putting up houses and offices for the Game Department officials in Turkana District.

Mr. Ejore: Arising from the Minister's reply, Mr. Speaker, Sir, can he tell the House when the houses will be completed?

Mr. Shako: Mr. Speaker, Sir, some of the houses will be completed within the current Financial Year.

Mr. Kiilu: Arising from the Minister's reply, Mr. Speaker, Sir, is he aware that his officers in the Game Department are not looked after well in that they do not have permanent buildings?

Mr. Shako: Mr. Speaker, Sir, I would very much like to look after officers in my Ministry very well if the House can give me sufficient money.

Question No. 307

CENTRES FOR PAYING TEACHERS

Mr. Migure asked the Minister for Education whether his Ministry could consider making such arrangements that teachers are paid at locational centres rather than divisional headquarters where a lot of time is wasted.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister for Education, I beg to reply.

I would like to inform the hon. Member that the suggestion he has made is not practicable at the moment due to additional expenditure involved.

Mr. Migure: Arising from the Attorney-General's reply and in view of the fact that teachers go to the divisional centres for at least five days before they are paid their salaries whereby pupils do not get lessons from their teachers, on those days, what arrangements is the Ministry of Education making to ensure that pupils are not inconvenienced? It appears that the Attorney-General is not well informed about the matter we are talking about now.

Mr. Njonjo: Mr. Speaker, Sir, I am well informed about this matter. I know that the hon. Member is relying on the mimeographed copy of a reply to this question which he obtained from the Clerk of the National Assembly. However, I have a further brief with me here about this matter.

I am sure that hon. Members are aware of robberies which have taken place whereby money is robbed while in transit. The Ministry is concerned about these robberies and it is its view that money be paid at divisional headquarters rather than locational headquarters. In most cases, banks are situated at divisional headquarters. I am sure the hon. Member would not like this money to disappear. What he is interested in is that teachers get their salaries.

Mr. Mulwa: Although my hon. learned friend has answered this question on behalf of the Minister for

Education, Mr. Speaker, Sir, I really sympathize with him. Sir, the money is paid at the divisional headquarters and not at the locational centres. The question, therefore, is that why should teachers not be paid from locational centres instead of divisional headquarters? Sir, teachers waste a lot of time travelling to divisional headquarters to get their salaries and there is also the danger of the money being intercepted while being transported from banks to divisional headquarters.

Mr. Njonjo: Mr. Speaker, Sir, I am obliged to the hon. Member because he is, in fact, helping me. I said that most banks are situated in divisional headquarters and that is the right place to pay teachers' salaries.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, the hon. Attorney-General is misrepresenting me. There are no banks at divisional headquarters. In fact, it is the Assistant Education Officer who carried all the money to the division. Why can he not distribute it to locational centres instead of carrying it, all by himself, to divisional headquarters?

Mr. Njonjo: I know, Sir, that there are mobile banks in certain areas which give banking facilities to *wananchi*. However, areas differ from one another. In the case of the area in question, I know that banks are in urban centres such as Kisumu and not at locational centres. The Ministry, however, will look into this matter, but the security of the money must be paramount otherwise we would be allowing gangsters to take away Government money.

Mr. Migure: Mr. Speaker, Sir, I sympathize with the answer given by the Attorney-General and the briefing he has been given. The point here is that the teachers travel from their respective schools to the divisional headquarters, where the district education officers come in their Land-Rovers and some *askari*. In my constituency, for instance, the teachers are told to collect their salaries at the divisional headquarters on 2nd and yet when they go there they do not get their salaries. They are then told to come again on 4th and when they go there they are not paid, because there is no money. Sometimes they keep on going there for a whole week and during that time they are not teaching. I am now asking the Ministry to look into the possibility of these teachers getting their salaries at the locational centres rather than the divisional headquarters. Can the Ministry make such arrangements?

Mr. Njonjo: Mr. Speaker, Sir, first of all I do not require any sympathy from the hon. Member. I can answer this question quite competently and I have a full brief. I accept that the problem in Mbita is very peculiar as against the rest of the country. I will, however, undertake to see that the problem is looked into.

Question No. 279

TAKE-OVER OF DAMBAS BOREHOLE

Mr. D. M. Amin asked the Minister for Agriculture when he is going to take over the running of Dambas water borehole which is at present run by local people in Tarbach who have financial difficulties in running it.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Agriculture]

We are going to take over the running of Dambas water borehole but on one important condition that all costs to cover the operation and the maintenance of the borehole, including the operator's salary will be collected from the consumers. This system will apply not only to that particular borehole but also to all water supplies constructed or to be constructed under the light of development projects.

I would also like to point out that the local people at Dambas at present provide only fuel and lubricant for the borehole. The operation and maintenance of the equipment is undertaken and paid for by the Ministry of Agriculture and this will continue increasing.

Mr. D. M. Amin: Mr. Speaker, Sir, arising from the Assistant Minister's reply does he agree with me that the running of this particular borehole is at the moment done by the residents of the area and if so, since this area has been badly affected by famine and that people are very poor now, could he agree to take over the running of this borehole as soon as possible?

Mr. Wanjigi: Mr. Speaker, Sir, we would have to be more than satisfied that the users of the borehole are unable to pay for its running.

Mr. D. M. Amin: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, is he aware that when this particular borehole was being installed, the local people of the area paid more than half of the cost? If he agrees with me on this point, why is the Government not prepared to help these people when they want to be helped?

Mr. Wanjigi: Mr. Speaker, Sir, I answered that question when I said we are going to take over that borehole soon.

Question No. 289**PLANS TO INCREASE TECHNICAL OFFICERS IN BARINGO**

Mr. arap Cheboiwo asked the Minister for Agriculture what urgent steps his Ministry is taking to increase the number of agricultural instructors, veterinary scouts *et cetera*, to cope with agricultural activities in Baringo District.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

My Ministry has no urgent plans to increase the number of agricultural veterinary and other categories of extension staff in Baringo District because we are satisfied that there is an adequate strength of man in all aspects of our agricultural service to look after the area. The total number of staff is now 169 and the district is certainly one of the best served in the whole province.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that answer that the total number of the staff the Ministry has is 169, could the Assistant Minister give the breakdown of this staff, because, certainly we need agricultural instructors and veterinary scouts?

Mr. Wanjigi: Mr. Speaker, Sir, I am quite prepared to give the breakdown, and it is as follows:—

Crop production field	58
Veterinary services	44

Range Department	16
Land and Farm Management	13
Hides and Skin Department	55
Farmers Training Centres	22
Livestock Marketing	11
	and others

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from what the Assistant Minister has told the House, is he saying this is the staff which is there at the moment or he is talking of staff that is likely to be there during the current Financial Year?

Mr. Wanjigi: Mr. Speaker, Sir, when I say "now" I mean now. The word does not need any explanation.

Mr. Speaker: We will put off Mr. Mulwa's question until we have cleared the question of who should reply.

Question No. 212**SALE OF WOODLEY ESTATE TO TENANTS**

Mr. Y. Ali asked the Minister for Local Government whether he would, as a matter of urgency advise the City Council of Nairobi to enter into negotiations with its present tenants at Woodley Estate with a view to selling them the houses they have been occupying for years now.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

No Sir.

Mr. Y. Ali: Mr. Speaker, Sir, could the Minister tell the House why the answer is "No" and when is he going to do as asked by the question?

Mr. Osogo: Mr. Speaker, Sir, there is no need for this. The hon. Member must tell me why particularly Woodley and not Shauri Moyo, for example?

Mr. Y. Ali: Mr. Speaker, Sir, arising from that answer by the Minister is he aware that Woodley Estate was built back in 1948 and by now, 1974, whatever money that was used to build this Estate has been recovered and the fact that the City Council continues to charge rents from *wananchi* is a serious exploitation which is contrary to Government policy?

Mr. Osogo: I am aware, Mr. Speaker of the year the hon. Member says these houses were built. I am also aware that other City Council houses were built earlier than that. However, I would like to inform the hon. Member that the houses have appreciated and so, the fact that they have paid up themselves, they have appreciated and they still have to serve other coming citizens of Nairobi.

Mr. Y. Ali: Mr. Speaker, Sir, is the Minister aware that the City Council of Nairobi, of which I was a member, agreed as a matter of policy to sell houses in the city to *wananchi*, to enable them to own properties such as these houses in Woodley? If that is the policy of the City Council would the Minister tell the House whether this policy has changed and if it has changed, why has it changed?

Mr. Osogo: I am aware, Mr. Speaker, Sir, of what the hon. Member has stated was passed by the City Council, that these houses should be sold to *wananchi*. I am also aware that at that time, most of the residents

[The Minister for Commerce and Industry]

in that area were councillors. I am also aware that the Minister for Local Government at that time refused to approve the resolution.

Mr. Y. Ali: Mr. Speaker, Sir, the Minister has made a very serious allegation that when this resolution was passed, most of the residents at Woodley Estate were councillors. Could the Minister substantiate this allegation because it is a very serious allegation against the councillors?

Mr. Osogo: No, Sir! I think the hon. Member will bear me witness; I did not say that most of the residents of Woodley Estate were councillors. I said that most of the councillors were living at Woodley Estate. That is what I said.

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir, the Minister is still repeating his allegation. He is still saying that most of the councillors who were living and are still living at Woodley Estate. Could he substantiate his allegation? Could he name which councillors were living at Woodley Estate because I was a councillor by then and I was not staying at Woodley Estate? This is a very serious allegation!

Mr. Osogo: Mr. Speaker, Sir, if the hon. Member gives me time then, I am prepared to bring here the names of councillors who were living at Woodley Estate and which councillors owned houses at that time in that Estate.

Hon. Members: Hear! Hear! Hear!

*Question No. 198***INCREASE OF ALLOWANCE FOR NATIONAL YOUTH SERVICE PERSONNEL**

Mr. Muturia asked the Minister for Labour whether he would consider increasing the allowances given to National Youth Service boys and girls while in training from the present Sh. 12 to Sh. 100.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to reply.

The present allowance is Sh. 20 a month and not Sh. 12 a month as stated in the question. However, Sh. 8 a month is retained as a saving until the man or woman leaves the service.

Servicemen and women are volunteers who enlist to serve the nation. They are housed, fed, clothed, transported and looked after medically at the Government's expense. The Sh. 20 a month is only meant as pocket-money. The monthly pocket-money of Sh. 20 is however a comparatively small sum particularly bearing in mind the fact that the prices of many commodities have risen considerably high in recent months. However, hon. Members will appreciate that the country is passing through a difficult period in so far as the Government's revenue is concerned and it is not practicable to consider raising the allowance at this stage. Therefore, as soon as the Government's financial position improves, my Ministry will examine the matter.

Mr. Muturia: Mr. Speaker, Sir, arising from that reply given by the Assistant Minister and considering the fact that the National Youth Service men and

women are doing the work which the Government should have employed people to do, would the Assistant Minister tell the House whether these people are not earning the Government some money or not because—?

Mr. Speaker: Order, Mr. Muturia, you have already asked your question!

Mr. Kubai: Mr. Speaker, Sir, as I have said earlier on, the National Youth Service is a voluntary organization and, therefore, these young men and women volunteer to serve the nation.

Mr. arap Cheboiwo: Mr. Speaker, Sir, while agreeing with the Assistant Minister that these young men and women have volunteered to serve the nation and considering the fact that the increase in price of commodities have gone up very high, could the Assistant Minister not consider increasing the allowance for these men and women to, say, Sh. 80 per month instead of up to Sh. 100 as the hon. Member had suggested because they are bringing a lot of income to the Government more than what they get for their labour?

Mr. Kubai: I think I have stated that when the Government's financial position improves then, my Ministry will look into the matter.

Mr. Mwithaga: Mr. Speaker, Sir, as far back as 1967 when the hon. Assistant Minister was still here with us and he was still the Assistant Minister for Labour, this House passed a resolution asking the Government to re-examine the financial position of the National Youth Service men and women and to increase their allowance. However, since that time, nothing has been done to that effect. Now, is the Assistant Minister implying that since 1967 when that resolution was passed, the Ministry has never re-examined the position and that the financial position of the Government has never improved and that it is now when it is going to improve and then they are going to look into the matter?

Mr. Kubai: Mr. Speaker, Sir, we work through the money which we get from the Treasury and, as I have stated earlier on, when the Government's financial position improves then, my Ministry will look into the matter.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, since the Government's financial position has never improved, according to the Assistant Minister's point of view, and now he is telling the House or indicating to the House that when the Government's financial position improves and since they get money from the Treasury—these are the Assistant Minister's own words. Now, is he in order to state so whereas it is the Ministry of Labour which should have asked for money from the Treasury rather than waiting for the Treasury to give them money?

Mr. Kubai: Mr. Speaker, Sir, well, if the Ministry of Labour has asked for money and the Treasury does not give this money then, how shall we get the money? We shall wait until the Treasury gives us money.

Mr. Speaker: We shall go on now to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

COST OF FARMING *vis-a-vis* CONSUMPTION COST

Mr. Wabuge: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:—

Is the Minister aware that costs of agricultural inputs such as fertilizer, fuel, machinery *et cetera*, have shot up sky-high, whereas prices for farm produce, that is, maize, wheat, meat, milk *et cetera*, which are essential for domestic consumption, have not been proportionately increased by the Government? If the answer is in the affirmative could the Minister as a matter of urgency:—

- (a) Announce prices for farm produce before the season runs out to attract farmers to produce enough to feed the nation especially for maize and wheat whose acreage production are drastically reducing?
- (b) Increase Government subsidy on fertilizer?
- (c) Introduce rebate on diesel, oils, machinery and spare parts used in the agricultural industry?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

Yes, Sir, the Minister is aware.

The answer to part (a) of the question is "No, Sir".

The answers to parts (b) and (c) of the question is that the Government keeps matters of subsidy and rebate on all essential commodities under constant review; whether these are agricultural inputs or not. Agricultural inputs are, therefore, no exception.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply, which is a very misleading reply, and considering that the price of fertilizers last year was Sh. 1,200 per ton and that the price of maize and wheat was Sh. 40 and Sh. 53 per bag respectively, how is the Minister encouraging more farmers in this country to produce more of these commodities because the price of fertilizers is Sh. 2,234 per ton at present? Does he expect the farmer to get the same price for his maize and wheat like he did last year? I think something must be done and done quickly, Mr. Speaker, Sir.

An hon. Member: That is very unfair on the part of the farmers!

Mr. Nyagah: It might be unfair, according to the hon. Member for Mbita. However, the truth of the matter is—the hon. Member knows it because he is a member of the Kenya Farmers' Association. He knows that fertilizer is not readily available at the moment throughout the world. The Kenya Farmers Association and the rest of the organizations who are the agents of the farmers in this country in getting this essential commodity, have also found it difficult to get it. The hon. Member is also aware that the price of maize and wheat has been improved tremendously within the last six months. This was a result of these prices of commodities which keep on rising beyond our control. The Government also, Mr. Speaker, Sir, has a duty not only to look at the producers' price alone but also it must keep a very close eye on the consumers' price.

Mr. ole Marima: Mr. Speaker, Sir, in view of the fact that I am aware of the tour, by the Minister for Agriculture, of Masailand and particularly in my area, Narok District, when he urges us to produce more maize and wheat because we are bound to face another hard period without food and hoping that this does not find its way out without legal panic, will the Minister agree with me that this will not be practicable for us to increase the acreage of maize and wheat unless fertilizers are available and also prices for the input are either subsidized or the prices of the crops that we sell are put up proportionately? He raised the prices but at the same time the inputs went up, and so it makes no difference.

Mr. Nyagah: I think the hon. Member has taken quite a number of points he raised out of context. For instance, it is not because food is likely to be in short supply in this country that I toured the area in question. I did not say that, Mr. Speaker, I said that it is Government policy to increase food production, especially the cereals, not because there was going to be a shortage of these things, but because we want to have more and more of it, and get a surplus for sale.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply, in view of the fact that he, in conjunction with the provincial administration, mounted a campaign to ask farmers to produce more maize and wheat, and bearing in mind that the prices of inputs have gone up, would he not agree with me that this campaign can only be successful if the price of maize is put at Sh. 80 per bag, which would mean that the Government would have to subsidize greatly in order to meet consumers' demands? Unless the price of maize is fixed at Sh. 80 and that of wheat fixed at Sh. 100 per bag, which is quite reasonable, this campaign is not going to succeed.

Mr. Nyagah: Mr. Speaker, Sir, I do not agree with the hon. Member, who was the chairman of the Maize Select Committee the other day, and who, as he saw it fit then, put the price of maize at Sh. 55 per bag, and who now says it should be put at Sh. 80 per bag. Therefore, just as he finds himself in a state which he cannot see the possible prices of tomorrow, so do we find ourselves in the Government planning. Every three months or so, Mr. Speaker, because of conditions of world inflation, we find that the prices of the commodities he is talking about have gone up. Therefore, if the hon. Member, who is a member of the farmers' society, and who passes through Nakuru every time, where the Kenya Farmers Association headquarters are located, can urge the association to go around the world more, and find out where we can get fertilizers, then half of our problems would be solved.

Mr. arap Chumo: Mr. Speaker, Sir, we understand that the Government has plans to start a factory which will produce fertilizers locally, and it is my hope that they have already carried out a feasibility study, but could the Minister tell us how soon these fertilizers will be produced locally and how much cheaper will they be compared to imported fertilizers?

Mr. Nyagah: Mr. Speaker, Sir, if I may answer the last part of his question first, I would say that the

[The Minister for Agriculture]

Government has plans for a factory to produce fertilizers. However, maybe the hon. Member and many other hon. Members are on the same sort of knowledge as I had before, thinking that the word fertilizer covers a particular kind of fertilizers. However, there are many types of fertilizers, which you need for agricultural inputs, and this factory will produce only one type. The other types necessary for other crops and for other times during the crop season may not be produced here and they are, in fact, in short supply in the world today.

Mr. Speaker: Next question, Mr. Jilo.

MALPRACTICES IN THE REGISTRATION OF VOTERS

Mr. Jilo: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:—

Noting with serious concern the recent and current circulating reports both in this House and in the Press about malpractices in the registration of voters in the country-side, will the Attorney-General inform this House what action he has or is contemplating to take to rectify this alarming situation?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

I know there has been a number of sensational reports in the Press and also among some Members in this House, about alleged malpractices during the last registration of voters. I also happen to know that there are a number of malpractices which took place during the last registration of voters. Now, Mr. Speaker, I think it would be requiring a lot from me in particular, to divulge here in public, what investigations are being carried out at the moment about these malpractices, and also what will happen during the elections, in the case these people who, for instance, I am told have bought a number of voters' cards. I am also told that there are people who were brought in from other areas to register in a particular area. This allegation, in fact, has been made against the hon. Member, and there many such allegations against so many people.

Mr. Jilo: On a point of order, Mr. Speaker!

Hon. Members: Hear, hear!

The Attorney-General (Mr. Njonjo): I have not finished, Mr. Speaker. Now, I was going to say that there are some Members, if we are honest with ourselves, who are saying that one particular Member has imported voters from other areas to his constituency. This is being said, and also about some other people who are buying voters' cards. Now, Sir, I am not going to say what I am doing for the benefit of the Press or for the benefit of those culprits, but the day of reckoning will come.

Hon. Members: Hear, hear!

The Attorney-General (Mr. Njonjo): Therefore, my advice to voters in this country, and particularly those who have registered themselves under the age of 18 years, is that they should be very careful not to take part in the forthcoming elections because they will be found out. Now to those who have bought voters' cards and intend to use them during the next General Elections, I suggest that they burn those cards because they

too will be caught and the penalty, I can assure them, will be very heavy.

Hon. Members: Hear, hear!

Mr. Jilo: Mr. Speaker, Sir, I am very thankful for the Attorney-General's reply. However, he has made a very, very serious allegation that I am one of the hon. Members who have been accused of these malpractices. However, I would like to state categorically here that I have never been accused for any of these malpractices and, in fact, I am a very clean man.

Hon. Members: Hear, hear!

Mr. Jilo: Now, Mr. Speaker, if I may say it here now, all I wanted to know from the Attorney-General is what action he is taking in order to curb these malpractices. The Attorney-General has not done anything wrong, but all we want to know is what is he doing with regard to these malpractices?

Mr. Njonjo: Mr. Speaker, Sir, I have mentioned a number of malpractices, for instance, a person registering himself more than once or in two different constituencies, or for instance, people being brought from Kisumu to register in Nairobi or from Nyeri to register in Nairobi, or the other way round. I am told, "Or from Mathare to Nyeri".

Hon. Members: Hear, hear!

Mr. Njonjo: Now, the other one is that shifta have been also brought from other places into Kenya.

Hon. Members: On a point of order, Mr. Speaker!

Hon. Members: Hear, hear!!

Mr. Umuro: On a point of order, Mr. Speaker, Sir, the Attorney-General has repeatedly used the word shifta, and, particularly with reference to the area I come from. Is he in order to do so and what is he intending to show the House when he refers to the people of North-Eastern Province as shifta?

Mr. Speaker: Order, I think we should bring this to an end. Hon. Umuro you should not become too touchy, because the Attorney-General did not say that shifta came from your area. He talked of shifta being brought into this country and he meant that these people are brought in from outside this country. The word "shifta" is not a prohibited term in this country and it is, therefore, not a criminal offence to use the word "shifta". We know that there are people who are known as "shifta". I, therefore, do not see why you should be so sensitive when the Attorney-General says so because nobody has alleged that you, Mr. Umuro, are shifta. Therefore, the use of the word shifta is quite in order.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, is it not in order, for the Chair, to amplify the word "shifta" because a shifta can be a luhya, Luo or any-body?

Mr. Njonjo: Mr. Speaker, Sir, I make no apology in using the word "shifta" and those of us who have been in this country know that we had a war against the shifta I take it that the hon. Members who have asked questions belong to Kenya and they were against shifta when this country was at war against shifta. It is true that people are being imported from other places into the North-Eastern Province to vote as Kenya

[The Attorney-General]

nationals and we know that they are not Kenya citizens and that they come from across the border. If anybody has any sympathy with those people my answer is that he should tell them not to use the voters' cards that they got during registration of voters.

Mr. D. M. Amin: On a point of order, Mr. Speaker, Sir, is the hon. Attorney-General aware that in my constituency, Wajir East, almost 1,000 voters' cards were found in a well and if he is aware what has he done about it?

Mr. Speaker: I think that is irrelevant to the question. Next question. Mr. Lenayiarra's question.

QUIT NOTICES TO LORROKI FOREST DWELLERS

Mr. Speaker: Mr. Lenayiarra not in? Next order.
(*Question dropped*)

PROCEDURAL MOTIONS

EXEMPTION FROM STANDING ORDERS: NATIONAL ASSEMBLY AND PRESIDENTIAL (AMENDMENT) BILL

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move:—

THAT, this House exempts the National Assembly and Presidential Elections (Amendment) Bill (Bill No. 12) from provisions of the Standing Order 73 (2).

I am moving this Motion and some of the hon Members know the circumstances under which this Bill has again been brought to this House. Therefore, I do not want to elaborate on it other than say that I am requesting the House to accept the Motion so that we can proceed with the other businesses without any tension or without having conflicting views. I know that some hon. Members do not know about it but I do not want to elaborate at this juncture because the subject will be brought to this House for discussion and the hon. Members will have time to express their views as we move along.

With these few remarks, I beg to move.

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, I happened to have been away from this House at the beginning of this year when I was in the hospital and the impression I gathered from the hon. Member was that there was a Bill which was fully debated in this House—

Mr. Speaker: Will you come to the point.

Mr. Mwangale: I am coming to the point, Mr. Speaker, Sir, if you will only listen. This particular Bill was passed in the Second Reading, Committee of the whole House and then the Third Reading and I believe that the Bill only required the Presidential Assent. We now have a Bill which is exactly similar to the Bill we debated before. Would you let us know what happened to the previous Bill order to guide us as to what we should do with this Bill?

Mr. Speaker: We are now dealing with a new Bill. I know the Bill you are now referring to but, right now, we are dealing with this Bill and if you are questioning it then it is all right. We cannot go to the question of why the other Bill was not assented to or questions of that kind because it is irrelevant in so far as I am con-

cerned here. If you are objecting to this Bill then you should be able to say so when we come to it. What you are being asked to do now is to talk on this Motion to exempt this Bill from Standing Orders 73 (2).

Mr. Nthenge. On a point of order, Mr. Speaker, Sir, is it in order to bring similar Bills in the same session because according to our Standing Order we are not supposed to debate similar bills at about the same Session?

Mr. Speaker: No, that is not the case because this Bill has not yet been moved. What you are being asked to do is to exempt it from the application of the Standing Orders you have in mind which says you cannot repeat the same subject matter within six months or in the same Session.

Mr. Seroney: on a point of order, Mr. Speaker, Sir, whatever the Leader of Government Business is trying to achieve will not be achieved this way. The Standing Order he is referring to does not have a provision for exempting it. If we look at the Standing Order No. 166 which says :—

"A Motion may be made either with or without notice that the proceedings on any specified business be exempted from the provisions of..." certain parts of this Standing Order.

If you look at it, it talks about part V, XIII, XV, XVI, XVIII, XIX, XX and XXI and part XII is not there. The Standing Order which the Leader of Government Business wants us to exempt deals with the rules of debate. I do not know how we can exempt the rules of debate. Either something is in order or not in order. Mr. Speaker, Sir, in view of that, I think the Leader of Government Business should find another Standing Order to enable him to introduce this Motion. This one is not the correct one.

Mr. Speaker: Although it is under the rules of debate, I am quite sure the Standing Order Mr. Nthenge, for instance, had in mind when he asked whether we could raise an issue which has already been discussed, might apply. In which case, it is quite possible there might be another Standing Order. However, that is still no ground strictly speaking, for saying that this particular Bill cannot be exempted from the Standing Orders. The Standing Orders are made by the House, and they can be altered by the same House. If you look at it rationally, you will see that, surely, rules and laws are made by man to guide him. The laws themselves are not made to govern man. This, therefore, ultimately depends on the intentions of the House. It would be a sad situation if any rule made by the House was so immutable that the House would be put in a fix simply because there was such a technicality. But, this is for the House to decide upon. The House can say that they do not want to exempt the Bill from the operation of the Standing Order in question.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, the hon. Member for Tinderet was referring to Standing Order No. 166, which is on page 52. The procedural Motion before the House is talking about the provisions of Standing Order No. 73 (2), which is on page 25. If I may quote it. Mr. Speaker, it says:—

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

"It shall be out of order to introduce argument on any specific question upon which the House has taken decision during the current Session except upon a Motion to rescind that decision made with the permission of the Speaker."

Mr. Mwamzandi: On a point of order, Mr. Speaker, I would like to know which comes first, whether it is the Bill which was passed here that has to be done away with, or whether we should first introduce a Motion, like this one, to seek permission to re-introduce the Bill which we have dealt with already. Personally, I feel it is the other way round.

Mr. Speaker: No, no! Once you agree to exempt the Bill from the provisions of the Standing Order which prohibits raising the same issue which has already been dealt with during the same Session, then you have done all you wanted to do, and you proceed from there.

Mr. Karungaru: On a point of order, Mr. Speaker, we are concerned with two issues here. The first one is that which has been raised by hon. Seroney, and the other one is that which has been raised by hon. Shikuku. Considering the first one, we are trying to seek leave of the House to exempt the Bill which is intended to be introduced here. Do you not agree with me, Mr. Speaker, that it seems that not any of the two Standing Orders which have been quoted provide for what we are now discussing? We discussed the Bill which is being re-introduced here. How can the Standing Orders enable us to exempt the Bill, which we dealt with here and passed it through all the Stages, from the provisions of our Standing Orders?

Mr. Speaker: You are doing this because you dealt with a Bill which was similar to the one which, if you pass this Motion, you are going to discuss. This should be done in order to open the way for the subject matter of the Bill to be re-introduced. If you defeat this Motion, then you do not get to that stage.

Mr. Ayah: On a point of order, Mr. Speaker, I was not present when this Motion was started, but as far as our Standing Order No. 73 (2), which the Motion seeks to suspend, is concerned, if you suspend it, what will you be left with? It does not make sense. The whole idea is—

Mr. Speaker: Order, I think I understand what you mean. The part which talks of rescinding the decision actually means that you can move a Motion, just like any other ordinary Motion, to rescind a decision which had been made earlier. You cannot be prevented from doing that simply because the matter had been discussed during that same Session. When you want to rescind any decision of the House you can move a Motion to do that in spite of the fact that the matter was discussed. In this case, we are not rescinding anything because the Bill which was discussed here is similar to the one to be introduced. What you are doing is to exempt your discussion from the operation of the Standing Order which prevents you from discussing an issue which you have already discussed, and carry on from there. I do not know whether you have understood that.

Mr. Mwithaga: On a point of order, Mr. Speaker, I think there is some confusion here.

An hon. Member: No, there is no confusion.

Mr. Mwithaga: Mr. Speaker, Sir, I am saying there is some confusion because as far as Standing Order No. 73 (2) is concerned, it is not possible to relate it to this Motion. There is no connotation at all. Is it not better for us to agree to tackle the business before us, namely, the Bill which is supposed to follow these Motions, without discussing the first Procedural Motion so that we may only have the second Procedural Motion?

Mr. Speaker: No. In that case you would definitely be going against the rules of this House.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, since the matter we are discussing is very serious, am I not in order to ask you if it is possible for us to skip over Order No. 5, so that we can have time to study further the Bill before the House? My only worry, Mr. Speaker, Sir, is if we discuss this Bill today we might make some mistakes which we might regret later.

Mr. Speaker: No. It is quite clear that hon. Members want to deal with this matter today. Therefore the best thing is for the House to decide on this question now in either direction.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, I thought it was necessary for us to deal with the—

Mr. Speaker: Order! Mr. Mwamzandi, I have already ruled on that question.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I rise to second the Procedural Motion. While doing so, I would like to say there is no reason why we should not argue over a matter which we know for certain will be debated in this House. If there is anything wrong and we feel that it should be rectified, then we should first pass the Procedural Motions on the Order Paper so that we can have a chance to discuss the Bill itself. Let us not forget that the whole country is looking at what we are doing in this House. We should always engage our brains before we say anything.

With those few remarks, Mr. Speaker, Sir, I beg to second the Procedural Motion.

(Question proposed)

Mr. Ayah: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to second this Procedural Motion. I entirely support this Procedural Motion. However, unfortunately, as I can see this Motion has been moved under the wrong Standing Order. However, I do not know the right Standing Order under which this Bill should be moved.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, do you think we should allow the hon. Member to confuse the House in the manner he is doing? Why should an hon. Member who does not know the right Standing Order under which this Procedural Motion should have been moved stand on the Floor of this House to denounce something we consider to be in order?

Mr. Speaker: Mr. Ayah, this Procedural Motion is moved under the right Standing Order.

Mr. Ayah: Mr. Speaker, Sir, I studied mathematics and I happen to know that it is possible for someone not to know without knowing. That is an old theory in mathematics.

However, Mr. Speaker, Sir, I agree with the hon. Seconder that we should not spend much time on this Procedural Motion. Those of us who have looked at the Bill before the House feel that we need to have a second look at the Presidential and National Assembly Elections (Amendment) Bill which we passed the other day. Maybe, when we start discussing the Bill we might introduce some amendments to the Bill. I think it would only be fair for us to pass this Procedural Motion without much debate.

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

Mr. Seroney: Mr. Speaker, Sir, earlier on we talked about our Standing Orders. We were wondering as to whether or not the Standing Orders are made for us, or it is we who are made for the Standing Orders. Mr. Speaker, Sir, our Standing Orders according to our Constitution which was moved some years back by the then Minister for Legal Affairs under section 56 it is provided that we have powers as a House to make and to review our Standing Orders. Once we have made some Standing Orders, we are bound to follow them until we amend them. For instance, if our Standing Orders provide that certain sections of our Standing Orders can be exempted, then we can do that. However, if our Standing Orders are against such a thing, then the only thing we can do is to amend our Standing Orders. As long as there are Standing Orders, we owe the dignity of this House to observing them. It is not right therefore, for a Minister to come to this House one day and say that we should exempt certain sections of our Standing Orders. That would not be an orderly procedure for us to follow. I was surprised to see a senior Member of this House asking us to do such a thing today.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to suggest what the senior Member being referred to by hon. Seroney did was out of order?

Mr. Speaker: Mr. Seroney is not out of order to say what he is saying.

Mr. Seroney: Mr. Speaker, Sir, I am entitled to express my opinion in this House in the same way hon. Mwithaga is.

However, I feel that the Leader of Government Business failed to tell the necessity as to why this Motion was introduced. However, I feel that there is one Standing Order under which the Leader of Government Business should have moved this Procedural Motion. According to Standing Order No. 42, it is stipulated as follows:—

“No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same Session.”

Some hon. Members might argue that we are now talking about a Bill. However, we should not forget that before a Bill is read a Second Time and Third Time a Motion is always moved to allow the Bill to be read in those two stages. That is the Standing Order under which the Leader of Government Business would have moved this Procedural Motion. There is no reason why we should not respect our Standing Orders, because if we do that we shall be creating a wrong precedent.

Mr. arap Cheboiwo: Mr. Speaker, Sir, I rise to support this Motion.

As the Leader of Government Business said when he was moving this Bill, we shall have an opportunity to talk over the Bill and we shall be free to move any amendments which we might consider necessary. There is no reason why we should spend a lot of time on this Procedural Motion which is very straightforward. I would like to appeal to the hon. Members to pass this Procedural Motion without much debate so that we can move to the next Order.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I stand to correct the hon. Member for Tinderet. The hon. Member has said that the Vice-President should have moved this Procedural Motion under Standing Order No. 42. However, the hon. Member for Tinderet forgot to look at the proviso which follows thereafter. Mr. Speaker, Sir, Standing Order No. 42 says as follows:—

“No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same Session—

Provided that a Motion to rescind the decision of such a question may be moved with the permission of the Speaker.”

I am sure that the Speaker has no objection to us debating this Procedural Motion. However, as far as I am concerned this Procedural Motion is moved under the right Standing Order. I would also like to refute the allegation the hon. Member for Tinderet made that we should not allow a Minister on a given day to come to this House to ask the House to ignore the Standing Orders. Under Standing Order No. 73, the Vice-President is free to move this Procedural Motion in the same way he has done this afternoon.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Speaker, Sir, since we have discussed this Motion sufficiently enough could I be in order to move that the Mover be now called upon to reply.

Mr. Speaker: I think I will put that to the House to decide.

(Question that the Mover be now called upon to reply put and agreed to)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I thank the hon. Members who have agreed that we should pass this

[The Vice-President and Minister for Home Affairs]
Procedural Motion. When the actual Bill comes one will have a chance to express his opinion on the subject, Mr. Speaker, Sir. That is why I am thanking those hon. Members who have supported this Motion. Those who have not been convinced to support this Motion will be convinced when we come to discussing the actual Bill.

With those few remarks, I beg to move.

(Question put and agreed to)

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, although we have passed this Motion there still remains a kind of confusion on this matter as to whether we are really—

An hon. Member: There is no confusion!

Mr. Mulwa: You do not know what I am going to say. Mr. Speaker, Sir, will it be possible to study the Standing Orders on this matter and later advise the House on the same subject?

Mr. Speaker: That is not relevant to what we are discussing now.

REDUCTION OF PUBLICATION PERIOD: NATIONAL
ASSEMBLY AND PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL

The Vice-President and Minister for Home Affairs
(Mr. arap Moi): Mr. Speaker, Sir, I beg to move—

THAT, this House orders that the publication period of the National Assembly and Presidential Elections (Amendment) Bill, be reduced from 14 days to 4 days.

An hon. Member: When is the Bill coming?

The Vice-President and Minister for Home Affairs
(Mr. arap Moi): It will come tomorrow.

Mr. Speaker, Sir, I am doing this because this matter is very urgent and the sooner it comes the better for the hon. Members to see it instead of having imaginary ideas to the extent that we are proposing to bring something through the back doors. In this House we should not have any suspicions when such matters are to be brought to the House. We should have harmony when we are legislating in this House or when we are enacting laws for the betterment of this country.

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

The Assistant Minister for Tourism and Wildlife
(Mr. J. M. Kariuki): Once again, Mr. Speaker, Sir, I would like to second this Motion just as I did on the first Procedural Motion. I would like to say that in this country we are very lucky we have an institution, the National Assembly, which is the highest organ of legislation. Indeed, our President supports this institution very strongly. It is in this manner and it is because of the President's wisdom that we are today discussing this Procedural Motion with a view to introducing a Bill which will determine the future of this country. This Bill will determine how many people will come to this House. If there is something wrong with the Bill and somebody feels that some parts of the Bill ought to be changed he will be free to propose amendments to the Bill. We are not angels, Mr. Speaker, Sir. We can always rectify and put things right. I hope and trust that hon. Members will agree with me that we need this Bill very urgently. If I had my way I would have reduced the

publication period of the Bill to even two days. In any case we shall be able to discuss this Bill tomorrow and finish it before the week ends. I therefore appeal to the hon. Members to accept this Motion with all sincerity so that we can discuss this Bill as soon as possible.

I beg to support.

(Question proposed)

Mr. Mwamzandi: Mr. Speaker, Sir, I would also like to support this Motion because there is a need to have this Bill as soon as possible. Very soon we are going to have civic election in this country, sometimes in July, and we feel that we should have a proper law to take care of those elections. The only problem we had was with Procedural Motion No. 5 because we were not sure about its intention. However, with this Procedural Motion we know that immediately we have passed it we shall be able to debate this Bill as soon as possible. Even if the Second Reading of this Bill was brought today we were very ready to debate it.

With those few remarks, I beg to support.

Mr. arap Chumo: Thank you very much, Mr. Speaker, Sir. I stand to support this Motion so long as it is going to save the situation of the House at the moment. Mr. Speaker, Sir, if anybody has wasted the time of the House today it is the Front Bench. This is because what this Motion is seeking to do could have been done when we were discussing another Bill, which is very much similar to the impending Bill, in this House. None of the Members of the Front Bench came out with any amendments when we were discussing that Bill. If they had proposed some amendments to that Bill there could not have arisen any need to bring a similar Bill in this House. However, to save the present situation in this House I think we better accept this Motion.

With these few remarks, I beg to support.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, could the Mover be now called upon to reply?

(Question that the Mover be now called upon to reply put and agreed to)

The Vice-President and Minister for Home Affairs
(Mr. arap Moi): Mr. Speaker, Sir, once again I would like to thank the hon. Members who have supported this Motion.

With those few remarks, I beg to move.

(Question put and agreed to)

BILL

First Reading

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL

*(Order for First Reading read—Read the First Time—
Ordered to be read the Second Time tomorrow)*

MOTION

APPROVAL OF THE DEVELOPMENT PLAN 1974/78

THAT, this House approves the Development Plan 1974/78.

*(The Minister for Finance and Economic Planning
on 24th April, 1974)*

*(Resumption of debate interrupted on 23rd May,
1974)*

Mr. Tsuma: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to speak on the Development Plan of this country.

Mr. Speaker, Sir, we are now discussing the Development Plan which will commence this year, the year we are ending the life of the second Parliament of this country. Most of the Ministers are present in this House and I take it that every Minister who is in this House will wait and hear the remarks which are going to be put forward by various hon. Members when discussing the Development Plan. It might be that some of them are going to run away from this House which will mean a different matter altogether. I must say that it has been a credit, if not a distinction, for the Ministers to be here this afternoon because most of them have not been in this House for the past many days.

Mr. Speaker, Sir, looking at the Development Plan 1974/78 the usual worries with the hon. Members have been as to how they are going to get money and services earmarked for the various constituencies which they represent. Out of the many Ministries we have, the Ministry of Works is the only Ministry which has gone right into the roots of Kenya by showing what is required in this Development Plan. However, when we have money voted for roads, you will find that trunk roads do not seem to have been given to all rural areas except primary roads. This is shown on page 187. I would like to request the Minister—under this Development Plan—whether he could see that all trunk roads are planned for. For example, Kakamega Town is now a Municipal area and the road leading to Bungoma joining the provincial headquarters and the Bungoma District still remains a primary road. This road is very important and should be made a trunk road. When I look at the Development Plan I do not see anywhere mentioned that the road is going to be made a trunk road. We do not have railway communications between Kakamega and Kisumu or Eldoret and Kakamega or Kitale and Kakamega or even Mumias and Kakamega. Therefore, we would like to have all these roads tarmacked which will enable quick transport between these towns. I would say that it is only in tea areas that the Ministry of Works is concentrating as far as roads are concerned. Since Government took over the maintenance of roads and bridges it has taken time before real development of roads become into being. There is no need of having a road taken over by Government and yet there are no bridges. In rural areas, especially, in Western Province, we require bridges to be built and roads to be made all weather roads.

On page 104 of the Development Plan, there is total expenditure of about £97,000. The question here is; does this money include all provincial hospitals? If it does, does the Ministry of Health staff ever go round to see what is happening? What plans have they for the Kakamega Provincial Hospital? If the Minister for Health is here I would like him to take note of my concern over this matter. For many years Kakamega Provincial Hospital has had no development whatsoever. In fact, if I may mention, money earmarked for training of nurses in Kakamega is not there. Under the past Development Plans we had money to put up

a laundry, and kitchen and some for the general development of the hospital. Where did this money go to? I am concerned very much with the Kakamega Provincial Hospital and health centres in Western Province. What is happening? Up to now, there is no proper kitchen in the Kakamega Provincial Hospital; there is no mortuary; we have been asking for these things all along but the Ministry does not seem to take heed at all.

One time I spoke about the closure of the X-ray and operation theatre in Kakamega Provincial Hospital and I was told that what I said was not true. I also said that there was no gauge and other things and that we required more wards. Up to now, we do not have a ward for the children; we do not have a surgical ward; we have all the patients in one general ward. Could we be told exactly what happens? When the Ministry of Health denied the fact that there was a closure of the theatre at Kakamega Provincial Hospital it was not until when the same was quoted in a court of law recently that he realized I had been right.

Under the same Development Plan we are told about take over of Harambee health clinics. Just a few minutes ago the Minister answered my question where I said that Ebushiri Health Centre is already complete and the question is now about the staff house which is not complete. Now the Ministry says that this will be taken over when the health centre is completed but it is already completed. If the staff house is half-way completed, why do we not have the money that is earmarked here to bring up this health centre to a working stage thus being taken over. They also talk of training of nurses, taking over and upgrading of dispensaries to health centres and health centres to hospitals. If I may mention Bukura is now a multi-purpose training centre. I have seen the Provincial Medical Officer and I was told that Bukura Health Centre was going to be upgraded to a hospital. When is this going to be done? We have a training school for agriculture there and from Kakamega to Bukura is only 13 miles. Therefore, we need this money utilized for such development. Why can we not have what is said here by Government implemented so that the people in the rural areas can see what Government is doing for them? We do not say that Government is not doing anything altogether; but the money given to a particular Ministry should be utilized so that the people in the rural areas benefit.

Mr. Speaker, Sir, under water development provision, certain health centres have been given water pumps, but these have been removed. Mr. Speaker, it is important that water should be supplied to all health centres in the rural areas, otherwise people will start thinking that water supply is only for the people in towns. Mr. Speaker, Sir, could somebody tell me why the money already earmarked for water development is returned to the Treasury. We have all along been talking about the water problem in this country. However, nobody seems to listen to us. Mr. Speaker, Sir, water should be supplied to the rural areas and not only in towns. This is a very difficult task and this is why I would like to suggest that there should be a separate Ministry to

[Mr. Tsuma]

deal with water supply in the entire country. Where there are rivers, we should be able to construct water catchments to supply us with water.

Mr. Speaker, Sir, I have been able to visit several health centres in my area and some of them like Bukura have water supply. However, we would like to ask the Government to supply water in these health centres and at the same time to make sure that the people living near these health centres are also supplied with water. This would make good use of the water pumps given to these health centres. In fact, the people near these health centres are willing to co-operate and at the moment, they have bought water pipes. The only thing that now remain, particularly with the case of the people around Bukura Health Centre, is pumping water from the engine at Bukura to the rural areas. Why does the Government not consider giving us extra money to subsidize towards the buying of water pipes. Of course, they will say that the engine is small, but what is the point in returning this money to the Treasury. When our people hear there are plans to supply water in the area, they immediately know that there is money earmarked for this because we tell them. However, when they realize that the money earmarked for certain development in the area is not forthcoming, they start saying that the Government has ignored them. Mr. Speaker, Sir, my main concern here is with regard to equal distribution of wealth, health services, development and so on. There are at the moment various rural development schemes. People wonder why these schemes are there if the Government does nothing about them. It is up to every individual Ministry to see that the money given through this Book is spent in the right manner. This money should go to the rural areas as required by this Book and it should not be kept idle and eventually returned to the Treasury.

With these few remarks, I beg to support.

Mr. arap Chumo: Mr. Speaker, Sir, I would like to start by saying that it is true that a lot of work has been done towards the production of this Book—the 1974/78 Development Plan. However, I believe that a lot more could have been done because I feel that in certain parts, development is not at all specific. I would like to say here that I think it was wrong for the Government to combine the Ministries of Finance and Economic Development. These are two very important Government Departments and it would have been more advisable to put them as two distinct Ministries. When the man who handles the money is the same man who plans for the use of that money, he sometimes makes the views of the planners very much restricted. I know a lot more could have been done if the finances and the resources of this countries were used properly. It is true that a lot of money is now being pumped into education; however, the way this money is being used by the Ministry of Education needs a lot of re-organization. Mr. Speaker, Sir, our country will never develop fully unless we have enough manpower and this cannot be achieved unless the people of this nation are properly educated and given the necessary facilities to further their education.

Mr. Speaker, Sir, it is true that this year, a lot of students who did well in the Advanced School Certificate Examination did not find a place in the university. Some of these fellows obtained two principle passes but they are now roaming in the streets of Nairobi looking for jobs which they cannot find. Mr. Speaker, Sir, we need to train all these people because they have indicated that they are able to learn. I see no reason at all why the university should not be expanded. We should be able to build more colleges in the country. Egerton College should be expanded and made a constituent college of the University of Nairobi. If this was done, most of these students who have done quite well and cannot find a place in the university could go there. Mr. Speaker, another college which should be expanded is Siriba College in Western Kenya; it should be made a constituent college of the university so that these people can be trained. It is true that as a result of the Presidential Decree that the people of this nation should have free education from Standard I to IV, we need more teachers. Therefore, we should be able to train our people so that they can contribute in the development of the nation.

Mr. Speaker, Sir, at the moment very many students find it very difficult to get Form V places while there are quite a number of schools in this country which could cater for Form V education. What is needed is the expansion of these schools. There is a very good school in my constituency which has been doing very well for a long time and I feel that it should be given a Form V class. There has been a delegation to see His Excellency the President and, in fact, an order was issued by the President that this school should be given a Form V class. However, Mr. Speaker, Sir, nothing has been done so far. We must not restrict Form V places because if we do that we shall find ourselves in a very big mess within a very short time.

Mr. Speaker, Sir, I would also like to touch on the district development committees. These are very important committees because they help in speeding up development in every district. Now, Mr. Speaker, Sir, I know that district development committees do not have the necessary funds to meet their needs. It is my feeling that they should be properly constituted and given statutory powers, either by a resolution of Parliament or legislation so that they can make workable decisions for various districts. They must be able to pass their matters direct to the Ministry of Finance and Economic Planning without having to be restricted by another committee at a provincial level. The committee at the provincial level leaves out very useful projects which are important and beneficial to various districts.

If we want to plan properly, Sir, we must avoid centralization. There is too much centralization in this country in that Government is centering many activities here in Nairobi and there is fear that this process may retard development in rural areas. For example, Mr. Speaker, Sir, I think it was a big mistake to take away the functions of the local authorities. Although it is true that local authorities needed guidance, many of them were doing a useful job in the rural areas. Many roads which were being maintained by the local autho-

[Mr. arap Chumo]

rities have been taken over by the Central Government. You will also notice, Sir, that the services of many health centres and mobile health clinics have deteriorated. Before the take-over of health services by the Central Government, many health centres were serving us satisfactorily but since they were taken over by the Central Government many vehicles have broken down and nothing is being done by the Central Government to replace them. I am sure that the Central Government cannot claim to know what is going on throughout the country. The Central Government must give its officers in rural areas an opportunity to manage services for the benefit of *wananchi*. Sir, we could allow the Central Government to retain education, but the maintenance of roads must be returned to local authorities. It is my view that minor and secondary roads should be maintained by local authorities so that the Central Government is left with international and national trunk roads. It is true that when we look around we notice that a lot of money has been spent constructing international and national trunk roads. However, these roads are not benefiting the farmers in the rural areas. If a man cannot transport his produce from a rural area to the town, then international and national trunk roads are useless? They only serve the tycoons who buy goods and transport them out of this country.

Mr. Speaker, Sir, it amuses me to observe how the wealth of this country is being distributed to *wananchi* in the rural areas. On looking at the Development Plan, with particular reference to health centres and dispensaries, one sees that during the planned period there will be a total of 12 new health centres in Nyanza Province whereas Rift Valley will have five only. Mr. Speaker, Sir, I wonder what criterion is used in determining the number of new health centres required in a given province. I know that Nyanza Province has only five districts and it will have 12 new health centres whereas Rift Valley Province has 13 districts and yet it will receive only five new health centres? Therefore, somebody can tell us how the allocation of new health centres is done? One cannot say that the distribution is based on population because as far as I know, Rift Valley Province has the largest population in the country. It is my view that there is something wrong with the planning of this country. This is why I feel that the 1974/78 Development Plan needs a lot of alterations. Our economic planners must involve a much wider group, and the recommendations of the district development committees must be taken into consideration. Sir, we must consider the population of a given area before leaving out certain suggestions of the district development committees.

In my constituency, Sir, we have the B3 road which connects Bomet with my constituency. The road has been in many Development Plans and yet nothing has been done to improve it. Every time we ask questions in this House about this particular road we are told that it will be constructed in the plan period. On looking at this particular Development Plan, Sir, I see that there is no mention of this particular road. I would advise the Minister for Finance and Economic Planning to go back to his office and revise the plan so that this

particular road is catered for. We would like to have a fair distribution of the wealth of this country.

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

The Assistant Minister for Housing (Mr. Mukuna): Thank you, Mr. Speaker, Sir, I rise to join my colleagues who have supported the 1974/78 Development Plan.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, every now and then I have appealed to our Government to give us our own senior labour officer in Western Province. Since, we are now having many industries in Western Province, it is important that we have a senior labour officer for Western Province stationed at the provincial headquarters, namely, Kakamega Town.

Mr. Deputy Speaker, Sir, at the present moment the senior labour officers and other labour officers, who are catering for Western Province come from Kisumu and this has made our province to lag behind because the distance between Kisumu and the Western Province headquarters is very big. Since we now have a paper factory, which has employed more than 4,000 people and is still employing more, we should have our own senior labour officers in the province. I understand that the paper factory is going to have a labour force of more than 14,000 people, and therefore, I am requesting the Government to make sure that we have our own senior labour officers to take care of the Western Province during this Development Plan period.

Mr. Deputy Speaker, Sir, as far as education in this country is concerned, I am very much grateful to the Government because the Ministry of Education has given us some more ten Form I classes in ten primary schools in both East and West Bunyore Locations. We hope that during this plan period we will also be given a similar assistance by the Government, so that our children can also enjoy the educational facilities that the other children all over the country are enjoying.

Mr. Deputy Speaker, Sir, although we have free primary education from Standard I to IV, I hope that within this plan period our Government will see to it that they provide free education in Standards V, VI and VII, as we have always been promising our people. The disappointing thing is that although there is free education from Standards I to IV, you will find that most of our children are being turned away by the school headmasters because they have not paid money for activities or building fund. Time and again our Ministers have assured this House that no teacher can ask a child to go home for non-payment of such money. However, I would like to assure the Minister for Education that this is actually happening. I would, therefore, like to appeal to the Minister concerned, through you, Sir, to look into this matter because once a child is turned out of school for some time, he or she loses a lot and this might make the child fail to pass his or her examinations.

Mr. Deputy Speaker, Sir, as far as the Vihiga Special Rural Development is concerned, I want to thank the Government for what it has done because we

[The Assistant Minister for Housing]

now have water in the villages; and also good roads—some of which are being constructed now. We have cattle dips and many other development projects being implemented in the area. However, as far as roads are concerned, I think this is being done very slowly simply because the labour employed to do the work is human labour as opposed to machines. I know this is a good idea because this is one way of enabling some of our unemployed people get some job to do, but I feel that it is going to take us a very long time to complete the work. I am afraid the scheme may come to an end at the end of 1976 and probably most of our roads will not have been done. Therefore, I hope that during the period of our Development Plan, 1974/78, something will be done to see that these roads are done by machines instead of human hands.

Mr. Deputy Speaker, Sir, I would not like to repeat what other hon. Members have said in this House on this Development Plan. However, I have one more point to make before I conclude. I remember there was a time when we had serious meetings in our district, and that is when we wanted to submit our Development Plan to the Government. At that time, the people of Emuhaya Constituency suggested to the Government that we needed an urban council in the name of Luanda/Maseno Urban Council. I am grateful to learn that the Government has already approved that during this plan period we will have an urban council comprising of Luanda and Maseno townships.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, as usual I must speak the views of the Hola people. In the first place, I would like to congratulate the Minister's officers who for many days were engrossed in trying to put together some ideas in the form of a development plan. I think, Mr. Deputy Speaker, Sir, they tried very hard; I am only hopeful that during their thinking they did take the views of the district development committees seriously. I am also hoping that the district development committees will also be effective and useful in the implementation of the plan. I am saying this because I know that the Tana River District Committee, which the Minister for Finance always refers to, has not met for the last two years. So, I really do not know what sort of committee the Minister is now trying to send funds to, to undertake development work. If this committee has not met for the last two years, then the people are left ignorant; they know nothing about the Government's plans. It is therefore, my earnest hope that during the plan period, 1974/78, the district development committee, to which the development funds should be sent, will be more active and effective, otherwise it will lose its meaning.

Mr. Deputy Speaker, Sir, the other point I would like to make here is a request that each one of us, does his best to see that the Development Plan is implemented. I know that we have landed into a situation whereby officers of the Government sit down day in, day out doing nothing except writing memoranda to

one another. We have had His Excellency the President coming to the aid of the poor *wananchi* by directing that some things be done within certain periods. In the absence of Mzee's help, *wananchi* are always left at the mercy of some lazy officers. Mr. Deputy Speaker, Sir, I think it is the duty of those officers and some of us in this House who sit in various Ministries to see to it that this Development Programme is taken seriously and implemented; otherwise, Sir, we shall be speaking of a very magnificent development programme in the absence of implementation, and then we shall be missing that essence of development which our Minister for Finance and Economic Planning wants us to see.

Now, Mr. Deputy Speaker, Sir, having made those general remarks, I would now like the Minister for Finance and Economic Planning to take it very seriously and make sure that during the next plan period, it will be possible for one to walk into his office or that of the person in charge of plan implementation and see what has been done in any given year. For example, on roads, it should be possible to know the number of roads which have been constructed in a given year. We shall be able to see how many roads have been done in a given year in a simple chart and then calculate how many could be done in a number of given years. We should be able to see these charts either in the Minister's office, the provincial planning office or in the district commissioner's office so that we are able to follow, in every given year, how we are moving and in what direction. Now, with this chart, Sir, we shall be able to find out our short-falls and successes. I think we must congratulate the officers in the Ministry of Finance and Economic Planning because when the Minister was moving the Supplementary Estimates we saw that some projects had been done ahead of time. I think this is good omen and I think it will go on forever.

However, Sir, I would like the Minister to—

QUORUM

Mr. Kanja: On a point of order, Mr. Deputy Speaker, Sir. Although I would hate to interrupt the hon. Member speaking, or even the debate because it is very interesting, I note that the House is more or less empty—

An hon. Member: No, it is not empty!

Mr. Kanja: Yes, it is! There are just about twelve hon. Members here! I think we do not have a quorum in the House, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: Yes, we do not have a quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: We have quorum now. You may continue, Mr. Kase.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I was trying to persuade the Minister for Finance and Economic Planning to try and make sure that there are charts in offices showing our development trends. I must congratulate the planners in that Ministry who have thought it fit to allocate a substantial amount of money to irrigation purposes within my own district.

[The Assistant Minister for Information and Broadcasting]

I think this move is welcome to my people and I hope that the development envisaged in this Development Plan period, that is to develop about 10,000 acres of cotton, will be carried out on schedule subject, of course to there being no problems interfering with this work.

However, Mr. Deputy Speaker, Sir, I would like to caution the planners to make sure that as they plan for this irrigation scheme, infrastructure like roads, electricity, good drinking water and the like are taken care of, particularly the housing for the residents. This is a terrible thing which needs to be taken care of when the scheme is being implemented. The reason why I am saying this, Sir, is because you will find that a person is given a 12 by 20 feet, and is supposed to live in it with all his family and the rest of his relatives. I know, Sir, that some of us here have no children and, therefore, have nothing to bother about. However, I think such houses are for those who have no children.

Now, Mr. Deputy Speaker, Sir, having said that, I would like the Ministry of Finance and Economic Planning to seriously look at the plan again and see whether they can amend what they have planned in terms of water development in Tana River. I think what has been set aside for water development in the hinterland is very inadequate. This is because many people have to travel for more than 30 or 40 miles, and sometimes even more, to get water.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): There is too much noise!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, you will agree with me that my friends here are very noisy!

Mr. Deputy Speaker: Order! Less noise!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, as I was saying, the plan needs to be amended here and there so that it can accommodate the water requirement of these areas so that we can relieve our people of the burden of having to travel well over, say, 90 miles to get water. For example, we have places like Bangari or Dukanotu which might appear very remote. In these areas, Sir, people have to move out during the dry season. For many months these people have to go around looking for pasture. Therefore, I would like to request the Ministry not to give these grants to the county councils, who have no knowledge at all about the running of these services. The Ministry should forget all about this idea and especially as far as it affects an area like mine so that we can have these funds directly under the Ministry controlling the Water Department.

Mr. Deputy Speaker, Sir, I would also like to ask the Minister for Finance and Economic Planning to see that the post office facilities we were promised long time ago at Hola are provided. We have been waiting for these facilities for the last two to three years. It is very frustrating to note that a promise was made about two to three years ago and nobody seems to be interested in implementing it. We do not know whether this was a loose promise or not because letters have

been written and even some of my colleagues in the Ministry of Power and Communications went as far as promising my people in a *baraza*—and even the district commissioner has done this—that this was going to be done. However, we have waited here for two to three years and nobody seems to bother about it. In fact, Sir, it is not even said in the plan whether there is going to be a post office at Hola or not.

Mr. Mwamzandi: Have you said anything so far?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, the hon. Member for Kwale East is asking me whether I have said anything so far. No! I have not spoken. If he is tired of speaking for the people of Kwale East, he can rest; he can retire and then the Kwale East people will bring a new gentleman to this House.

Hon. Members: Hear! Hear!

The Assistant Minister for Information and Broadcasting (Mr. Kase): I have not spoken, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would like the Minister to continue his efforts and also to find out what has happened in this post office as regards telephone services otherwise we will continue to rely on the police network. Now, the police network cannot be used by the general public, and it becomes very inconvenient when one has to travel either to Garissa, which is 100 miles away, or Malindi, which is 150 miles away in order to make a telephone call. I think, Mr. Deputy Speaker, it is wrong to have a district headquarters 100 or 150 miles away so that one has to cover this distance just to make a telephone call.

Now, leaving my constituency alone, Mr. Deputy Speaker, Sir, I would like to speak on the Ministry of Power and Communications, ask the number concerned to re-examine the Garissa telephone system. I use that system occasionally because that particular district borders my constituency, and on virtually all week-days, the lines are out of order; that is the telephone lines to Garsen, Lamu and to Malindi. They are virtually out of order for 25 days in any month, and you wonder, Sir, whether this is supposed to be a service or whether, maybe, the people in the post office just want to joke about these things. Therefore, Mr. Deputy Speaker, Sir, I would request that some improvement be carried out on this particular telephone system in the next one year.

I would also like, Mr. Deputy Speaker, the Minister to consider whether he can construct a bridge across the Tana River, so that when it rains heavily and the river is flooded, vehicles are not stranded on each side of the river. At the moment, Sir, the people of Lamu experience a shortage of sugar because when the river is flooded, the ferry cannot cross it and, therefore, no vehicles can cross it. As a result, Sir, our friends on the other side of the river experience difficulties in obtaining foodstuffs. Therefore, this problem must be taken very seriously, so that some time in the future, preferably within the plan period, some survey is carried out to see, first of all, whether the roads connecting Malindi and Lamu, Garsen and Garissa, via Hola, can

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be improved. It should be ascertained whether a bridge can be constructed across Tana River at any point, for the purpose of connecting the people of Lamu to the outside world. The people there had thought that the installation of telephone services would be of great help to them, but things seem not to be working that way, and it is for this reason, Sir, that I request that this problem be given a serious thought.

I would request the Ministries of Power and Communications and Works to carry out more development work on roads in this particular part of that district.

Finally, Mr. Deputy Speaker, before I sit down I would point out—and I hope the gentleman concerned will take this seriously—that for many years the people of Tana River have relied on a person known as *kadhi*. Now, Mr. Deputy Speaker, I do not know what a *kadhi* does, but I think I have a duty to say that the people of Tana River have been having numerous problems, because either the *kadhi* from Lamu does not reach them in Hola, Mororo or Garsen or they have to travel to Lamu, which is 170 miles away, or Mombasa, which is 202 miles away, in order to get the services of a *kadhi*. Therefore, Mr. Deputy Speaker, Sir, I think it is high time the Attorney-General's Chambers or the gentlemen who think these people require the services of a *kadhi* did something about this situation. I personally think that these people require the services of a *kadhi*, so that they can solve their problems. Mr. Deputy Speaker, I think it is very unfair that one has to travel over 200 miles to seek justice. Therefore, it is my request, Sir, that Government takes this matter seriously and sees to it that the people who require the services of a *kadhi* are helped so that they can be able to put their problems together and solve them in their own way.

I would like to take this opportunity, Mr. Deputy Speaker, to thank everybody who has taken part in debate on this plan, and I hope that we, in the Ministries, will put our heads together and make sure that some work is being done in the Ministries. It is pointless, as we all know, to assume that things are going on well whereas our plans are not being implemented by anybody. Therefore, I feel that we, in the political scene, must use a different method to make sure that the fruits of our people are well taken care of by us and also delivered in time so that everybody enjoys the wealth of our country.

Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Health (Dr. Onyonka): Mr. Deputy Speaker, Sir, I am very grateful to have been afforded an opportunity to speak on the Development Plan. A lot has been said about the plan but I hope I still have a few points that the House may find interesting.

Mr. Deputy Speaker, Sir, one point I would like to comment on is that during the debate we have heard quite a few comments on the fact that it would appear that we do not have enough projects included in the plan, regarding this and that service, and so forth. I really wanted to make the elementary point that it is not possible for any sensible plan to include virtually

everything people wish or would like to see included in a plan. The essence of a plan is that it should enable a people or a country to cut down a whole list of projects which may appear to be good, but for which there are no resources for implementation. Therefore, the plan may at times, appear inadequate for the simple reason that it does not and cannot include virtually everything good that we would like to see done. In fact, it is much better to include a limited number of projects and ensure that such projects are implemented.

Mr. Deputy Speaker, Sir, the second point I would like to touch upon is in connexion with implementation. Our present plan, in particular, is faced or is likely to be implemented under a somewhat difficult situation for the simple reason that there are international developments over which we have virtually no control locally. The present international trend with respect to inflation is one case in point. It would appear that the plan has been drawn under certain assumptions regarding certain economic variables or certain situations regarding the balance of payments, savings and what-have-you. However, in the end, because of developments outside our control, we are likely to end up with a situation which will render the implementation of the plan somewhat difficult in certain sectors, especially those sectors which require a significant amount of foreign imports for their implementation. However, this is the sort of thing, Mr. Deputy Speaker, that is likely to create problems that many people find difficult to understand; to them it may appear that it is simply because the Government does not want to have these particular projects implemented. However, if we face a serious situation in our balance of payments, we must be prepared to adjust and revise the plan in order to render it more realistic.

Now, the other point, Sir, that I would like to mention in this connexion is in respect to manpower for the implementation of the plan. In this connexion I would like to say that there are a lot of projects in the plan which are likely to run into difficulties because very often we do not have the right people in certain places to implement the projects. You will find fellows who would like to spend a lot of time writing letters; lengthy correspondence about very small projects on which decisions should be taken on the spot and something done to deal with a project that may have very significant consequences for a given community. However, I guess it is because of our traditional outlook and approach of doing things that we occasionally find that some people spend a lot of their time simply writing long letters, which in the end actually amount to nothing. Very often, what is required in the implementation of some of the projects, especially in the field, are men, regardless of their academic training, in a position to take decisions and with the ability to get their subordinates to do the job. Instead, you often get the impression that people are preoccupied with things that really have nothing to do with what we would like to have done.

An additional point, Mr. Deputy Speaker, that I would like to make in this connexion is in respect of expenditure. Mr. Deputy Speaker, Sir, as can be seen

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from the plan, this country is prepared to spend a lot of money on education as well as on other social services. However, if one carefully scrutinizes these figures, it becomes apparent that we are, honestly, getting to a point where one begins to wonder whether or not we are in a position to spend more money on education without sacrificing other very important services too, like health, because you cannot continue to make noise about the need to have better health services or other social services, if you are not prepared to pay for them. We have reached a point where we should seriously consider the trend between spending money in education and other things in the social services.

Mr. Mwithaga: On a point of information, Mr. Deputy Speaker, Sir. The hon. Minister is quite right because a lot of money is being spent on education and the youths who are being educated are being thrown out on the streets.

The Minister for Health (Dr. Onyonka): Mr. Deputy Speaker, Sir, I would like to thank hon. Mwithaga for his information because that is the problem we have. There is now a real cost that must be considered because this cannot go on indefinitely. We must get into a point where we are in a position to consider what we forgot in order to get another service. If we continue saying that we have to give more to education, we are certainly going to create a lot of problems. When one looks at the figures he will note that the situation is frightening. When one adds this to the amount of money *wananchi* are spending on education, the figures are fantastic.

Mr. Deputy Speaker, Sir, the additional point that I would like to make in this connexion is that we have a lot of talk in this House about family planning and so on. I am not in a position to discuss that but I would like to assure the House that I will make a statement on this particular issue next week. We seem to be having more confusion than anything worth discussing on this particular point because everybody seems to have his own notion on what family planning is and everybody has his own pros and cons but, surely my impression is that there are a lot of people in this House who, really should understand what is involved here; but from what has been said it is quite evident and clear to me and those concerned with the matter that the statements made here definitely show that those concerned do not understand or know what is involved in the programme the Government is embarking upon. I will indicate this in my statement when the time comes.

Mr. Deputy Speaker, Sir, I would also like to point out that as hon. Members will see from the Development Plan, the Government has decided to embark on a very substantial number of projects in the rural areas which, it is hoped, will go a long way towards improving the health services in these areas. I would like to put it as a plea to the hon. Members that in many areas of this country there are very many self-help dispensaries and health centres which were started about a decade ago but have not been completed. Often hon. Members have put up the question as to whether it is possible for the Government to take over some of these facilities. It is not possible for the Ministry to take over a building with four walls with nothing else in the name

of a health centre or dispensary. Every effort should be made to complete these projects and there are a few areas where one gets an impression that when an hon. Member of Parliament comes into power he does not want to be connected in any way with pre-existing projects. I do not think that is the way in which developments should be allowed to take place. Whatever has been left thereafter, if it is carefully and reasonably planned, should be used as a foundation for further development. It is not possible to demolish virtually everything that has been erected there before and start a fresh with other projects. This involves a very substantial waste of money and other efforts by *wananchi* and I do not think it is fair. We should try as much as possible to complete what there is and thereafter embark on other projects.

Right now in my Ministry there is a large number of projects which have been presented to us as health centres and dispensaries and on careful scrutiny we have discovered that most of these never left the foundation stage and yet they are being presented to us as being completed health centres or dispensaries to be taken over. This is a matter which, I think, we should look at very carefully because, with the present training programmes in the Ministry it will be possible, in the future, for us to start taking over a larger number of these institutions than we have done before—but we are certainly not going to be able to take over what does not exist.

Mr. Deputy Speaker, Sir, my final remark relates to one or two points. The first one is on the question of priorities. It does appear that in certain Ministries you will find that priorities were laid down regarding certain services ten years ago. In the intervening period the situation has changed very radically, and this affects the Ministry of Works. You will find that in a given area a certain number of roads were classified but during the last ten years certain other roads have developed and, as a result, a better road needs to be developed. One is often told to stick on what there was in the plan when there is a need to revise the situation and, say, construct a road which will serve our people much better than what might have been developed during the colonial period for an entirely different reason. I often get the impression that the money spent on some of these projects do not yield the sort of benefits that one would expect.

Finally, I would like to say something on the question of unit cost. We are not going to get much out of our capital expenditure if the sort of unit cost we find in some development projects are to be allowed to continue for another generation. You will find that a grant of, say, Sh. 20,000 enabled the local people to put up teachers houses in a given area but for the Government to be able to put up such a project about Sh. 90,000 has to be spent. Why should this be the case when, in fact, no appreciable difference can be shown between the two projects put up? To me it is a waste of money—and I think I have mentioned this point before, that there is a need for us to reconsider this question—whether really we are getting our money's worth. Not too long ago I saw a few projects in the field of health where we had a model project completed in Ukambani at the cost of about £15,000. Just six months later, we

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were presented with a quotation of about £95,000 for the same project. Even if the situation is inflationary, obviously, this is not realistic. I think there is need for us to worry about this question of unit cost, and I realize that given certain projects and certain inputs, such as tin and so on, whose cost has gone up very rapidly, we expect very significant changes in cost. Even when there are no appreciable changes in the inputs we still get these high figures and one is given the impression that one is not supposed to ask anything on them because they were worked out by somebody who is supposed to be qualified. In some cases even common sense will show that the man who claims to be qualified must be highly unqualified. I think this point is important because in the field of education the bill is so high and ways and means have to be found to reduce the unit cost so that we can get more out of our expenditure rather than simply allocating money and not trying to find out what happens to that money.

With these few remarks, I beg to support.

Mr. Komen: Thank you very much, Mr. Deputy Speaker, for giving me this chance to air my views.

I would like to thank the Minister for Finance and Economic Planning for the good job which has been done by his officers in producing this Development Plan, which we hope will benefit the entire country. The Minister for Finance and Economic Planning has not told us whether this Development Plan is going to be implemented fully or whether it is just a document written so that we can have something to discuss on in House and then that is all. I say so because the prices of commodities like oil have gone up and this Development Plan was planned before the inflation and the energy crisis and therefore I do not know how it is going to be implemented. Mr. Deputy Speaker, Sir, if you look at this book you will notice that they have planned for roads, education and family planning. However, I feel that this book is written to enable the Minister to go to foreign countries and tell the people there, "You see, we have a beautiful document", so that the World Bank and other organizations may give him some aid. Although a lot of work done in planning, not much is put into effect. There is a lot of delay here and there, and you will find that there are shortages in the supply of fertilizers and other things. I lay the blame on nobody else but the Treasury. The Treasury knows we are in short supply of a certain commodity but they do nothing. For instance, the country waited for fertilizers for quite a long time and when it was too late to help the situation the Treasury said, "We have now given the Kenya Farmers Association and the Windmill East African Limited an okay to import fertilizers". These organizations had warned the Treasury of the shortage a long time before but nothing was done. It was only after it was too late that they were allowed to import the fertilizers. I think the Treasury should make sure that they allow the importation of fertilizers in time so that it can be used when it is needed.

The other point is about primary education. I see it is indicated in this book that a lot of money is going to be spent on education. The question is, Mr. Deputy Speaker, should we so train our young men that they come out of school with knowledge which can enable

them to do nothing more than write an application letter? Is it not better to train them in such a way that when they come out of school they are able to do other things? Maybe, this is going to be done because I notice in this document that there is a provision for creating a new institution to deal with the problem.

During the colonial times we used to take lessons on tailoring, masonry carpentry and other courses. Since we attained independence such things as agriculture and other useful courses were done away with. I can remember that some of my classmates did their Kenya Preliminary Examination and failed but in spite of that they came to Kabete for various courses because they had some knowledge in carpentry and other technical subjects. These days some of them are self-employed and others are employed by the Government and other institutions. It is not good to keep our children at school to learn nothing else but theoretical work. We are not in the geography of America, Russia, Palestine and other countries. All we want is to have our children trained in such a way that when they complete their education they will be able to do something practical. In fact, these days employers require only the people with technical know-how. We have to give our children some technical training so that they may not roam the streets without having anything to do. The Ministry should start providing this training from Standard I if not right from nursery level. They should learn to make "T" joints so that by the time they reach Standard VII they will be able to do some useful work.

An hon. Member: Who should do that?

Mr. Komen: I mean pupils in primary schools. They should be given some technical training in carpentry and so on. I think the hon. Member used to do that when he was at intermediate level. You cannot find such courses anywhere in our schools these days.

Mr. Deputy Speaker, Sir, my third point is about settlement. First of all I must say that I am happy to see the Minister for Lands and Settlement in the House. The other day an hon. Member said here that the Minister for Lands and Settlement had not been seen in the House for the last four years. We welcome him back, and I hope he will listen to me very carefully so that he may follow what I am going to say.

Mr. Deputy Speaker, Sir, we are fed up with the way our people are being settled. The people who were squatters a long time ago are still squatters up to now, yet I always hear the Minister saying that his Ministry is settling squatters. We used to have a Commissioner for the Squatters, and I do not know whether we still have one. All the names which were registered in his office are still there. Who is being settled? In fact, even some of those who happened to be settled do not own their plots now because they have been kicked off by managers of their settlement schemes and some other people brought in to occupy the plots. Such a thing is very common at Rongai. Why should we cheat ourselves by saying that we have settled So-and-so when we have already kicked him out? You will find that some of the people who are settled are very poor and landless. After they have been given a plot they thank the Government very much but after a short time they are sent away and become landless once again. In fact, even when

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they are allowed to develop their small plots it takes them a lot of time to do so because they have no money to facilitate quick development. After all, if you give a person two acres of land, it is up to that man to develop it. It is not possible for all people in Kenya to build stone houses. Mr. Deputy Speaker, Sir, very few people can afford to do that. We are not aware of the manner in which people are selected for allocation with these plots. The only thing we hear is that the Minister for Lands and Settlement is going to a certain place to allocate, let us say, 500 people with pieces of land. For instance, there are very many landless people in my constituency but the Minister has never come there to give them pieces of land. As far as I know not even a single Dorobo has ever been given a piece of land by the Ministry of Lands and Settlement. I have personally seen the Provincial Commissioner for Rift Valley on this question but so far nothing has been done. However, some Dorobo were lucky to get farms on their own but when they were discovered by the Government they were evicted from their farms immediately. There is no reason why we should continue telling the people of this country that they are going to be settled soon when we know that we are not going to do that. In my constituency most of the people are living in the forest. I am against anybody who suggests that my people should be settled in some of the farms in Rift Valley because no sooner are they settled than the managers in charge of those farms evict them under the pretext that they are squatters. That is something which the Minister for Lands and Settlement should check without further delay. For instance, in one farm in Nakuru all the settlers were evicted and new people brought in by the farm manager. The reason why this is happening is because the district officers and the chiefs in the area in question are very corrupt and they only recommend their friends and relatives. For the information of this House, this days only those people who own shops and cars are being settled in Rift Valley. This is very shameful. Mr. Speaker, Sir, and something must be done about it.

Mr. Speaker, Sir, who does not know that Dorobo are lagging behind in the field of development? I am at a loss to know whether or not the Government is interested in helping Dorobo. What is the use of telling Dorobo to come out of the forests? Where will they go to since they do not have farms? Unless something is done quickly I will ask Dorobo to go and settle on hon. Angaine's farms.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. arap Cheboiwo: Mr. Deputy Speaker, Sir, I rise to congratulate the Minister for Finance and Economic Planning for moving this Motion on the Development Plan 1974/78. While doing so I have a few observations to make. In the first place I would like to thank the Minister for Finance and Economic Planning for implementing some suggestions which were put forward by a number of hon. Members of this House. In the past it took a long time before the recommendations of the various district development committees reached the headquarters of various Ministries. However, when we asked the Minister for Finance

and Economic Planning to try to see that this delay is removed, he rectified the position immediately. However, I would like to tell him that it is the wish of the members of the public to see that as soon as recommendations are made by various district development committees they are sent, without delay, to the Ministry concerned. If this is done we shall be able to know what has been implemented and what has not been implemented.

Mr. Deputy Speaker, Sir, having said that, I would now like to thank the Minister for Works for the excellent work he has done in this country. Credit should go where it is due. There is no reason why we should not thank the Minister for Works for what he has done in this country. However, I still feel that there is something the Minister for Works must accomplish as soon as possible. He should make sure that his Ministry has all the machines it needs to improve the roads. I know that the Minister will say that he is not in a position to buy all the machines they need due to lack of funds. However, as far as I am concerned, that is not enough. He should approach the Treasury on this question and I am sure that his request will be answered favourably. For instance, there is no reason why work on certain projects which have been approved by a given district development committee should be delayed on the excuse that there are no graders or tractors. For instance, I have approached the Provincial Engineer for Rift Valley on this question, but he has told me that although he has the necessary personnel work on a given project cannot resume until such a time that he has bought some machines, to do the work. Therefore, I would like to take this opportunity to appeal to the Minister for Finance and Economic Planning to give all the money the Minister for Works asks for so that he can buy enough machines. If that is done, I am sure that many roads will be brought to all-weather standard.

Mr. Deputy Speaker, Sir, I am glad to know that the road from Eldama-Ravine to Nakuru is going to be tarmacked during the next Financial Year. I am also glad to learn that the road from Eldama-Ravine to Makutano via Maji-Mazuri is going to be tarmacked. Those are very good news. Mr. Deputy Speaker, Sir, I would like to appeal to the Minister for Works to see that the road connecting Kampi-ya-Moto with Kabarnet via Mogotio and Marigani is tarmacked. If he does not have enough money to tarmack the road now, he should have the road tarmacked in stages. After the road I have referred to is tarmacked then the road from Kabarnet to Kerio Valley should be tarmacked. There is also no reason why the road from Kampi-ya-Moto to Lodwar should not be tarmacked. In my opinion, Mr. Deputy Speaker, Sir, all roads in Kenya should be brought to all-weather standard. There are three roads in Baringo District which should be improved immediately. The road through Eldama Ravine, Kabarnet to Kinyach will be the upper road and the Western road from a place called Mogorua through Cheproich, Kapluk, Barwessa, Kinyach will be the Kerio Valley road. The other road, from Mogotio to Kapedo, will be the Eastern road. If these roads are improved to all-weather standard we will be able to

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achieve something in this area. I am very pleased to note that the Minister for Works is trying his best in constructing roads in this country but the problem which he has in his Ministry is lack of machinery for road constructions.

Mr. Deputy Speaker, Sir, I would also like to say something about the last exercise on the registration of voters. A few weeks ago the country was very busy with the exercise of registering voters for the coming parliamentary and local government elections. I would like to appeal to the Minister for Finance and Economic Planning to set aside some money to improve communications during the forthcoming General Election. In this country the question of communications is very important. During the last registration of voters some people went to very far registration units to register, after which they were told that they will have to vote in different polling stations. For example, Mr. Deputy Speaker, Sir, Kampi-ya-Samaki is a place which is very well known in my area. It is on the boundary of my constituency and the constituency of His Excellency the Vice-President. This place was a registration centre during the registration drive but people have now been told that when it comes to voting they will have to travel 30 miles away from there to a place called Kipcherere or Chepkoi to cast their votes. I do not think this will be possible, Mr. Deputy Speaker, Sir. That is why I am asking the Minister for Finance and Economic Planning to set aside some money during the forthcoming General Elections so that the former registration centres will still be used as polling stations during elections. He should provide the supervisors of the elections with adequate transport, Mr. Deputy Speaker, Sir. If these registration centres were made polling centres many people would be enabled to cast their votes. That is why I am supporting hon. Members who have appealed to the Minister to maintain these registration centres as polling centres.

Mr. Deputy Speaker, Sir, the hon. Member for Nakuru West, hon. Komen, said something about the people who have been settled in the settlement schemes. The Minister for Lands and Settlement, who calls himself the "Minister for Action", should see to it that the freedom fighters in this country are settled in various schemes. I would like the "Minister for Action" to see that they are settled as soon as possible. When our people were fighting for freedom in this country I was here and therefore, saw exactly what happened.

An hon. Member: Were you one of the freedom fighters?

Mr. arap Cheboiwo: If you read the book "Suffering Without Bitterness" by Mzee Jomo Kenyatta you will find a chapter which speaks about Mzee Kenyatta and five detainees. I was among those five detainees.

An hon. Member: Were you detained?

Mr. arap Cheboiwo: When I was released I went to visit him in detention. Mr. Deputy Speaker, Sir, there are some people who are still living in emergency villages and they have never been settled. All these people are landless. I thank the Government for what they are trying to do about these people, Mr. Deputy

Speaker, Sir. There are also some people who are living on very rocky hills, especially in Baringo North constituency but people who live an enjoyable life in towns do not know that there are people living on rocky hills. The town people should visit these areas and see for themselves how life is in these rocky hills.

Mr. Deputy Speaker, Sir, it was only a few years ago when a group of people from Katimok Forest were brought to Rongai and formed themselves into a society called Lelment Society. They were about 100 people all from villages in Baringo South. These people were divided into three groups. The first group was comprised of people who used to live in the forest whose farms had been planted with cypress trees. This group was made of about 500 people and they were considered genuine landless people. The second group was comprised of people whose houses were at the edge of the forest but who used to own some plots of land inside the forest. The other group comprised of people who were living in villages in the southern part of Baringo District. These people were told to identify themselves by showing their *vipande* to the settlement officers at Rongai. After they had identified themselves they were given a period of 60 days in which to report to the settlement officer. Mr. Deputy Speaker, Sir, 99.9 per cent of those people presented themselves to the officer— I would like the Minister for Lands and Settlement to listen to what I am saying very carefully. Mr. Deputy Speaker, Sir, last month these people were told to go back to the places from where they came. I can give an example of a man called Chelagat Kandie who fell sick for one week and was not able to present himself to the manager of the said society. His chief wrote a letter to the district officer of the area informing him about his sickness. The district officer then wrote a letter to the manager of the society still this man was kicked out of the farm. The manager told him that he had not reported on the farm. This is a very serious matter which was conducted very unfairly. It is also a very ungodly act, Mr. Deputy Speaker Sir. What happened is that this man planted maize on his piece of land but this maize was ploughed by a tractor. This man was told that he could not continue occupying his plot and if he continued to do so he would be trespassing. About 12 people were accused of trespassing on their own plots! This is very unfair because these people had been invited to settle on this land. The big question here is: Where will these people go? Their *shamba* have already been planted with cypress plantations and they are not allowed to go back to settle on them. They have been threatened that if they return to these *shamba* their houses will be burnt down. These people will now be just like the ones who are still living in the villages or even worse than them. When they came to this area they had a hope of being settled but now they have been chased away from this land and threatened that if they venture to go back their houses will be burnt down. I would like to make the record clear here and say that the houses of these people have not been burnt down as yet but they have received a threat to the effect that if they go back to the forest houses will be burnt. I was there yesterday and found that the houses have not been burnt down as yet. They have been told that if they do not go to Rongai

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their houses will be burnt because their names have been submitted to the Ministry of Lands and Settlement.

An hon. Member: Who has issued these instructions?

Mr. arap Cheboiwo: These instructions are from the Government!

An hon. Member: By Government!

Mr. arap Cheboiwo: Yes, by the Government! That is why I am appealing to the Minister for Lands and Settlement to see that something is done for this people. They should be allowed to go back to their plots. At present there are other people occupying these plots. I do not know whether they came from the moon or from a different land because I do not know them. I do not know how they came there, Mr. Deputy Speaker, Sir. The manager of the farm told these people to quit their plots without the knowledge of the District Commissioner for Baringo. The manager should have informed the district commissioner of anybody who failed to turn up to occupy his plot. This was not done, Mr. Deputy Speaker, Sir. The district commissioner, who is supposed to be the Government agent in the district, was not informed about these expulsions. The leaders from the district were not informed about it either. I went to see District Commissioner for Baringo about this matter but he told me that he not aware of such an expulsion. I went as far as approaching the Provincial Commissioner for Rift Valley about the same issue and he, too, said that he was not aware that some people had been chased from their plots. At the moment tension is very high in the area and if a quick action is not taken to rectify the situation I do not know what will happen. I am not saying this because of the electioneering campaign that is going on or something of the nature but because these are the facts. It is true that 39 people were evicted from their plots, Mr. Deputy Speaker, Sir. I do not need to dwell on that point very much because the Minister for Lands and Settlement, who styles himself the "Minister for Action", should take immediate action to see that these people do not suffer unnecessary hardships. This is a very valid position which needs an urgent attention, Mr. Deputy Speaker, Sir. They always say that prevention is better than cure and I am sure the Minister for Lands and Settlement knows what is meant by this saying.

Mr. Deputy Speaker, Sir, I would like to say something about the distribution of industries. We have been talking about unemployment and the children who have no employment after completing their education. If we could have a builders brigade—as the hon. Member for Nakuru says—this problem would be solved. One hon. Member said today that in Rift Valley there are 13 districts and of these Baringo District has more goats, sheep and cattle.

With these few remarks, I beg to support.

Mr. Umuro: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make my points on this Development Plan. I also thank the Minister for publishing this beautiful red book with a Kenya flag. However, it contains nothing for this Republic. I do not know what I am going to do with it. The Minister is asking me to support and approve this Development

Plan. I do not know how I am going to support or even approve this Development Plan while it does not mention or contain even a project for Marsabit District as a whole. I may even quote item by item as they appear in here. I see that some Ministries have crash programmes, and I do not know where they are going to get the money to implement these programmes; I do not know whether they have their own Parliaments to approve that money! Some of them tell us that they can even throw this book away and use their heads to make another Development Plan. I do not know how they are going to do that without having money.

Mr. Deputy Speaker, Sir, Marsabit, which is the area I come from, is not mentioned in this book. When we ask questions in this House we are told that any project recommended by the district development committees will be included in the development plans. The Colonial Government had forgotten that area; they did not educate even one child in that area. Now, although we are happy that we have our own Government, with Black leaders, we are still forgotten. At that time we had roads in our own area; however, since the colonialists left this area in 1963 not even one grader has passed on any of the roads in the area. It is only this road—the Nairobi/Addis Ababa road, on which a lot of people are dying every now—that is being improved. Are we going to be "cheated" by this road so that we do not speak here about the other developments in that part of the country? Even the people who did not support this country during the early times are having development in all ways—I mean the North-Eastern Province people. Why are we left behind? Why are we forgotten; why can we not have projects on water development or ranch management? There is not even a mention of an intention to construct a dam in this Development Plan.

I will now talk about the Office of the President. Mr. Deputy Speaker, we have been talking about the need for a divisional headquarters in my area. We have also talked about the employment of the people in that area in Civil Service as district officers and district commissioners but nothing has been mentioned about this point in this plan. This is the office that we are relying on and which should not forget any area of this Republic. That office has not mentioned even the name of Marsabit District. Mr. Deputy Speaker, Sir, if you look under the Office of the Vice-President in this Development Plan, you will be surprised. We have been crying for the improvement of security facilities but nothing has been done. Our people are being killed every day, and although we have been asking the Government to establish police posts in these areas nothing has been done. Where they have put up police posts there is no water for the police officers, and when we ask the Government to supply these people with water, we are told that this will be provided for in the next Development Plan. However, nothing is in this Development Plan as far as the security in my area is concerned. We have been crying over the unemployment problem in this country. Now, if the Government could put up border posts or something like that, this could stop our enemies from across the border from stealing our cattle. However, nothing has been said to

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this effect and all we know is that only the areas where the Ministers come from are mentioned in this Development Plan. I know that Marsabit North did not have a representative when they were publishing this book because I was in prison then. This is why some of the Ministers here are referring to us as *shifita*, simply because they do not know who we are. This is a very serious matter. I hear my friend over there saying that he knows who we are; but if he knew, he could at least have told these people to mention something about us in this book.

Mr. Deputy Speaker, I would now like to come to the Ministry of Agriculture. This is where we have a lot of problems, Mr. Deputy Speaker. It is true that the Government knows that we keep a lot of livestock, but they have said nothing about water development in this area, nor have they said anything about ranch management. How are we going to call ourselves Kenyans if we have been left out in this book? At the moment most of the boreholes which were constructed by the Colonial Government are not in working order; all the borehole machines have been abandoned because they are not serviceable and, as a result our people are not getting water to drink. We have been asking questions in this House on this matter and I am sure the Ministry of Agriculture knows that all these boreholes are not serviceable. The Minister knows that this area does not have water supply and, therefore, both human beings and livestock have no water to drink. They have not mentioned even a single "bloody" dam that they intend to construct in my area. Mr. Deputy Speaker, I think I ought to be told—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. Do you really allow the use of the word "bloody", which is contrary to Standing Order No. 73 (3).

Mr. Deputy Speaker: He is not allowed to use such a word.

Mr. Umuro: Mr. Deputy Speaker, Sir, I am sorry for having used the word. I only used it because I am very serious in what I was saying. However, I would like to withdraw the remark. Mr. Deputy Speaker, Marsabit County Council granted the Government an area of 325 acres for ranching in 1967 and to date the Government has not developed this area. They have been telling us that they will include it in the next Development Plan and that has been the end of it. When we raised this here, they told us that they will include it in 1974/78 Development Plan—but this book contains nothing about this particular area. Mr. Deputy Speaker, Sir, the Government should have made a provision in the plan whereby our animals would be improved. We would like our animals to receive better grazing so as to fetch more money in the local markets. It is only in this way that people in Marsabit District can educate their children—in fact, Sir, there should be a crash programme on the improvement of livestock in the area.

Now, Sir, I would like to talk about the Ministry of Commerce and Industry as regards my area. It is sur-

prising to note that one individual is given, say, Sh. 500,000 while other people are given nothing. Why should the Industrial and Commercial Development Corporation give money to one person at the expense of others in the district? Does the Ministry not want us to enjoy the fruits of *Uhuru*? I can see nothing in the Development Plan about commercial development in Marsabit District. I think the area, as whole, needs a closer attention.

I can hear an hon. Member asking me where I have been. Well, I have just come from Kamiti Prison where his friend sent me.

Mr. Deputy Speaker, Sir, I would like to say something about the Ministry of Lands and Settlement. We have in this House been talking about title-deeds for a long time and yet the Ministry is doing very little or nothing at all to speed up the issue of title-deeds. When we approach financial institutions for loans, they demand title-deeds, which we do not have, Mr. Deputy Speaker, Sir. My area has agricultural potential; my people can rear cattle and grow a variety of crops. All they want are title-deeds to help them obtain loans for developing the land.

I can hear my colleague, hon. Babu Wood, interrupting me, but I cannot understand why he should do that. He has developed his area as a result of obtaining title-deeds and, I would, therefore, advise him to leave me alone.

Nevertheless, Mr. Deputy Speaker, Sir, I was saying that the Ministry of Lands and Settlement should survey our land and issue people in Marsabit District with title-deeds. We are neighbours to Meru where the Minister for Lands and Settlement comes from. The people of Meru come to me every now and then with the same problem. There are many Meru tribesmen in Marsabit District who have land without title-deeds, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, it is well known that our area is inhabited by Nomads, or people who keep on moving from place to place. I have, however, noticed that in some areas hospital assistants and nurses are stationed where there are police posts. They are usually given stores as offices and have to live in privately rented houses. In the North-Eastern Province, where there is usually no water, when our people are forced to live near the dams the hospital assistants follow them there. Now, when these dams dry up and our people are forced to move away from there, the hospital assistants move back to the headquarters. I do not know why these hospital assistants do not move with the people wherever they go. We have problems in places like Marsabit District as a whole because in a centre like North Hor, which is a divisional headquarters, we do not have even a single dresser. This is very unfair. When we ask why the Ministry does not send medical personnel to such places we are told that there was no provision for that in the Development Plan. We are told to consult our district development committee and have it approve this so that medical personnel can be posted there. However, as a member of the district development committee, I know that this issue has been discussed several times and we have gone as far as submitting the request to the provincial development

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committee but up to now I do not know why nothing has been done.

Mr. Deputy Speaker, Sir, I think the hon. Members from that area were sitting on the issue when I was not in this House; they have not endeavoured to raise it with the Government.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, I am very grateful to the hon. Members who have spoken on this Motion for during the eight days we have been debating this plan.

Mr. Deputy Speaker, Sir, the points made by different hon. Members are very, very similar, which is not surprising. Therefore, Mr. Deputy Speaker, Sir, although I have very detailed notes on the speech by each of the Members who have spoken, it will not be possible, in the time that I am given, to reply to every one of the points but I will take the central points, which have been raised by almost every Member.

Mr. Deputy Speaker, Sir, there is a statement by nearly six hon. Members that the plan lacks a central philosophy running through it. This is just not true. In the chapters on the strategies and objectives of the development, which are, in fact, the first and second chapters, it is very well spelt out what are the beliefs that have led us to the various commitments. These are very well detailed in the first chapter. However, naturally, from quite a few of the hon. Members who spoke, it was quite clear to me a number of Members had not read this chapter and it appeared that many of them had been satisfied with reading Volume II, which has the detailed projects, and not chapter one which has spelt out in very great detail the basic objectives of the plan. These are very well set out here! there are details with regard to the distribution of income, with regard to social justice, with regard to issues of freedom and also with regard to the whole philosophy of education for development. These are very, very well spelt out. I would, therefore, like to recommend to the hon. Members that although we are finishing the formal part of the debate now, since this plan will guide us for the whole of the next five years, they should still spend some time reading it. They should read the details and get to see what is said about all the projects appearing in the plan.

Mr. Deputy Speaker, Sir, the statement by a number of hon. Members that the priorities are wrong is not true. Sir, again, I could not help thinking that, obviously, the chapters—the first two, three chapters—have not been read. Here, Sir, we have spelt out the priorities. I cannot imagine any hon. Member who had read these details disagreeing with these priorities. Now, what are the priorities which are said to be wrong and which we believe to be right?

Mr. Deputy Speaker, Sir, the priority number one in this plan is expansion, and diversification of education in all its forms. Indeed, that priority alone will take some 27 per cent of the total expenditure during the plan period. Education of all kinds is catered for; we have to diversify it and do everything else. What

appeared to me to be contradictory, was that an hon. Member would say that the priorities are wrong and then when he comes to speak about education he says that he would like more money set aside for education. Yet, in the whole plan, we have said that we are going to spend the greatest part of our income on education! Therefore, by implication, he was agreeing that we are right on having education as priority number one.

Now, priority number two, Mr. Deputy Speaker, Sir, is, of courses, agriculture. The chapter on the total volume of expenditure, Chapter Seven, spells out very clearly the proportions of the total expenditure that will go to different services. Now, agriculture has just to be the top priority. I cannot just see how anybody can plan in Kenya and say that anything else should be the top priority. In the report approved by this House, the report by the international Labour Organization, it is spelt out very clearly that we cannot expand employment, we cannot expand production and we cannot improve our export capacities unless we diversify and expand in agriculture. Therefore, in this whole book, increased agricultural production is the central theme, it is the top priority; in fact, it is the main assumption. That is the reason why I went as far as saying—and I will repeat it—that if we do not achieve our agricultural target, none of the other targets will come true. It just cannot be possible because we are an agricultural country. Therefore, if we do not achieve the targets that we have set for in this section on agriculture, then the rest cannot be achieved. For instance, take the question of the financing of development of roads, industry and all these other aspects which hon. Members spoke about. They require us to spend a lot of money, which we must first earn. How do we earn that money? We can earn that money only by increasing our agricultural output so that we can export some after feeding our people. We should make sure that we do not have to import any of our foodstuffs. Mr. Deputy Speaker, Sir, this is why agriculture is given that top priority in the plan.

The third priority is communication. It takes some 13 or 14 per cent of the total expenditure. Now, communication—Every hon. Member who spoke, including the three hon. Members who have just spoken, said that they are very happy with the Ministry of Works for the great job that it is doing on our roads network or for the roads it has constructed or improved. However, when they came to speak about priorities, they said that they are wrong. Yet here we are and we all agree that without the improvement of the road network and all forms of communication, development is meaningless because you cannot take things to the market. Therefore, communication as a third priority is naturally, right.

Mr. Deputy Speaker, Sir, look at the fourth priority: health, particularly preventive care in the rural areas. We want to bring clean water for drinking and to improve the housing of the people and also initiate more projects on the family care clinics, child welfare programmes etc. Now, again these are all right. I have said enough, Mr. Deputy Speaker, Sir, to illustrate that the statement that the priorities are wrong is quite wrong in itself. Therefore, Mr. Deputy Speaker, Sir, I will refer the hon. Members who talked about priorities to the

[The Minister for Finance and Economic Planning] plan; they should re-read it and they will see that the priorities are right.

In talking about priorities, Mr. Deputy Speaker, Sir, several hon. Members repeated their favourite hobby of looking for scapegoats for our failures in the form of foreign experts and other experts, who are supposed to be found in every Minister's office, saying that we are wrongly advised. Mr. Deputy Speaker, Sir, the men and women who have drafted this Plan in the various Ministries—and I have taken the trouble to check this—are Kenyan Africans. Therefore, I think the time has passed, probably without being noticed by many Members, for this hobby of laying our troubles on the shoulders of foreigners. It is time hon. Members also woke up to that fact. The fact, Mr. Deputy Speaker, is that our Civil Service is now 98 per cent Kenyanized and, therefore, whether you look at the Ministries of Works, Finance and Economic Planning, Education, Health, the people who make the decisions as to what are the priorities, how much money will go to what section, are all Kenyan Africans. Therefore, Mr. Deputy Speaker, Sir, the effort to refuse to face up to the fact that Black men can also make mistakes or to say that mistakes are only made by foreign experts that are imported here, to me, Sir, shows small-mindedness beyond any description. We import the people we import to work in specific projects—and we have a few thousands doing work in the Ministry of Works as engineers—and not to plan which road shall be taken tomorrow. We have hydraulic engineers for the water programme. Now, we cannot carry out a water programme if we do not have enough hydraulic engineers, regardless of the fact that we have the necessary money to do so.

Mr. Deputy Speaker, Sir, another recurring theme is that we are to find new doctors for mission hospitals, which are in trouble. Well, we could vote them the money they require but we do not have the doctors. Now, we are recruiting this category of technical manpower, and I have said before that we shall continue to need it. Therefore, Mr. Deputy Speaker, Sir, I think we are quite wrong and much too small-minded as a nation to pretend that we in Kenya, after only ten years of independence, do not need these qualified professional people. Mr. Deputy Speaker, Sir, America, Britain, Germany, Russia, China and Japan all import qualified professionals. They are offering them incentives to go there. In fact, they have more training for such people than we have here, they are richer than we are, they have been training such people for much longer than ourselves. Therefore, Sir, how can we pretend here, as a Parliament, that as a country which is only ten years old we do not need to import technical personnel? There is no shame in doing it because you only import where you need while you are training your own personnel.

Mr. Deputy Speaker, Sir, all I would say to my hon. friends here is that let us find another hobby. There are too many hobbies in the country. However, this hobby of blaming our troubles on people whom we, ourselves, have recruited should be forgotten; and three are very

many other hobbies, Mr. Deputy Speaker, that we could take.

There was a point made here that our targets are now unrealistic because of the inflation in the world and because we have to pay very much more for oil, consumer goods and capital goods. This is only true to that extent. However, it is not true to say that the targets are unrealistic because they can still be achieved. What we shall be called upon to do is to work harder and not to say that the targets are unrealistic. Mr. Deputy Speaker, it is just like setting for Nakuru, and then because it begins raining heavily, and you cannot see your way quite clearly, you say, "Now, I am not going to attempt to go to Nakuru any more". You do not do that because you will have to go to Nakuru on some particular job and, therefore, you will concentrate on your wheel much more and stop whistling. You will put greater effort until you get there. That is all we are being called upon to do in this world. We should not abandon our targets by saying that because they are unrealistic we should shorten them. We should say that we have encountered difficult problems, slippery roads but we will not abandon our targets; we shall get there although it is more difficult than before.

Mr. Deputy Speaker, Sir, the second point is on water. There has been a call by about four hon. Members that we now need a Ministry for Water. The chapter on water is going to mean spending a very large sum of money. In fact, there is a very very substantial increase here. The department of water still needs to be taken care of and expanded and equipped and manned by more people. The point made that there should be a re-organization of departmental responsibilities so that water department is taken more at a political level, I am sure, is not valid; but then, I do hope that hon. Members are not addressing their remarks to the Minister for Finance because he is not in a position to make that particular decision. I am sure that their remarks have been heard.

Regarding water, I would like to say that it is true that the first priority of water is going to the driest parts of Kenya. It is true that water projects have to be started first and foremost in the areas that are dry. It is a fact and there is no reason for us to side-step it. One can say that we are not spending enough or that we should spend more and that the department should be given more money, but the money we have available has been put to the right priority, to the driest parts of Kenya. Therefore, that is all I would like to emphasize on that point.

Mr. Deputy Speaker, Sir, there was a point made by hon. Members, including some who are here now, about education. They asked that free education should be extended up to Form II. As you know, we are all great supporters of education; I am going to ask Kenyans to think about the position of education in our development programme. Today education is taking about 30 per cent of our recurrent expenditure each year. That percentage will rise by the end of this year to nearly 39 per cent. It is more than a third of the total of our recurrent expenditure as a Central Government. Now,

[The Minister for Finance and Economic Planning] the time has come for us to face this ugly problem. Are we prepared, as a nation, to expand on one service and cut back the services on health, agriculture and communications? I am not saying this because it is an easy problem; but it is a painful decision and Kenya cannot afford to go on ignoring it because it is a fact. Here in Kenya we have done what many African countries are hoping to do in 20 years. This is a fact and we are not boasting. We have an enrolment programme in primary schools which in many districts is now 100 per cent. In many other districts it is 75 per cent. The enrolment is now reaching the maximum. It is now 2.7 million pupils in primary schools and we will reach the 3 million target and the Government will be spending a high proportion of the budget on this one service. Now, the time has come for Kenyans to say whether they are going to go on that way. Must the other services be abandoned and, above all, can the economy sustain it if we abandon the other services and reduce them drastically so as to finance one service? In some countries the expansion on education has been very slow; the people there can go on singing about education—the enrolment is about 2 per cent of the children of school age in some of these countries. This is a problem to be faced. We cannot ignore it any more. We have to look at it quite fairly. That is all I wanted to say about education.

Coming to the question of employment, I would like to say that the whole Plan is drawn with a view to expanding investments, and, therefore, employment. The establishment of special programmes, including youth brigades, is very important. We should not, however, pretend that any special programme, whether youth brigade, the National Youth Service or any relief work, will take care of this problem. Even if you were to employ 20,000 people in any special scheme you would only have touched a small part of the problem. What can really deal with unemployment is the expansion of all sectors of the economy so that every sector may take a few thousands, so that the total number can come to the half million people we intend to absorb each year.

The other point is the question of the political aspect of Ministries, and the fact on which hon. Members made great “song-and-dance” about, that Ministers do not come to the House to reply to their questions and it is difficult to see them and so on. As it is, hon. Members are entitled to their opinions. However, it is not fair for hon. Members to seek to project to the country that their problems arise merely because three, four or five people are not working. That cannot be true. We must not seek to magnify these problems. When discussing matters like this it would be much better to look for solutions elsewhere. From the time of Julius Caesar it has always been the temptation for most people in public life to imagine that their problems would go away if only “you removed So-and-so, or if

So-and-so was not at the head, or if So-and-so was not there and I was there instead”. There are many good people in this House and outside who I have heard, on an informal basis, lay all the blame for all the increase in prices and everything else on the hon. Minister for Finance. Good luck to them! However, I would like to say that we can always be cheated, but let us not delude the country that either the inflation could be prevented or our problems could be less, or even there is some special malice originating from one person, or even, worse still, pretend that there is a Minister somewhere who is supposed to have so much power that he makes all the decisions as to who should wear wigs and who should not, who should pay more for sugar, what the price of bread should be, and how much money should be paid as school fees. If these things were true, Mr. Deputy Speaker, they would be very alarming indeed because this nation could have evolved into a point where there could be some form of undeclared dictatorship. But, of course, we all know that this is not true.

An hon. Member: If that could be true, then the Roman Empire could still be in existence.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, without talking about the Roman Empire, I hope that my friend and others will now spare us the problem of having to look for scapegoats in this year of election. By all means, let everybody be blamed for his sins of commission and omission. However, let us not pretend that we can get rid of our problems wherever we are by blaming other people.

Finally, I would like to say that although we have drawn up this Plan, the district committees which we have set up and the officers we are appointing to service them will be open to review. As hon. Members know, every two years we look again at the targets to make sure that we are keeping to realistic goals. That being the programme, then hon. Members have a chance, as members of district development committees, to bring forward new changes and to point out where the programme should be implemented quicker and what should be postponed. There is still plenty of room for us to debate this matter. Since this Plan is being launched this year of election, it comes to me as an omen of goodwill to wish hon. Members here success in the next fight so that we may all be together in the implementation of the Plan.

I beg to move.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 29th May, at 2.30 p.m.

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

Wednesday, 29th May, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 213

POLICE PATROLS—KIBERA AREA

Mr. Y. Ali asked the Vice-President and Minister for Home Affairs in view of the fact that crimes are increasing in Kibera namely, house-breaking, removal of motor-car parts, etc., at night as a result of which residents are living in fear, whether the Ministry could organize regular police patrol particularly those handling police dogs in the area.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

It is not true that house-breakings and thefts of motor vehicle parts or any other crimes has gone up in Kibera area. During the first three months of this year only three house-breakings and four motor vehicle parts were reported.

There were four reports of burglary in January; two in February and seven in March this year. These figures compared to those of last year, are not considered to be alarming. The situation is considered to be normal. Regular patrols and other preventive measures are being carried out.

Mr. Y. Ali: Arising from that reply, would the Assistant Minister tell the House how many culprits have been apprehended by the authority out of the crimes he has mentioned that took place at Kibera? How many have been taken to court and dealt by the Authority?

Mr. Bomett: There could be crimes which are not reported; and for these ones we have no record. However, the crimes that have been reported to the police are as stipulated in the answer above. As I said earlier, these figures are not as high as stated.

Mr. Mwicigi: Arising from the answer given by the Assistant Minister may he enlighten the House as to why these crimes are increasing; is it because these house-breakers are more intelligent than the ones who have been doing it before or is it because the police and security are slackening in their work?

Mr. Bomett: In my reply I did say that according to our reports, crimes have not increased. In fact, as far as Kibera is concerned, they are as in previous years.

Mr. Y. Ali: Arising from that reply and while the Assistant Minister considers the situation to be normal, the people in Kibera consider the situation not to be normal because out of the crime reports given to the police none has been arrested and taken to court; nor have we had any recovery of the goods stolen or robbed from shops. Would the Assistant Minister see to it that regular patrols are directed towards Kibera as a whole?

Mr. Bomett: Indeed, Sir, I can give that undertaking

that we will do everything to safeguard the property of people not only in Kibera but also all over the Republic. However, as far as Kibera is concerned, the situation—What was Kibera in two years ago is not Kibera that is there today. More houses have been built there and therefore, more people have moved into Kibera and as a result of this, we must accept a certain amount of infiltration by bad elements of the society; but nonetheless, the police is doing a lot of hard work to make sure that culprits are brought to book. However, as the situation in Kibera is concerned, it is not as bad as it is painted.

Question No. 236

EMPLOYMENT TERMS OF OFFICE CLEANERS

Mr. Araru asked the Vice-President and Minister for Home Affairs why it is that those employed as Police office cleaners and the airstrip attendants in the northern parts of the country and more so in Moyale and Sololo area, have been working as temporary employees since independence.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

People employed as cleaners in Government offices are never employed on permanent and pensionable terms. As far as airstrip attendants are concerned, they fall under the terms of casual workers.

Mr. Araru: Arising from that reply which is surprising, how can Government keep an employee working on an airstrip for over 20 years while he is not eligible for pension or even under the National Social Security Fund but just a casual labourer? Under which law of this Republic is such an employee working?

Mr. Bomett: These are terms of service given to Government employees and most of these employees who are not on pensionable terms are casual labourers.

Mr. Araru: This is the first time for this House to hear from an Assistant Minister saying that there is no law dealing with such cases. He further went on to say that these people are employed as casual labourers. As we know the laws governing, you cannot keep somebody for more than six months as a casual labourer. Therefore, can the Assistant Minister say under which Act people are allowed to work for over 16 years as casual labourers? These people work as slaves; they do not work for payment.

Mr. Bomett: Far from being slaves, these people are employed on terms that are stipulated—In fact, when they are employed they are informed of these terms which they accept happily.

Mr. Amayo: Arising from the Assistant Minister's reply would he agree with me that the policy of employing people for such a long period without getting any benefit is a wrong one and that something should be done to correct it?

Mr. Bomett: That point has been noted.

Mr. Karungaru: Mr. Speaker, Sir, since we know that the Assistant Minister is in charge of the police which is supposed to protect people in this country by

[Mr. Karungaru]

investigating and prosecuting where a crime has been committed, and since the workers in question are in his own Ministry, what guarantee do we have that when such things take place the police will be called to investigate such matters to avoid his Ministry being the first one to violate the law of the country? For how long are we going to wait and see the law being violated without something being done about it?

Mr. Speaker: That is a different matter, Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, Sir, it is not a different matter because this question is about the Ministry of Home Affairs which is responsible for the police force in this country. The police are the people who are supposed to investigate and also to prosecute where necessary.

Mr. Speaker: But we are now talking about employment. There is no crime which has been committed.

Mr. Karungaru: There could be no crime committed but as far as I am concerned a crime has been committed in that the sweat of some individuals has been used for the last 15 years and nobody cares.

Mr. Bomett: Mr. Speaker, Sir, I think the question clearly deals with cleaners and not police officers. In fact, these cleaners are employed as casual labourers and as such they do not fall under any permanent employment at all.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that—

Mr. Speaker: Order! There is too much noise there, Mr. Wanjigi. You are making too much noise, Mr. Wanjigi.

An hon. Member: Take him out of the Chamber!

Mr. Gatuguta: I am on a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that people who have been working for the last ten years are doing casual labour when we are intelligent enough to know that casual labour means a temporary job or jobs that are available for one week and the next week they are not there or one month and the next month they are not there? How can somebody be termed a casual labourer after working for ten years continuously?

Mr. Bomett: In fact, I am not misleading anybody in this House. The point is that these people are employed on a day-to-day basis and that is what I call casual labour.

Mr. Onyulo: Mr. Speaker, Sir, arising from the reply which has been repeated several times by the Assistant Minister and which appears to be definitely misleading the House, is he aware that in the Public Service we have a certain category of civil servants known as subordinate staff, and this is where all the cleaners fall? If he is aware of this could he tell the House why his Ministry has decided to employ people at Moyale on casual terms when there is a subordinate category within which these people could be absorbed?

Mr. Bomett: I think the hon. Member knows better

about these things because he has been in the trade union movement for a long time. However, I would like to tell the House that the category which has been mentioned by the hon. Member, the subordinate staff category comprises very many workers in the Government service, but the people who are mentioned in the hon. Member's question are cleaners. These workers are only employed as and when funds are available to employ them. The Government will not be tied down on a definite employment system for these workers when they are not needed all the time.

Rev. Kalume: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister when he says that cleaners are not needed all the time, do we clean somewhere for a week and then we do not need to clean it for another week or do we do it permanently?

Mr. Bomett: Mr. Speaker, Sir, this depends on what you are cleaning. If you clean a wall today you do not need to clean it every day.

Mr. Araru: On a point of order, Mr. Speaker, Sir, the Assistant Minister, in his replies, has said that these workers are employed on temporary terms as cleaners. I have documents to prove that some of these people have been working in this place and on the same grade for the last ten years. Is the Assistant Minister not misleading the House in these replies because most of these people were employed since we attained independence in this country? The people employed at Sololo and Moyale airstrips have been there since independence and they do the work of cleaning offices and the police airstrips there. Is he not aware of the fact that these people have been there all these years without any hope of getting any retirement benefits later on? Mr. Speaker, Sir, I am prepared to lay on the Table of this House documentary evidence to show that these people have worked for a long period on temporary terms of service.

Mr. Bomett: Mr. Speaker, Sir, I have not misled anybody in this House. A man can do the job of cleaning for the whole of his life-time but if his terms of employment are casual they will remain casual, Mr. Speaker, Sir.

Mr. Karungaru: On a point of order—

Mr. Speaker: We are not getting any further on this matter.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, since the law of the land provides that certain people should be employed and retained in a certain category of employment—and this is according to the Assistant Minister—could he tell us what provision of that law he used to keep these people working under temporary terms of employment for the last 15 years whereas they are paid month after month?

Mr. Speaker: He replied to that and said there is no law governing such employment. There is no need to repeat what has already been said.

Next question, Mr. Tsuma.

Question No. 298

EMPLOYMENT OF STAFF FOR BUKURA
AGRICULTURAL INSTITUTE

Mr. Tsuma asked the Minister for Agriculture—

[Mr. Tsuma]

- (a) if he is aware that those persons whose land was taken over for the construction of Bukura Agricultural Institute were promised that they would be considered for employment in the new institute; and
- (b) why it is that instead of recruiting the local people as labourers and drivers, other persons have been brought in from outside the area to such an extent that they are finding difficulties about where to stay.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

(a) No, Sir. I am not aware that there was any promise such as the one the hon. Member alleges.

(b) Mr. Speaker, Sir, this institution is one of the two of its kind in the whole of this country and the people who work there are civil servants who are liable to be transferred from one institution to another. To the best of my knowledge some of the employees in the categories which have been mentioned by the hon. Member were transferred from Kakamega to Bukura which I believe is in the same district and in the same province.

Mr. Tsuma: Mr. Speaker, Sir, arising from the reply given by the Minister and in view of the fact that Bukura area is an arable area, is he aware that these people were made to move from this area to no other place? Is he also aware of the fact that I held *baraza* with the district commissioner for the district and made these people understand that if they moved from this area their children or themselves would be employed in the institution as casual labourers? Is he aware that this promise still stands and should stand?

Mr. Nyagah: Mr. Speaker, Sir, it is a generally well known fact that whenever an establishment is made in a place, be it industrial or an institution like this one of education, the local people benefit in many other ways rather than simply being employed directly as labourers, casual workers and what-have-you. People in that area must be benefiting somehow by the fact that this institution is built in their area. I do not see how you can employ drivers as casual labourers when they are supposed to work for the Government in an institution like this one.

Mr. Umuro: Mr. Speaker, Sir, since the Minister has now been made aware that some people were brought from outside this area and given casual employment what action is he going to take to see that the local people from that area are going to be employed in this institution?

Mr. Nyagah: Mr. Speaker, Sir, I do not want to enter into the problems of Kakamega District. Bukura is in Kakamega District and most of the people who will fall under that category would be people from Kakamega and according to my information, there are ten people in that category who were transferred from another station, in the same district to go and work in Bukura.

Mr. Migire: Mr. Speaker, Sir, the Minister has said that some people were transferred from another sta-

tion, which means that vacancies were created in that other station. Can the Minister tell the House why he found it necessary to transfer people from another station to come and work in Bukura instead of employing the local people and leave those people who were transferred to continue working in their station?

Mr. Nyagah: Mr. Speaker, Sir, I think the hon. Member, at one stage, was in the Civil Service, before he came here. He knows that there are such things as establishments. You cannot over-establish. You are given an establishment on which you work. It is also the Civil Service rule that you can transfer one person from one station to another station in the Republic and the members of the Civil Service sign a document that they are liable to serve anywhere within the Republic.

Mr. Migire: Mr. Speaker, Sir, I wanted to know from the Minister why these people were transferred, which means that they left some posts vacant. Instead of transferring these people to Bukura, why did they not employ the local people in Bukura?

Mr. Speaker: He says that the establishment was full.

Mr. Tsuma: Mr. Speaker, Sir, the Minister knows that this is a completely new institute. The principal there was given permission to employ 40 people as a new establishment. The Minister has replied and said that ten people were transferred from Kakamega. Right now, there are 41 people working at Bukura. Can he therefore tell the House where 31 people were transferred from?

Mr. Nyagah: Mr. Speaker, Sir, I brought in the number "ten" to show that they came from the same area and in our opinion, in the Ministry of Agriculture and the Government as a whole, we think that people in Kakamega would be considered as locals. If the Botsotso are not locals when they are in Kimilili that is a different matter. However, Mr. Speaker, Bukura is not a new institution. Bukura is an old agricultural institution.

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, we have Bukura Farmers Training Centre, which is an old institution. We have the Institute of Agriculture, which is a completely new institution. The principal of this new institution comes from Embu. Is the Minister, therefore, not misleading this House?

Mr. Nyagah: Mr. Speaker, Sir, I do not see the difference between me and the hon. Member. He is giving extra information to the House. It is true that Bukura Farmers Training Centre is there. On this Farmers Training Centre, expansion by the Government within the development period has taken place. The place has now been elevated into an institute of agriculture to provide this Republic with a second institute of agriculture for the category of technicians. An experienced principal has been transferred from an establishment that was already in existence, which happened to be in Embu, but the fact remains that the establishment called Bukura Institute had people and over and above, to keep the institution within the right number of employment, others had to be brought from somewhere else. The Government had to economize and find out

[The Minister for Agriculture]

how best they can use the money voted by this House from the taxpayers.

*Question No. 314***TERMINAL BENEFITS—FORMER KITUI COUNTY COUNCIL EMPLOYEES**

Mr. Kitonga asked the Minister for Local Government when the 83 former employees of Kitui County Council who have been transferred to Central Government are going to be paid their dues since their terms of service have changed.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

Kitui County Council was given a loan of Sh. 160,000 in 1972 to pay the terminal benefits to the staff who were transferred from the Council to the Central Government. However, only part of this money was used in the payment of these terminal dues, the balance was used to pay other Council's commitments. The Council is currently looking for financial assistance to pay off the terminal dues to the transferred staff and as soon as these are finalized the members of the staff affected will be paid off.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Minister's reply can he tell the House how soon this would be possible because most of these people are poor and they need this money very seriously?

Mr. Osogo: Mr. Speaker, Sir, much as I would like to give the hon. Member the day, date and time this money would be given out, it is difficult for me to do it now because negotiating for money, particularly when one has to negotiate with the Treasury is not an easy matter. However, I hope that before the end of this Financial Year, this money will have been released.

Mr. Mwithaga: Mr. Speaker, Sir, it is obvious to the Minister that this transfer did not take place this year. It took place some time back. During those years, there have been financial years. Is the Minister now saying that it has been impossible all those years to get money from the Treasury to be able to pay off these people and that he has a hope that this year there will be money?

Mr. Osogo: No, Sir. It had not come to my notice that the money which was released in 1972 for this purpose had been used for other purposes. For the whole of 1973 and a part of this year, we have been thinking that this money had gone to settle the terminal dues of these employees. It was only when the hon. Member raised this question that I made investigations to find out what had happened. The Clerk to the Council replied and said that he paid part of the terminal dues to these people but he did not pay all the benefits because he was committed in paying some other debts. So, from the time the hon. Member raised this question early in April up to now, we have been negotiating with the Treasury to give us some money to pay off these terminal dues.

Mr. Munyasia: Mr. Speaker, Sir, while thanking the Minister for the effort he has made to carry out the

investigations, could he tell the House whether the part of Sh. 160,000 which was paid to the staff, was shared among the 83 people involved or it was only paid to the small fish in Kitui and the rest were not paid even a single cent?

Mr. Osogo: Mr. Speaker, Sir, I do not know what small fish there are in Kitui. What I know is that it was paid to some of them but if the hon. Member is interested in knowing which fish was paid, I am prepared to look into this. What I know is that not all of them were paid.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, when the Minister was replying to one of the supplementary questions, I understood him to have said that the Clerk who wrote him the letter he is referring to indicated that when he received the money he only paid some people and not everybody because he was committed to other debts. I would like to seek your guidance here because if the money was given to the Clerk to pay the people, was the Clerk really in order to pay his debts with the money instead of paying the people?

Mr. Speaker: You are going the wrong way, Mr. Mwithaga. You know that is a question and not a point of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, since you have repeatedly given your ruling on the question of frivolous points of order, do you not think that you should take this matter much more seriously particularly when a junior hon. Member of this House like hon. Mwithaga asks a question under the guise of a point of order? Even those hon. Members who have been here for the last four years and do not know what a point of order is should, I think be thrown out.

Mr. Speaker: Yes, Mr. Shikuku is quite right. This is a very serious matter because Mr. Mwithaga must have realized that he was asking a question instead of raising a point of order. It is so clear that what he raised was not a point of order, and I do not know why he decided to call it a point of order.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, arising from the Minister's reply, has he been assured by the Kitui County Council that the money he is now intending to give to the County Council will not be spent by the County Council in its various commitments instead of paying those who should be paid?

Mr. Osogo: Mr. Speaker, Sir, although we directed all the county councils which we gave these temporary loans sometime back to pay off either salary arrears or debts, they banked this money in the General Fund Account. Therefore, to answer the question of the hon. Member from Kitui North, the Clerk to Kitui County Council told me that he banked this money in the General Fund Account and later issued cheques here and there to square certain debts forgetting that this money was specifically sent to him to pay these unfortunate people.

Mr. Speaker: Next question, Mr. arap Cheboiwo.

Question No. 290

TITLE-DEEDS IN SABATIA SETTLEMENT SCHEME

Mr. arap Cheboiwo asked the Minister for Lands and Settlement whether he is aware that there are some plot owners in Sabatia Settlement Scheme who have completed payment of their loans, and what is being done to issue them with their title-deeds without further delay.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. Yes, Sir.

Mr. arap Cheboiwo: Mr. Speaker, Sir, if the answer is, "Yes", could the Assistant Minister tell us what action he is taking?

Mr. G. G. Kariuki: Mr. Speaker, Sir, a registry Index Map which has to be prepared before the issue of land certificates is now being prepared for the Sabatia Settlement Scheme.

Mr. arap Cheboiwo: Mr. Speaker, Sir, would the Assistant Minister tell the House how long this is going to take?

Mr. G. G. Kariuki: Mr. Speaker, Sir, as soon as the Index Map is prepared.

Mr. Mboja: Mr. Speaker, Sir, could the Assistant Minister enlighten the House as to how long such an exercise takes? Do they do it at their convenience?

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is very difficult to limit the time of a technical job because what I know is that aerial photographing has been done and what is now remaining is the work on the table.

Mr. Speaker: Next question. Mr. Migure.

Mr. Migure: Mr. Speaker, Sir, before I ask my question I would like to correct something. The name in the first line is Aloise Odoya and not Alice Aduya.

Question No. 308

PAYMENT OF DEATH BENEFITS TO LATE ADOYA'S DEPENDANTS

Mr. Migure asked the Minister for Power and Communications when the family of the late Aloise Aduya, a former Railways employee in Uganda who died on the 9th October, 1970 while on official duties, is going to be paid his benefits.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

The District Commissioner of South Nyanza was requested to submit the name of the dependants to the East African Railways Corporation, but despite the reminder sent to him on 22nd November, 1973 no reply has been received. I would like to ask the hon. Member to help us in getting this matter finalized.

Mr. Migure: Mr. Speaker, Sir, when I checked with the Railways Authorities, I was told that the delay has been caused by the communication to the District Commissioner of Kisii instead of the District Commissioner of South Nyanza. Which of the two information is now correct? Could the Assistant Minister take up this matter with the District Commissioner of South Nyanza at Homa Bay instead of taking the matter to the District Commissioner of Kisii. This shows that the Railways

Corporation have been communicating with the wrong person. Could he now take up the matter with the right person?

Mr. Onamu: Mr. Speaker, Sir, we understood from the start that this man came from South Nyanza and if this is the case, I will look into the matter.

Mr. Migure: Mr. Speaker, Sir, could the Assistant Minister tell this House when the first letter was sent to the District Commissioner in Kisii?

Mr. Onamu: Mr. Speaker, Sir, I have no information regarding the first letter, but what I have said is that on 22nd November, 1973, we sent a reminder.

Question No. 165

UPGRADING KAIRURI DISPENSARY

Mr. Nyaga asked the Minister for Health whether he has any plans for upgrading Kairuri Dispensary to a health centre during the next Development Plan.

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply.

There are plans to upgrade and develop all health centres and dispensaries in Embu District in line with the National Development Plan. Kairuri Dispensary is one of these institutions and when the funds become available, it will definitely be considered.

Mr. Nyaga: Mr. Speaker, Sir, would the Minister tell the House whether he has applied for these funds or he is trying to give us the same excuse of lack of funds? If so, when does he intend to upgrade this particular dispensary?

Dr. Onyonka: Mr. Speaker, Sir, we have applied for these funds, but it does not mean that the funds which become immediately available will be earmarked for this particular place. This particular dispensary will have to share these funds with other dispensaries in Embu District. However, we hope that during the next Financial Year, we shall definitely upgrade this particular dispensary.

Question No. 219

MANAGEMENT OF LODWAR HOSPITAL

Mr. Ejore asked the Minister for Health—

- (a) whether Lodwar District Hospital is a Government hospital or a Missionary hospital;
- (b) why it is that any person to be recruited as a member of staff for the hospital must be a catholic; and
- (c) when a Government doctor is going to be posted there.

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply.

Lodwar District Hospital is definitely a Government institution. It is, however, incorrect for the hon. Member to say that any person recruited to work in this hospital must be a catholic. The answer to part (c) of the question is that the doctor presently working in this institution is, in fact, a Government officer. There is, however, one point I would like to clarify. The situation which has arisen is explained by the fact that in the northern part of Kenya we did not have, for a very long time,

[The Minister for Health]

local doctors to send there and therefore, we had to use doctors recruited from overseas sources. It so happens that in certain parts of the country, there are certain groups willing to provide doctors if we could pay them. Therefore, in this particular area, we had doctors and in other areas in the same province we had doctors from other denominations. It does not follow that it is Government policy to limit the staff in this area to a particular denomination. If we had a doctor from another denomination, we would be quite happy to send him there.

Mr. Kholkholle: Mr. Speaker, Sir, the Minister is now telling the House that these doctors are sent from overseas. However, the hon. Questioner does not claim that the doctor has to come from the local area. He is claiming that the people should be trained whether they are catholic, protestants, muslims or non-christians. In this case, the hon. Member who asked this question claims that only catholics are trained to work in this hospital. Could the Minister see that also other people are trained to work in this hospital?

Dr. Onyonka: Mr. Speaker, Sir, I would like first of all to emphasize the fact that the source of the doctor is very much connected with the particular religion which supplied funds for the purpose of starting this institution. However, I, for one, would not support anybody interested in keeping this as a preserve for any particular religion. I would like to assure the hon. Member that I believe in all denominations including Islam of which I am a member.

Mr. Ejore: Mr. Speaker, Sir, arising from the Minister's reply, I agree with him that Lodwar Hospital is a Government hospital and that the missionary doctors are working there; will the Minister assure the House that in future when people are being recruited to work in that hospital, they should not be recruited according to their religion? People should be taken as staff of that hospital regardless of their religion. Can he assure the House that he is going to do that as soon as possible?

Dr. Onyonka: Mr. Speaker, Sir, I have actually given that assurance. In fact, if the hon. Member has specific information that could be useful to me and the House then, I am ready to accept it and take action.

Question No. 320**KENYA IVORY SMUGGLED TO HONG KONG**

Mr. Mwengi-Nzelu asked the Minister for Tourism and Wildlife to say:—

- (a) what had happened to the load of ivory which was to be returned from Hong Kong having been smuggled from Kenya; and
- (b) whether it has been established as to who was involved and what legal action has been taken against the person involved.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker Sir, I beg to reply.

Investigations are still being carried out and when these are completed, the course of action will be determined. However, as the matter is still under investigations, it would not be appropriate to make any statements at this stage.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, arising from the Minister's reply, can he tell the House when the news of the smuggled ivory was known in this country; how long has it been because we feel that it has taken too long for Kenya to be aware of this serious matter? I think investigations cannot go on for, say, six or seven months without the truth of the matter being known or coming to light. I think this is a delaying tactic on the part of the Minister and his Ministry so that they can cover up things. Can he deny this allegation?

Mr. Shako: Mr. Speaker, Sir, the distance involved is also too long and therefore this must be taken into account as well as when questioning the period taken in carrying out investigations.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply, can he tell us whether the ivory concerned is in Hong Kong or here in Kenya so that we are sure that when investigations are still being carried out, we know that we shall still recover our ivory some time?

Mr. Shako: Mr. Speaker, Sir, I have already said that when matters are under investigations then, I cannot make any statement to that effect.

Mr. arap Cheboiwo: On a point of order, Mr. Speaker, Sir, arising from that reply by the Minister, is it because of security risk involved that he cannot tell us whether this ivory is here in Kenya or in Hong Kong?

Mr. Shako: Mr. Speaker, Sir, the matter is *sub judice*!

Mr. Speaker: I am sorry, Mr. Shako, that does not hold water!

Mr. Shako: Mr. Speaker, Sir, when the matter is being investigated on, surely, I cannot come here and make any statement because of security reasons involved. For instance, this matter involves foreign governments, international police and, therefore, when it is under investigation then, I cannot make any statement because the report has not been submitted to me.

Mr. Tsuma: Mr. Speaker, Sir, unless the Minister is evading the question, I would like him to tell the House what happened to the load of ivory and what action he has taken. Now, Sir, who is this who is investigating this matter; is it Hong Kong or is it Kenya? If it is Kenya, is it the Kenya Police or officers in his Ministry who are carrying out this investigation? Why can the Minister not be specific and tell us who are carrying out this investigation?

Mr. Shako: Mr. Speaker, Sir, the matter is being investigated by the Kenya Police in conjunction with my own officers in my Ministry and in conjunction with international police (Interpol).

Mr. Murgor: On a point of order, Mr. Speaker, Sir, I am seeking your guidance here: normally, when a question has been brought here and the matter has been taken to court then that matter can be said to be *sub judice*. However, in this case, I am wondering whether the same matter can be said to be *sub judice* when things have been taken away from this country and they are in the hands of other people in another country? How should we take such a matter? Can we take it to be *sub judice*?

Mr. Speaker: No. Well, I did not agree with Mr. Shako when he said that the matter was *sub judice* because he did not tell us whether or not it was before any court of law. All that he said was that the matter was being investigated upon and that could have been quite a good reason for not wanting to make a statement on the matter if his statement might interfere with investigations. However, this has nothing to do with the matter being *sub judice*. He said that the matter involved other investigating bodies like the international police and so-on, so he might have some grounds for not wanting to make any statement at this stage.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, this matter might be or might not be *sub judice* at the moment. However, there was a question here before the point of order by the hon. Murgor as to the whereabouts of the trophy. The Minister is refusing to reply to that question now. Where is the trophy at the moment? I am wondering whether that would change anything whether the matter was *sub judice* or not? Can he tell us where the ivory is at the moment; is it here in Kenya or is it in Hong Kong?

Mr. Shako: Mr. Speaker, Sir, the trophy is still in Hong Kong!

Hon. Members: Hear! Hear! What is it doing there? Bring it back here!

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, in view of the fact that the Minister has all along evaded the question, would he tell the House when he is going to make a statement in this House as to whether this man who smuggled this ivory from Kenya and sent it to Hong Kong has been arrested and accused or not? When is he going to make this statement?

Mr. Shako: Mr. Speaker, Sir, I am not evading any question. However, I am just saying that when the report has been submitted to me then, I will, of course, make the statement.

Question No. 280

TEACHER TRAINING COLLEGE FOR NORTH-EASTERN PROVINCE

Mr. D. M. Amin asked the Minister for Education to say—

- (a) when the North-Eastern Province will be provided with a teacher training college to cater for school-leavers who wish to be trained as teachers; and
- (b) whether he is aware that school-leavers from this province find it difficult to obtain teacher training places in other provinces.

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

(a) The need to establish a new teacher training college in the country has not yet been felt. In the event of such a need arising, the North-Eastern Province will be considered together with the other provinces in the country for hosting it. Candidates from the North-Eastern Province who are qualified and are interested in joining teacher training colleges have a better chance of securing places in teacher training colleges than their counterpart in other provinces.

(b) As far as I am aware, my Ministry distributes teacher training places fairly to every district in the

Republic. The people in the North-Eastern Province have had their fair share of teacher training places and many school-leavers from this area are at present undergoing their teacher training courses in the various teacher training colleges throughout the country. All candidates who sat for the East African Certificate of Education examination in the province last year and had applied for teacher training, were offered places.

Mr. ole Marima: Mr. Speaker, Sir, would the Assistant Minister agree with me that the majority of our teachers are not trained and, therefore, in view of the fact that primary education from standards I to IV has been declared free by His Excellency the President, there is need for more qualified teachers throughout the country and this means having more teacher training colleges to train them? Is he aware of this fact and what is he going to do about it?

Mr. Rubia: Mr. Speaker, Sir, what actually has happened is that we have reduced the number of teacher training colleges and we have enlarged their intakes thereby making maximum use of the facilities given. The result is that we are having more students-teachers receiving training now. For the information of the hon. Member and the House, Sir, I can say that for the benefit of some of the areas in our Republic, such as the Member is asking about, we still train P3 and P4 teachers whereas in other provinces, like Central Province and so-on, we have ceased to train people of that standard. This goes a long way to show that Government is really determined to increase the number of trained teachers throughout the country in order to cope with the problem raised by the hon. Member.

Mr. Speaker: We shall go back to Mr. Muturia's Question.

Question No. 199

EXPANSION OF LARE HEALTH CENTRE

Mr. Mutua, on behalf of Mr. Muturia, asked the Minister for Health to expand the present Lare Health Centre to a modern hospital.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

Sir, there are no plans for expanding Lare Health Centre into a modern hospital.

Mr. Mutua: Arising from the Assistant Minister's reply, is he aware that Nyambene North Division is very large and far away from Meru Town where there is a district hospital? Therefore, would he consider giving people in Nyambene North a district hospital in order to enjoy modern hospital facilities like other Kenyans in the Republic?

Mr. Jahazi: Mr. Speaker, Sir, I think the answer was very polite and similarly the supplementary question has been polite. However, I did not understand the question to mean a request to our Ministry.

Mr. Speaker: Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

UNUSED WATER DEVELOPMENT FUNDS

Mr. Mulwa: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:—

[Mr. Mulwa]

- (a) Is the Minister aware that there is a likelihood for moneys granted to the District Development Committee in Machakos District to be returned to the Treasury at the end of this Financial Year for lack of planners in the Water Development Department to plan for the various projects in in the district?
- (b) In view of the water problem in the district, what steps in the Ministry taking to ensure that the projects for which this money was granted are implemented?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

No, Sir, I am not aware that funds allocated by the Treasury to the Machakos District Development Committee for water development are likely to be returned unspent. I am also unable to accept an allegation that such unutilization of funds, if any, is attributable to the lack of implementation within the Water Department.

Mr. Speaker, Sir, my Ministry is fully aware of the water problems, not only in Machakos District but also in other districts in the drier areas of the country. Every effort is being made to ensure that all projects planned and approved would be implemented.

Mr. Mulwa: Mr. Speaker, Sir, could the Assistant Minister tell this House whether, when this question was submitted, he took the trouble to get in touch with the chairman of Machakos District Development Committee who is also the District Commissioner, before he came here to reply to this question? In the last meeting we had, Sir, the water officer reported to the committee that a lot of money was to be returned at the end of the year because the Water Development Department could not plan for various projects which had to be carried out during the year. In fact, he asked the development committee to assist in finding private people to carry out the projects.

Mr. Wanjigi: Mr. Speaker, Sir, that is the version of the district commissioner for the area. My version is that the allegation made is not true. What we know is that a lot of time is spent between the suggestion of these projects and before they are approved by the district development committees. Nevertheless, Sir, we still have projects which have to be approved by the provincial development committees. So far, Mr. Speaker, Sir, these projects have not reached us up to now.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, according to Assistant Minister's reply, it would imply that I am not telling the truth. So, could we get something from the district commissioner, as the chairman of the district development committee, to the effect that the water officer in the area reported that in the last district development committee.

Mr. Wanjigi: No, Mr. Speaker, Sir, I did not suggest that Mr. Mulwa is telling a lie. What I said is that between the time the projects have passed the district development committee and the time they come to the designing stage, a lot of time is spent and therefore we cannot design them for implementation within any particular year. What our water officer in a given district may do has to be related to the total requirement of the whole country.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, you will agree with me that the hon. Assistant Minister is not replying to my question. I asked him whether he got in touch with the district commissioner to verify what I am saying here. Can he, therefore, tell us whether or not he got in touch with district commissioner before he came to reply to this question in this House?

Mr. Wanjigi: Mr. Speaker, Sir, we have our own officers in the field and we know where to get information. I do not have to say where I got my information from.

Mr. Mwithaga: Mr. Speaker, Sir, I believe that the District Development Committee in Machakos District, like any other district development committee in the country, discusses all these projects. All the officers who report to the district development committee have access to their senior officers and therefore they are knowledgeable of the plans the Water Department has in hand. If the officer of his Ministry reported to the committee in the manner the hon. Member is telling this House, is the Assistant Minister denying that the officer had any authority to speak on matters connected with water development in Machakos District?

Mr. Wanjigi: With due respect for the hon. Member for Nakuru Town, Mr. Speaker, Sir, the district water development looks after the affairs of water development in his district alone. When it comes to the department in general, it is not only Machakos District which is considered, but many other districts. It is not possible for a project which was approved yesterday to be implemented today. This is not possible, Sir.

Dr. Munene: Arising from the Assistant Minister's reply and in view of the fact that this is a genuine case would he tell us whether or not he is satisfied that his Water Department has enough employees to cover all projects approved by Machakos District Development Committee and also the Provincial Development Committee so that money allocated for water development is not returned before the end of June, 1974?

Mr. Wanjigi: That is an interesting question, Mr. Speaker, Sir, because it all depends on what one regards as "enough" employees. Quite frankly, Sir, we would like to have more water engineers and technicians. These people are not available but the House would appreciate the fact that we are making efforts to train our people to be water engineers and technicians. If we had the manpower, we would even treble the present establishment.

Mr. Nthenge: Arising from the Assistant Minister's reply and in view of the fact that there is a sum of money allocated for this purpose is he prepared to allow Members of Parliament from the area to find private individuals to implement these projects in Machakos District?

Mr. Wanjigi: If these projects have not been designed, by this time, Sir, it is not possible to design them and spend money on them before June, 1974.

PROTECTION OF KENYA FOOTBALL PLAYERS OUTSIDE THE COUNTRY

Mr. Masibayi: Mr. Speaker, Sir, I beg to ask the Minister for Co-operatives and Social Services the following Question by Private Notice:—

[Mr. Masibayi]

Can the Minister tell the House what steps the Government intends to take to make sure that Kenya fans will not in future be subjected to such horrifying and shameful acts of brutality of the kind the Abaluhya Football Club experienced in Ethiopia, as reported in the local Press?

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply.

There were no Kenya fans during the match in Addis Ababa on 19th May, 1974 when Abaluhya Football Club played against Asmara Football Club of Ethiopia.

Mr. Masibayi: Arising out of the Minister's reply, is he aware that this particular club is notoriously known to have done this kind of behaviour twice to our clubs in Kenya? If so, why should our Government not recommend that this particular club be deleted from the Federation of International Football Association?

Mr. Muliro: Mr. Speaker, Sir, I object strongly to the hon. Member's suggestion because, as I said, there were no Kenya fans in Ethiopia when the riots erupted. That is all I have told the hon. Member. Now, as to riotousness of the Ethiopian fans, the Kenya Football Association is taking appropriate steps through Federation of International Football Association and also the African Football Confederation. The answers will be given by world authorities which deal with football.

Mr. Tsuma: Mr. Speaker, Sir, realizing that Ministers have collective responsibilities, and when the Asmara Football Club wanted our team to meet them in Asmara the officials of our team asked Government to give them an assurance that they would be safe in Ethiopia, what did the Ministry do to make sure that there was going to be safety for our team in Ethiopia?

Mr. Muliro: Mr. Speaker, I have already answered the question which I was asked about fans. The Government of Ethiopia did their best to ensure that the match was properly held by the fact that the police in Ethiopia shot one person. This shows that the police were on the alert. There are some thugs among football fans all over the world. They are found in Nairobi, in Britain, in Russia, in Brazil and in all other countries. I am quite sure that when the Ethiopians discovered at the last minute that their team was not actually going to enter the second leg—with only one goal Kenya would have had two points and two goals aggregate, and Ethiopia would have had two points and only one goal, which means that Kenya would have gone forward—some queer fans started throwing bottles and everything else ensued. That is all that happened. But, of course, this does not mar the friendly relations between the two Governments. I also do not agree with the hon. Member that Ministers have collective responsibility as far as this matter is concerned. We have collective responsibilities as Kenya Ministers and we have no collective responsibilities at all with the Ministers in Ethiopia.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, do you not think that, probably, there is a mistake in the question because the hon. Questioner meant the Kenya players and not fans?

Mr. Speaker: Yes, it is true Mr. Muliro has tried to play up this word "fans". It is quite obvious that Mr. Masibayi meant the Kenya team. This is just a matter of language. I am sure anybody reading this question will know what Mr. Masibayi meant.

Mr. Muliro: Mr. Speaker, Sir, as a Minister, I reply to the question which I am asked. The question reads:—

"Can the Minister tell the House what steps the Government intends to take to make sure that Kenya fans will not in future be subjected to such horrifying and shameful. . . ."

Mr. Speaker, if the hon. Member meant the Kenya players, who were mishandled in Ethiopia, I would like to say that this matter is being taken up by the Football Association of Kenya in conjunction with the African Confederation of African Football Associations and the Federation of International Football Association. The Kenya team will not hold a match against any rowdy team like that at their ground but they would rather meet on a neutral ground.

Mr. Masibayi: Thank you very much, Mr. Speaker, for correcting this question. It was just a matter of common sense for the Minister to see that the question was not asking about fans but players. This, probably, was a typographical error.

Shall we take it from the Minister that what he has said will be taken as a firm decision so that in future our teams will not play with Ethiopian teams in Ethiopia, and that neutral grounds will be sought for such matches to be held?

Mr. Muliro: Mr. Speaker, Sir, as far as that particular match between Asmara and the Abaluhya Football Club is concerned, the decision rests with the Confederation of African Football Associations and the Federation of International Football Association to say who should go forward as having won the match.

With regard to the future matches between Kenya and Ethiopia, I have already said that Kenya will not only avoid playing in Ethiopia but it will be a principle that if any other team seems to be unfriendly, it might be a team from Zaire, Sudan or from any other country, our organization will demand that the match be held on neutral grounds.

REMOVING THE TUSKS OF "AHMED" FROM MARSABIT

Mr. Umuro: Mr. Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice:—

- (a) In view of the fact that "Ahmed" the elephant lived and died in Marsabit, why has the Government removed the tusks from Marsabit to Nairobi?
- (b) Since these tusks are of great help to Marsabit County Council and the local people in the way of revenue, will the Minister return the said tusks to Marsabit?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply.

(a) This country has had to date only one wild animal that has been given a Presidential Protection Decree, and that was the elephant "Ahmed", which lived in Marsabit.

[The Minister for Tourism and Wildlife]

On hearing about the death of this famous elephant His Excellency the President directed that the body be mounted for exhibition in the National Museum in Nairobi. This includes the tusks which, therefore, cannot be returned to Marsabit.

(b) Marsabit area has many other big elephants, which will still continue to draw tourists to the area for a long time and will earn revenue for the country and the county council.

Mr. Umuro: Mr. Speaker, Sir, while I thank the President for his decree, and also for the protection of Ahmed's body and tusks after its death, can the Minister tell the House why he should not find a suitable place in Marsabit to protect the body and the tusks? They will not be damaged there!

Mr. Shako: Mr. Speaker, Sir, it was considered unsafe to leave the trophies at Marsabit. Furthermore, Mr. Speaker, in view of the prominence that was given to this animal, it is fitting that after its death its body should be preserved in the National Museum.

Mr. Umuro: Mr. Speaker, Sir, can the Minister then tell us the benefits which Marsabit County Council is getting from this elephant? When the animal was still at Marsabit there were very many tourists going there to see it and a lot of revenue accrued to the county council, but they do not go there now. What benefits will the council get out of the payments made by the people who go to the museum to see the animal?

Mr. Shako: Once something is given a Presidential Decree it becomes a national asset.

Mr. Kholkholle: Mr. Speaker, Sir, the Minister has said that Marsabit has other elephants with big tusks. Can he name one of them?

Mr. Shako: Mr. Speaker, Sir, we are about to "baptize" one in the near future.

Mr. Kholkholle: Mr. Speaker, there were some rumours that there was an elephant by the name of "Abdul" which was going to replace "Ahmed". Can the Minister tell this House whether that elephant is still alive or whether it has been shot dead?

Mr. Shako: Mr. Speaker, Sir, we are trying to locate this animal, and as far as I know it has not been killed.

HARASSMENT OF *wananchi* BY POLICE IN MACHAKOS
WEST

Mr. Speaker: Mr. Mutiso-Muyu not in? Next Order.
(Question dropped)

BILL

Second Reading

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that The National Assembly and Presidential Elections (Amendment) Bill be now read a Second Time.

Mr. Speaker, Sir, I do not propose to say a lot of things when introducing this Bill because we have already discussed this matter before. I think I shall be

wasting the time of this House by going through this Bill clause by clause. I am sure hon. Members are aware of the reasons why we have brought this Bill to this House. Mr. Speaker, Sir, we do not want pretence in this Bill. I have no intention of repeating in this House why this Bill has been brought to this House apart from saying that the hon. Members have seen all the clauses included in the Bill before. I would like to commend this Bill to the wisdom of hon. Members because I am sure a good number of them are interested in seeing that by the time the General Elections are held—of course it is only His Excellency the President who knows when the elections will be held—we shall have one ballot box in every constituency in the country. Secondly the illiterate voters will be assisted—

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, since what the Attorney-General is saying here now is what people are going to take as the truth and in view of the fact that it is not possible to have one box for one constituency because in one constituency there might be more than one polling station, is he then in order to mislead the House that there will be one ballot box for every constituency?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, sometimes a person can get irritated by what in my view I would regard as childish argument. What we are abolishing at the moment, Mr. Speaker, Sir—

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, does the Chair agree with the Attorney-General that the point I raised was childish bearing in mind I raised that point in the interest of the whole country?

Mr. Speaker: I am supposing that you wanted to know whether there will be only one ballot box at a polling station. Surely, if such a box is filled up before polling is over, another one will be provided. What I think the Attorney-General meant to say was that there would be common ballot boxes for all the candidate from the same political party, but since we have only one political party in Kenya, there will be a common ballot box at every polling station. Some of these things require common sense, but it may not be very common.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, common sense is not common. For the benefit of the hon. Members—in the first place, let me apologize to the hon. Member if I have offended him. In fact, I had no intention of offending him at all. However, during the last General Elections each candidate had his own ballot box. However, according to this Bill in every constituency all the candidates will have one box. However, that does not mean there will be one ballot box in one constituency, but there will be a common box in all the polling stations in the country. Therefore, if a person steals that box, he will be stealing votes of all the candidates

Mr. Speaker, Sir, I honestly do not think I am in a position to say anything useful to this Bill which is very familiar to us.

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

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I rise to second

[The Assistant Minister for Tourism and Wildlife]

this Bill with very few words. However, I would like to point out to the hon. Members that something is better than nothing. Hon. Members should appreciate that fact without some misgivings. I hope as soon as this Bill is passed the Attorney-General will publish the regulations which will govern the elections. Members of the public are expecting the date when the General Elections will be held to be announced very soon. I hope that is going to take place very soon because the would-be candidates have already spent a lot of money, and if the announcement is delayed longer they are going to spend even more. The quicker the elections are held the better.

As hon. Members can recall a period of 28 days during which candidates will be given opportunity to campaign is a very reasonable period. I am sure members of the public will like to know from the candidates what a ballot paper is. Therefore, candidates need a reasonable period to explain that to all their constituents. I am sure that some of us who have been for a long time refused permission to see our constituents need a reasonable period to do that. That is the reason why I feel a period of 28 days is a reasonable one, and there is no reason why we should argue over that.

There are two clauses which I feel the Attorney-General ought to amend during the Committee Stage. Mr. Speaker, Sir, I feel that Clause 9 should be amended because in my opinion the register of electors should be revised every year. However, I have nothing to say on the other clauses because they are very familiar to us.

Since we are interested in having democracy in this country, we should pass this Bill without much debate. I am sure that this Bill once passed is going to remove some anomalies which took place during the 1969 General Elections. The other clause I would like to talk about is the one which talks about court proceedings. I am sure the time allowed for a candidate to appeal to the High Court is reasonable.

As I have just said, Mr. Speaker, Sir, it is very necessary for us to accept this Bill. I hope that as soon as this Bill becomes law, it will be implemented as it is, so that the members of the public can see that we are not passing a law which is only going to serve our interests alone. Therefore, the members of the public will have an opportunity to elect some other people if they feel that we are not performing our duties effectively.

With those few remarks, Mr. Speaker, Sir, I beg to second the Bill.

(Question proposed)

Mr. Mwithaga: Mr. Speaker, Sir, I stand to support the Bill and I have my reasons for supporting it. One simple fact is that the law that we used in the 1969 election was circumstantially beneficial to some of us and very ruining to others. It is normal to have some political experiences because by such experiences we learn more. I do not think whether the question of whether the law helped or did not help some candidates does arise now. We all know that we are constituted in

this House by the fact that the law was then in force. This particular Bill tends to give us a very democratic system whereby the absolute secret of the ballot will be realized. It is a very good Bill in that it wants those that are busy in the country rallying voters and who have been very busy in registering people in one or other constituency, importing and exporting voters, to find it difficult in making sure as to whether the people they import will, actually, vote for them. The country is, right now, waiting for this Bill and the earlier we pass the Bill the better. Therefore, I do not want to dwell very much on this Bill because we want it. A lot of people in this country are not sure as to what is going on and therefore they are waiting to hear what we are going to do today and what is going to happen in this House today. There are those who may want to argue that the Bill is still short of something but I would like to say that should that argument be brought forward and in order to try and avoid it— We had a Bill in this House which was passed by the House and it had, more or less, the same things as those contained in this Bill. This particular Bill is short of some of those things. I would, therefore, say that we cannot imagine and— especially, those of us who have been in politics long enough know that in physical organization we would— expect hon. Members and other candidates to have their own organized meetings without connexion with the machinery of the Government in the given field. That is why this particular issue is not in this Bill. Obviously, we have seen people pulled down from the platform by the youths and so on. Now that this particular section is not in this Bill, I think it is only a matter of reality. It is a fact that has been proved and we actually do not want chaotic elections in that politicians are very good at the game of hide and seek. It is possible for me to organize a group of youths and other agents to go and disrupt a meeting. Has the candidate got any arresting powers? It is easy to organize but not to arrest. This is a short Bill and it is only intended for a fair election.

Mr. Speaker, Sir, the other machinery is taken care of by the other Bill. There is one thing that hon. Members will want to query and this concerns the question of deposits. This issue was raised in the Bill which this House debated and passed but which has not become a law.

Candidates in the previous General Election, at the primary election, gave their deposits to the party headquarters. The candidates who went through the primary election had their deposits paid by the party. The hon. Members in the previous debate were wondering why such moneys were not returnable. I am saying this as a founder members of Kanu, not only its member but the founder member. The party discipline is not the subject matter of an election law. The party discipline required that all Kanu members intending to stand or to offer themselves at the primary election had to pay so much deposit to the party. That is not therefore an issue to be governed by the election law because an election law will not say that such-and-such a party will require its members to pay so much as a deposit. It was not in the principal Act and it is not therefore expedient to bring it in this particular amendment Bill. Therefore, the party discipline should be left to the party executive and the party president. The party also requires money

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which is a physical support of the party by those intending to seek approval by the party as good party members so that they can stand for election. I therefore say that those of us who feel are party members should leave that issue to party headquarters. If we want the party to refund us money, we should contact the party headquarters and not come to Parliament asking the party to refund us the money. We paid this deposit to the party and, therefore, the quarrel should be between us and the party headquarters and not through Parliament.

If it is the question of the deposit which the party pays to the returning officer on behalf of the candidate who has won the primary election, then, it is again a matter between the party and the returning officer to find out whether the money is returnable to the party headquarters but not to the individual candidate. I am saying this because this issue was discussed in the other Bill and we were made to believe that the money paid to the party headquarters should be the subject of law passed in this particular House other than leading the discipline of the party to be paramount as far as candidates are concerned.

Mr. Speaker, Sir, the other point concerns the question of the revision of the voters roll. I know that in a political country like Kenya, progressing like it is, we would want people to continue to register as voters but the fact that we should be given the period to allow the youth to mature and reach the age of 18 years should be there. The children reach this age every month and we cannot continue to revise the voters roll every month in order to accommodate such maturing youth. I am sure the House will agree with me that we vote money for purposes connected with the election, revision of voters roll and the rest. The House would not ask for Supplementary Estimates in order to have a monthly revision of voters roll. In fact, even the officers connected with such will find it very cumbersome. Mr. Speaker, Sir, hon. Anyieni, whom I believe is towing the line should be the first to interpret what I am saying. He supported the previous Bill and I want to see him supporting this other Bill if he is not conflicting his conscience. I am saying with clear conscience—I have no conflict of conscience and if the hon. Member has, I will leave him to his authority. I am saying that the question of revising this roll—I am sure the hon. Member knows that the district commissioner in Kisii is the chief registrar and the returning officer and therefore he would have it cumbersome if he had to revise the voters roll every month. He would need an officer to do that. The hon. Member should wait and hear whether or not such a thing can be said in this House. Anything is possible, and anything can be said in this House, and I wonder what he would say if it is said.

Now, Sir, I am appealing, therefore, to the hon. Members who may be thinking of amending this particular Bill to leave it as it is.

Hon. Members: Why, why?

Mr. Mwithaga: Mr. Speaker, Sir, I am saying that if it is left as it is, we will have achieved one common thing that all of us were interested in, and that is the secrecy of the ballot.

Hon. Members: Hear! Hear!

Mr. Mwithaga: The conduct of our campaigning and electioneering meetings, the question of the organization of our constituencies can, obviously, be taken care of by other laws. There are laws, Mr. Speaker, like the Societies Act, the Public Order Act and the Constitution itself, and we should leave them to take care of other things. The only thing I would like to say here in conclusion, Sir, is that if we do not accept the principle in this Bill, then we are asking that we go back to the 1969 regulations. Therefore, by accepting the principle—

An hon. Member: Capitulation therefore!

Mr. Mwithaga: Mr. Speaker, if hon. Seroney does not agree with me, he should wait for his chance to speak. Mr. Speaker, it is no good being bitter over anything. The principle of this Bill even helps the hon. Member himself in his constituency. Therefore, all I am saying is this: I would appeal to the Attorney-General and other forces of the law to ensure—as the Attorney-General indicated to this House yesterday, we are not going to have fellows getting political power through uncouth methods in the coming elections.

Hon. Members: And illegal means!

Mr. Mwithaga: Yes, and “migrant” methods. Those who feel politically insecure and would wish to get political power through a narrow and shallow approach and other very intriguing methods shall be subjected to the forces of the law before they are able to confuse our masses.

Mr. Speaker, Sir, I would also appeal that this Parliament, through the Mover of this Bill, who is the Attorney-General, should appeal to the entire electorate not to allow issues of property ownership, companies, farms and the rest to be used as disguised political parties.

An hon. Member: That is all what politics is about!

Mr. Mwithaga: Mr. Speaker, Sir, an hon. Member here says that is all what politics is about. However, Mr. Speaker, Sir, I am saying this for the benefit of myself and for the benefit of the hon. Member as well. Mr. Speaker, Sir, the hon. Members on the Front Bench, who are responsible for this Bill, should be the most patient here, and not to interrupt unnecessarily.

An hon. Member: Those are your fears alone!

Mr. Mwithaga: Now, an hon. Member over there says that these are my fears alone. However, for his information, I would like to say here that my constituency is quite safe, and this is not mere propaganda.

Hon. Members: How do you know that?

Mr. Mwithaga: I will come back to this House, for the information of the hon. Kase.

Hon. Members: Hear! Hear!

Mr. Mwithaga: Therefore, Mr. Speaker, I welcome the Bill because it is instrumental to my coming back, and we shall meet with hon. Kase, perhaps, in this House next year.

Mr. Speaker, I welcome the days stipulated in this particular Bill since they will enable the hon. Members with large constituencies to have enough time to move around.

An hon. Member: Talk about properties!

Mr. Mwithaga: Mr. Speaker, Sir, the hon. Members with large constituencies will be able to move round their constituencies and handle their electors as well as their rivals.

Therefore, Sir, welcoming the Bill and supporting it wholeheartedly, and hoping that we shall pass it today. I beg to support.

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Speaker, Sir. Since this Bill, in substance, was very well debated in this House, would I be in order to propose that the Mover be now called upon to reply?

Hon. Members: No, no! It is very early for that!

Mr. Speaker: No, I think that is premature now. I can see that Members still want to say something on the Bill and, therefore, we will give them an opportunity to do so.

Mr. ole Marima: Mr. Speaker, Sir, I thank you very much for giving me this opportunity to speak. It is my hope and belief that all of us here have one intention, and that is to produce a fair system, so that those of us who are defeated in the elections will not complain, and those of us who get elected will get elected fairly. This is the democracy we vowed to protect.

Mr. Speaker, Sir, I must say that I personally, realizing the predicament we find ourselves in, feel that we must support the Bill.

Hon. Members: What predicament?

Mr. ole Marima: Hon. Members are asking what predicament. Let us be realistic now because we all know that we passed a similar Bill here but the Bill has not been given Presidential assent. Therefore, we are either going to go back to the 1969 election rules or we will have to accept this particular Bill. After all, something little is better than nothing at all!

Hon. Members: Hear! Hear!

Mr. ole Marima: Mr. Speaker, Sir, in any argument, you are not a good spokesman if you are not prepared to lose somewhere and gain elsewhere. Now, in this particular case, we are losing something and gaining another. We are, in fact, gaining what is basically important, namely, one ballot box for every constituency. In that way, hon. ole Marima will have no way, if he is against the hon. Khaoya, to throw his ballot box into the ocean. This is only a hypothetical example, and I know he is going to accept it.

Mr. Speaker, Sir, we are also provided with a way of avoiding the other possibility of having a biased officer marking hon. ole Marima's papers instead of those of maybe a Mr. Mukuru. We shall be provided with agents, and that means that no matter how many candidates there will be, there will be agents for all of them.

Hon. Members: Hear! Hear!

Mr. ole Marima: Therefore, in my opinion everything is at a finale. We are trying to reach far more deeper into other little things, but these are basically the most important things in this Bill.

Mr. Speaker, Sir, I am hoping that while we are debating this Bill, the Attorney-General and the whole

Front Bench will not be unreasonable if we make minor amendments. There will still be amendments that we would like to make, and they should be subject to debate without emotion, and without anybody thinking that So-and-so is introducing this because he is against this, or is fighting this and what-have-you. Let this be a fair game. If I may give an example, in clause 1, the Attorney-General has indicated that he is going to remove that little bit after the word "1974", which talks about giving a Minister some powers in this Bill. This is where we should give as well as take. We are hoping that the Attorney-General and his colleagues will accept the fact that it is unfair to have somebody travel, for example, from Moyale to Nairobi to pay his deposit. There is a danger of your vehicle breaking down or getting bogged down in the rain at a time when you know that you have limited days and that you may be time-barred. Therefore, it would not be calling for too much if we say that the deposits should be deposited with the district commissioners.

Hon. Members: Hear! Hear!

Mr. ole Marima: Sir, I am not going to take a lot of time but I am appealing to my colleagues here—I think it is accepted that some of us are not used by anybody to state that this Bill is better than nothing. This is because we either have it or we do not.

With those few remarks, I support.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I agree with the hon. Members who spoke earlier on, and I would like to say a few words on this Bill. I agree wholeheartedly that this Bill is better than nothing as some hon. Members said. I am quite happy that the Government has seen what happened; we were all bogged down with petitions in the high court because of what was happening. In fact, it was rumoured all over the country that some people had access to the Government Printer and got more ballot papers in booklets because there was no better method. They just went and took these ballot papers and then put them in ballot boxes. This was a very serious matter. I think we are all quite happy that we will be able to have something which we can rely on.

It is true that we cannot get 100 per cent of what we want, but I think this is something to the right direction. It is very difficult to trust anybody during the elections. In the last General Elections, Government officers were not neutral and impartial as they were supposed to be. I think this time Government will be very keen and vigilant to make sure that its officers are impartial and that they are not going to be used by some people to humiliate some candidates. I think this is a very important point, and I hope the Minister of State in the President's Office, who is in charge of administration and Civil Service will this time see to it that these types of complaints are followed up.

The other question is on the presiding officer marking a ballot paper for somebody who does not know how to read and write. During the last elections the presiding officers behaved as if they were the only people who were sensible. I think this time the "agent" will be given all the opportunity to make sure that whatever is being marked is for the proper and right candidate. It should

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also be noted by the hon. Members who are going to contest for seats in the forthcoming elections that it is necessary to have educated agents who can be able to face the notorious presiding officers.

I would like to say something about the exercise on the registration of voters which was conducted recently. The method employed was very poor and nobody knows how many cards were used in this exercise. I do not think there was any check on this. There were so many spoil cards and papers and, therefore, next time when we engage in revising the voters' roll, we should make sure that some good arrangement is employed because the method which we used recently had loopholes in that anybody could register himself anywhere in the country. Therefore, Sir, I think we must also be very careful especially when ballot papers are being printed. This is because, as I said earlier on, it is difficult to trust anybody during the elections especially civil servants who really hate—More or less 60 per cent of civil servants hate hon. Members of Parliament and, therefore, we must be very careful since that is the only place they can get your leg and twist it.

With these few remarks, I beg to support.

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir—

Hon. Members: Hear! Hear!

Mr. Gichuru: Thank you very much, Mr. Speaker, Sir. I am glad that this Bill has been amended in the way it has been done. I have listened to most of the hon. Members who have spoken and I have no intention to repeat what they have said. My intention was just to stand and say that I fully support the Bill.

Hon. Members: Hear! Hear!

Mr. Mulwa: Thank you very much, Mr. Speaker, Sir. I think we ought to thank the Minister for Defence for his preciseness.

This Bill has come at the right time and, therefore, we should support it. As an hon. Member said, something is better than nothing. What was worrying hon. Members here as far as the elections are concerned was voiced when the other Bill was debated. There is a fear that some hon. Members could be refused licences to address public meetings during the election campaign. Today Kenya stands as the corner-stone of democracy among the African countries. This is something that we should be proud of when we take into account that not very many independent African countries have elections like we have here. It is the way we conduct our elections, the way we allow the freedom of speech of our candidates that will determine our maturity. My learned friend, the Attorney-General, who has been the custodian of the rule of law in this country, should try to educate his colleagues and members of the Civil Service that they should leave politicians alone during the campaign time and that there should be no repetition of what happened last time whereby some Members were refused to address meetings. Mr. Speaker, Sir, the only fear with the hon. Members is that they might be refused to address meetings. I do agree that it is not necessary to have all these provisions

in the Bill because if somebody is out to destroy another one he will always get a way of doing it. Even if we put the provision in the Bill that no Minister will use the civil servants to refuse a politician to address a meeting there are a hundred and one ways of achieving that. That is why I said that there is no need of including all these provisions in the Bill because by doing so we do not achieve anything at all. What we need is good will and maturity among politicians. I say the politicians because I have refused to accept the fact that the whole blame should be put to the civil servants. The civil servants are used by we, the politicians in this House. It is wrong every time a politician stands here to behave like an ostrich which buries its head—exposing the other body—in the sand when it senses trouble. The civil servants are there to do what they are told by their superiors. Normally the civil servants will do what they can so that they may please their bosses. It is only the politicians who are capable of using the civil servants to carry out duties which please them. If the civil servants are left alone they will perform their duties according to the law but once you use the civil servants to destroy your political opponents then there is no point for you to come here and say the civil servants are doing this and that. We as politicians should behave like mature people. We should continue to show the maturity which this country has shown through our President Mzee Jomo Kenyatta.

An hon. Member: It is the Ministers who are doing this!

Mr. Mulwa: You can say that this is being done by the Ministers but I do not know what you will do tomorrow when you become a Minister. Let us address ourselves as politicians who are all Members of Parliament. I am not going to accept the fact that we should blame the Ministers for these activities. Tomorrow I could be the Minister and start destroying hon. Munyasia politically by using the Civil Service. This is the wrong thing to do. I am glad the hon. Minister of State, President's Office is here today to listen to what the hon. Members are going to say about this Bill. I am also pleased to note that my hon. friend, the Attorney-General, is present in the House. Mr. Speaker, Sir, what we need is to have a goodwill to each other. This is the point which should even be emphasized when we are holding our Kanu Parliamentary Group meetings with His Excellency Mzee Jomo Kenyatta, our President. When you stand as a candidate in a certain constituency you should not harbour the belief that you are the only person who is fit to be elected in that area. You should accept to be defeated in the election. You should not use your powers when you see another small man coming to campaign against you. You should not employ the civil servants to destroy your opponent, Mr. Speaker, Sir. This is wrong and it is a practice which has brought the downfall of various countries which we have read about. Let us learn from experience. We should also learn from history and from what has happened to our neighbours in these matters. We should avoid what has befallen our neighbours. We should make Kenya the true example of democracy based on experience and the wise leadership of President Kenyatta. We should also learn from what has been

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experienced by some other countries. Mr. Speaker, Sir, I do not wish to take much time of the House— In any case hon. Members should not start rising in their places because I have not sat down. I have not finished my speech as yet. I am just about to sit down and give chance to other hon. Members. Mr. Speaker, Sir, I do not wish to take much time of the House but I am going to appeal to my colleagues to accept this Bill as it is now because it embodies one principle which is very important in the forthcoming elections. This is the principle of having one ballot box of all candidates in a constituency as opposed to what we had in the 1969 elections and which gave rise to very many petitions in the High Court after the elections. I think the next time we shall improve on this principle because it is not an end to everything. In fact it should be the beginning, Mr. Speaker, Sir. During some other elections we can have some more suggestions as to how we can improve on what we have at the moment. It is a common knowledge that for some reasons or the other the Bill which we passed here could not be accepted with goodwill. Let us not behave as if the refusal of that Bill has been a showdown on the part of the hon. Members. We should let the Bill to go through and prepare ourselves for the elections with the goodwill which I said that we should have. We should be prepared to be defeated or to win.

With those few remarks, I beg to support.

Mr. Seroney: Mr. Speaker, Sir, I am afraid that I must disagree with a little of what has already been said about this Bill. The Attorney-General assumed that everybody knows what has happened to Bill No. 9 which was passed in this House some time ago. That Bill had a similar title to the Bill which we are discussing at the moment.

An hon. Member: Can you guess what happened to it?

Mr. Seroney: Mr. Speaker, Sir, an hon. Member is asking me whether I can guess what happened to that Bill. How can I guess what happened to it when I do not know exactly why the course which has been taken on that Bill was taken. I have not been told that a particular clause in that Bill was objected to because of this and that. Therefore, we should be careful not to create a very dangerous precedent here.

An hon. Member: Which one?

Mr. Seroney: Mr. Speaker, Sir, the dangerous precedent which I am talking about is this: Here we are today discussing this Bill, Mr. Speaker, Sir. We are all here but some of us may keep quiet while the others may speak in support of this Bill. If this Bill is passed then some people who are opposed to this Bill will go outside and work for the downfall of this Bill and try to come back to this House to exempt the same Bill from the provisions of our Standing Orders. We have Standing Orders which require all of us to participate in debates in this House.

An hon. Member: We make those Standing Orders!

Mr. Seroney: An hon. Member over there is saying that we make those Standing Orders. I agree we make them but we should not change them arbitrarily.

Mr. Speaker, Sir, this Bill has got very many dangerous omissions which we cannot afford to pass unchallenged. We do not want—later on when we complain—to be told that we were in the House when this Bill was passed and that we proposed no amendments to the Bill. That is why several amendments are going to be brought forward by hon. Members.

Mr. Speaker, Sir, as far as this Bill is concerned everything is wrong with the very first clause. The first clause says that this Bill shall come into operation on such date as a Minister may, by notice in the Gazette, appoint. Mr. Speaker, Sir, if this is the case either the Attorney-General wants the 1969 Act to be amended by this Bill or he does not want it to be amended at all. There is no need to postpone the operation of this Bill because if we do so it means that we will continue to be governed by the 1969 regulations. If the elections were to come before the Attorney-General, who is the Minister in this case, puts a notice in the Gazette, then what we are passing today will not be law and we will be governed by the 1969 legislation. That is why some of us are going to amend this Bill by deleting those words in clause one of the Bill.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I hate to interrupt an hon. Member if he is telling what the position is but I think the hon. Member is not in order to mislead this House by what he is saying. May I, with your permission, Mr. Speaker, Sir, explain why this clause was included in the Bill.

Mr. Speaker, Sir, there is a by-election pending at the moment and if this clause is not there—and I can tell the House I am prepared to remove it—if these few words are not there and this Bill comes into operation tomorrow, then, of course, the by-election pending today somewhere, will have to be re-done again. All the steps we have taken so far will be null and void. That is the only reason why these words are there and I do not think it is fair for the hon. Member for Tinderet, in his desperation, to try to mislead the House.

Mr. Seroney: Mr. Speaker, Sir, I must not know what is behind the thinking of the Attorney-General. I go by what I read in the Bill. So, Mr. Speaker, Sir, I still maintain that there is no cause to include that particular clause and I think it should go.

Mr. Speaker, Sir, this Bill is silent on something very important and something which we had cause to regret during the past weeks. I am now talking about the registration of voters. The reason why we have had so much messes in the registration of voters is because for the last five years there has been no revision of the voters' roll. That is why when it was announced that the register will be re-done again there was such a rush and so many abuses. If this register had been revised regularly, every year, for example, there would have been no rush, no abuses and no one would be transporting voters from place to place in large numbers as was the case, because it would have been purely a matter of routine, a few people coming of age and going to the district commissioner to be registered when they have attained the age of 18 years. At the same time, somebody may go to the district commissioner to tell him,

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for example, that during the last elections he was living in Nairobi and has gone to live in Eldoret and therefore should have his name inserted in the register of voters at Eldoret. This could have been done without all these abuses. Therefore, this is an omission which I hope will be rectified on time. Another omission is with regard to clause five. The Members who have spoken before me have said that something is better than none. We have a saying in my language which talks about removing the actual knife from a child and giving a wooden knife to the child.

Hon. Members: Tell us how the saying goes in your language.

Mr. Seroney: Mr. Speaker, Sir, hon. Members want to know it in Nandi. I hope I will assist the HANSARD Reporters in corrections if there is any mistakes. The saying goes something like this: *Ngerebe lakwa rotwo kigochi get*. It means that if you take a knife from a child you should give him a wooden one. Mr. Speaker, Sir, with all due respect to the Attorney-General and the Front Bench, this Bill is just doing that. They are taking the actual knife from us, which was the previous Bill, and giving us this other Bill, which is like a wooden knife to console us with.

Mr. Speaker, Sir, if you look at clause 5 of this Bill— Well it has been claimed by hon. Members as being a great contribution to the mistakes of 1969. I am talking about ballot papers and ballot boxes. I agree that this is an advance but, Mr. Speaker, Sir, there is something in this country which I find most disturbing. We are arriving at a situation where we cease to be a nation with citizens having rights. We want to talk ourselves into a situation where we will be begging for favours all the time and where we should be grateful for the little we are offered. Is this *Uhuru*? The right to stand for a Parliamentary seat is a Constitutional right. We do not have to ask anybody for it as a favour. Therefore, we should device laws which guarantee this Constitutional right.

There was one clause—if Members would remember, when we were debating on another Bill there was a clause in the original Act, which is proposed to be amended now, which is not mentioned here and which I described as very dangerous. I am referring to the clause which said, and I quote:—

(a) "No person shall be nominated by a political party at the preliminary election to be a Member of the National Assembly unless he is qualified in all respect etc.—

(b) He is qualified and has complied with any provisions of the constitution or rules of the political party concerned".

Mr. Speaker, Sir, the (b) part was the most dangerous one. Now, I want to take the Attorney-General to task on this one. Let us talk about the constitution. We have only one political party now, Kanu. There is no other political party because the Attorney-General has not agreed to register any other. This party, Kanu, presumably has a constitution, but I do not know, myself, what constitution Kanu has today. Is it the Limuru Constitution of 1966 or is it the Mombasa Constitution

of 1971? If it is that of Mombasa, when was it ratified? This Act also talks about rules made by a political party. These are the rules which were used last time to provide for these unrefundable deposits. When were these rules of the party made? We want to know. Mr. Speaker, Sir, delegated legislation is very common but there are rules to govern delegated legislation. If a body like a local authority delegates some powers, there are certain safeguards. One of them is that they must comply with the requirement of natural justice and, of course, you should not make legislation which are unconstitutional or discriminatory and so on. However, we have no safeguard against leader of a political party getting up one morning and saying, for example: "With the coming elections, we will say that everyone must have been a life-member for the last three years." Just arbitrarily like that because there we have no safeguards. Therefore, Mr. Speaker, Sir, I do not think we should entrust such powers to a disorganized party which does function and which does not want us to know how much money it has in the bank. So, Mr. Speaker, Sir, I feel it is important that we pay deposits, but these deposits should be returned to us and I hope when the Member concerned moves an amendment on this the other Members will support this provision. The point is that we do not want the anxiety which we went through the last time. The important thing is that we have been assured time and again that this clause will not affect the seating Members. All right, Mr. Speaker, Sir. If this clause is not intended to affect the seating Members, then I sincerely hope that they will have no objection to accepting the amendment.

Mr. Speaker, the other thing I would like to touch on is about the Returning Officer, who is supposed to assist the illiterate voters. I think it is a good thing that the Attorney-General has included this in the Bill. However, Mr. Speaker, I do not particularly like the words, "shall allow" because some of these people get swollen-headed if they are required to allow certain things to happen. Therefore, I prefer the old wording in a different Bill and I notice one of the hon. Member is preparing an amendment to restore the old wording. I am saying this because these returning officers should not be given the idea that they are doing us a favour.

Mr. Speaker, Sir, quite a number of hon. Members have spoken about public meetings and civil servants. Again I must insist that standing for elections is a right and not a favour. Therefore, we do not have to go to the district commissioner and kneel down to ask him to allow us to hold meetings. It is true that we can be assured that no candidate will be refused a licence to hold a meeting. However, how often have we raised this complaint in this House only to be told that this will not happen again? It has happened that a few weeks after the assurance that this will not happen again we get the same complaints here, of hon. Members being refused permission to hold meetings. If we have not been able to solve this particular problem during the last five years, how can we accept any assurance from the Front Bench now? How can we accept the assurance that certain candidates will not be stopped from holding meetings during the coming General Elections. I am saying this because last time we were given

[Mr. Seroney]

ten days for campaign and I must thank the Attorney-General here for increasing the period to 28 days. Mr. Speaker, although we were given ten days to campaign, we were only allowed to hold four meetings. To make the matter even worse, we were told to wait until somebody else called "Kanu" organizes the meetings. Do you know what they did, Mr. Speaker? It is true that as a sitting Member you cannot cover every corner of your area. Therefore, these people arranged meetings to places I had never been for a long time so that they may tell my voters, "Look, he is now coming to ask for your votes, where has he been for all this time?". It is equally interesting, Mr. Speaker, that I still prefer an arrangement which was used by the District Commissioner of Kapsabet during the last Local Government Elections. The arrangement, Mr. Speaker, was this. Immediately after nomination, the district commissioner as the returning officer called all the candidates in the presence of the police and then arranged a schedule of meetings for the campaign period. If we have something like this, Mr. Speaker, it would safeguard candidates from some arbitrary business like being required to go to the district commissioner to ask for a licence to hold a meeting. Therefore, the point here is that all the candidates meet together and arrange the schedule of the meetings they want to hold. I think this is a much more superior method of safeguarding the rights of candidates rather than having each individual candidate going to the district commissioner to ask for a licence. If hon. Members want to safeguard their rights, I think they should support me in saying that a schedule of meetings should be worked out and, then licences issued to cover them. What is wrong in that? I hope that the amendment which will be moved will be taken in good faith by the Government and will not be interpreted in a way that may create some unnecessary confrontations.

Mr. Speaker, Sir, it is good that instead of leaving the other Bill to rot, thereby leaving us knowing nothing about it, the Government has come forward and indicated that they have run into difficulties with the other Bill.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Therefore, Mr. Deputy Speaker, this Bill which has been introduced— Although the Attorney-General kept on referring to the other Bill as Seroney's Bill, I will not refer to this particular Bill as Njonjo's Bill, nor will I treat it in the same way as he treated my Bill.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Speaker, I do not intend to interrupt the hon. Member, but I would like to inform him that I did not refer to his Bill as Mr. Seroney's Bill in my speech.

Mr. Seroney: Mr. Deputy Speaker, Sir, I did not say that the Attorney-General referred to my Bill as the Seroney's Bill in his speech today although he has done so somewhere else.

Hon. Members: Where! Tell us.

Mr. Seroney: I do not think we should carry the issue much further. Therefore, I would like to commend this Bill as well as the amendment to hon. Members. I am sure none of us would like confrontations of any kind. However, I would like to ask hon. Members to realize that they have certain rights and they should insist on those rights. I am sure that if things are explained properly, there is no need for anybody to feel that he was being challenged.

Mr. Deputy Speaker, there is one last thing I would like to mention and this is with regard to a certain rumour which is being spread by a certain category of civil servants that they were instrumental in killing this Bill. Now, Sir, the civil servants have a Code of Regulations which bars them from taking an active part in politics and also from showing which candidate they support. They have a right to vote but they are not supposed to show whom they are going to vote for. They are supposed to keep it in their own hearts. I believe there is such a kind of regulation somewhere in the Civil Service Code of Regulations. However, the regulation seems to be no longer meaningful because civil servants are being encouraged to break it time and again. Not all the civil servants are responsible for this because this category involves the very senior civil servants though not all of them. I do not want anybody to misunderstand our wish when we say that we should put into law the requirement that a civil servant should not campaign for any candidate, nor should he in any way express his support for or opposition against a certain candidate, nor should he take part in organizing a political meeting for any particular candidate. I am saying this because anybody in this House who is going to oppose this should know that he is encouraging the civil servants to do just that. Now if civil servants are going to do this, why should we complain when a penalty is provided for? The penalty is supposed to hit the wrong-doers and, therefore, those who are not wrong-doers should not be worried.

With these few remarks, I beg to stop there.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you very much, Mr. Deputy Speaker, for giving me an opportunity to express my views on this very important Bill. Mr. Deputy Speaker, we in this House have very different ways of doing things. The way we behave, the way we talk, the way we sit and the way we do all sorts of things is very important. Therefore, it is pointless for certain Members to come here and generalize things by saying "we"—however, we respect the expression of opinions. If the opinions of some hon. Members in this House are found to be concrete, this is where we go.

Mr. Deputy Speaker, Sir, I think we have spoken a lot and I do not want to repeat what other hon. Members have said because that will be taking too much time of the House for nothing. However, I would like to say that when we make laws for this country we do not make them for, say, Moi, Kariuki or Seroney. We make laws for everybody in the country. No one can say today that the amendment was made for the Front-benchers or Back-benchers. When we leave this Parliament and go out, then we shall be

[The Vice-President and Minister for Home Affairs] ordinary citizens of this country seeking mandate from the *wananchi* to come back here. Therefore, there will be no Front-benchers or Back-benchers as such.

I would like to say that the most important thing the Member for Tinderet said was the mention of the word *Uhuru*. However, I am wondering whether he has found anywhere in the world, even in the democratic ways of life of Britain, where an unlimited number of candidates are allowed to stand for election freely? I am sure that this is not done anywhere. Therefore, the views and sentiments which most hon. Members held very strongly are those which are acceptable to us: namely, those feelings and sentiments which have been repeatedly spoken of by all hon. Members and that is one ballot box for all candidates. This is very important, Mr. Deputy Speaker, Sir!

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): One hon. Member spoke and said that some ballot boxes went this way and that way and others went into the rivers and all that. Now, all that we are trying to do is to ensure that no ballot box is lost. No one will draw more than one ballot box because—

Mr. Mutunga: On a point of order, Mr. Deputy Speaker, Sir. I am sorry to have to interrupt my good friend, the Vice-President and Minister for Home Affairs, but I am not quite clear on something he said. The Vice-President earlier on said that when we leave this House we shall be honourable citizens—

Hon. Members: "Ordinary" citizens; not "honourable" citizens!

Mr. Mutunga: Yes, ordinary citizens of this country. Now, does that mean that the Vice-President will have resigned his post as the Vice-President of this country? Does that also mean that Government will resign as soon as this Parliament is dissolved?

Hon. Members: No! No!

Mr. Mutunga: Can I have clarification from the Chair?

Mr. Deputy Speaker: No, the Government does not resign as soon as Parliament is dissolved. Ministers continue being in office until after the elections.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, we shall all be ordinary citizens of this country. We shall not be treated differently from other candidates. That is all what I said.

Now, if we shall have only one ballot box for all the candidates, then it will be very difficult for somebody to destroy one particular ballot box so that he could ruin a particular candidate. It will be very difficult even for a civil servant to destroy one ballot box because there will be no favouritism for any one candidate. Similarly, names will be marked in such a way that the voter will vote for the candidate whom he or she wants to cast his or her vote for.

Another point which I would like to stress, Mr. Deputy Speaker, Sir, is that we have to respect Kanu.

The Member for Tinderet said something about the Kanu, but I would like to tell him that if we are for the Kanu Party, then we should try to strengthen the party and respect it rather than trying to despise it and saying that nobody should go through it. Sir, nobody will be denied the right to be a candidate and contest for a seat in any given area. Hon. Members have expressed their views that we should not be collected together and asked to share the same meetings with other candidates. Personally, I would not like to hold a meeting and then carry a person who, if he called a meeting of his own, would not get even one person to attend it. He would try to learn the art of speaking from me or any other hon. Member who is experienced. Let one go on his own way and the other on his own way in canvassing. However, I am sure that they will not get any followers.

Mr. Deputy Speaker, Sir, the most important thing—and I would like the hon. Member for Tinderet to understand this—is that protection of each candidate is very important. This is because we are not the same and some candidates would like to use violence and others would like to campaign peacefully. Therefore, in that case, if the Member for Tinderet would like to hold a meeting today in his district, there should be sufficient number of policemen to be around to keep order. However, his opponent would hold his meeting tomorrow and the next candidate would hold his meeting the next day and so on and so forth. In this way they would hold their meetings very peacefully. Otherwise, without the Administration Police—

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir. The Vice-President and Minister for Home Affairs has referred to me as though I said that police protection was not necessary. Sir, in the whole of my speech, and even in my previous amendments, I was mainly concerned with the police to maintain law and order. I did not say that police were not required.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, what I was saying is that supposing there are about 20 candidates in an area who want to stand for election and, of course, it is not possible to hold 20 meetings in a day. Each candidate has to be given a chance to speak at his own time and on his own day. This means that the meetings have to be held one after the other to make sure that every candidate has an opportunity to explain to the people without any fear how he is going to help them. This means that there has to be policemen to keep law and order.

Mr. Deputy Speaker, Sir, many hon. Members expressed their views here last time and, therefore, I feel that we should not dwell very much on the same issues all the time. We should not repeat what other hon. Members have said. Therefore, I am of the opinion that there is no need to amend the existing Bill or law as it is today for all purposes because it serves the interests of all hon. Members equally. I am sure that even the prospective candidates are here in the Galleries to hear what the future hold for them. Therefore, we are not the only candidates for the forthcoming elections.

[The Vice-President and Minister for Home Affairs] I am sure that if the other candidates had the opportunity, they would have dropped in the Chamber and spoken their mind as well. They would also say something as to how they would like the elections to be held.

Mr. Deputy Speaker, Sir, as I said before, we should allow this Bill to go through and carry it through to the Third Reading today, with the leave of the House, of course. Hon. Members spoke of transportation. Of course, we should bear in mind that we have regulations governing elections and we just cannot do it the way we want. These regulations, I am sure, are known and nobody should ask the Attorney-General to bring them to the House. It is said in one of them that no one should use his own lorry to carry the voters. He would be disqualified. He should not also hire lorries to do that. Therefore, some of these things are even more important than the Bill itself because some small minor things could disqualify somebody from participating in the elections. I think the best thing is to avoid buying people beer because their heads will "go round" for five years before they realize that they elected So-and-so just because their heads were "going round and round". They should avoid this practice completely. They should, at least, avoid accepting such things. However, they should be determined to select a good candidate who will serve them well.

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

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir, for giving me chance to speak on this Bill.

First of all, Sir, I got tempted to emulate the hon. Member for Limuru, by merely saying that I support the Bill, but I have a few comments to make before passing the Bill.

Mr. Deputy Speaker, Sir, the Member for Tinderet said, correctly, that this particular Bill omits a great deal, which some hon. Members, including myself, would have wished to see included. However, I cannot say that because of that we should reject the Bill; nobody has said that. That is why I am saying that the House should be prepared to accept the Bill. I understand that some hon. Members wish to amend the Bill when it goes to the Committee Stage. May I, therefore, point out two things, Mr. Deputy Speaker, Sir.

First of all, I would like to appeal to my hon. colleagues that we should not, in amending this Bill, do anything in this House because of suspicion. I say this because once one has joined the game of politics, one must realize that it is a power game. Once somebody is in a seat higher than yours, it is very unrealistic to make noise in this House saying that So-and-so is unfair; that is the very basis of this game. Sir, you must make sure that nobody else is near you. It happens in this country, and also in every other country and, therefore, we want to keep the power game. Mr. Deputy Speaker, Sir, it is no good hon. Members saying that So-and-so is a Minister, or an Assistant Minister and is being unfair to me. I am sure, Sir, that this is exactly what is being said about Members of Parliament by non-Members. Sir, non-Members of Parliament feel we are not being fair to those who are not Members of

Parliament. This, Sir, is a rule by which we play the game of politics. Therefore, when we try to amend this law, we should not try to sound as if we are introducing some moral judgement on this game. I am quite confident that when I become a Minister I will be playing exactly the same game these people played. Sir, none of us is different because we are playing a game according to the rules which are as ancient as politics itself. Therefore, I feel that any amendment brought to this House should not be brought on the basis of suspicion or on the basis that So-and-so is unfair to us or that So-and-so is doing it differently from anybody else.

Secondly, Sir, I would like to talk about party involvement or the position of civil servants in the game of election. In the first place, Mr. Deputy Speaker, Sir, civil servants are citizens of this country. Unfortunately, because of lack of control by politicians, we have a tendency to give civil servants room to do the things we do not want them to do. Why, then, should we blame them? An hon. Member said in this House that nature hates vacuum, and so do politics. If we, in this House, are not prepared to indicate where and when civil servants should be involved in anything, then we should not complain when they occupy our positions.

An hon. Member: We have pointed out that one.

Mr. Ayah: Mr. Deputy Speaker, Sir, I can hear the Member for Butere saying that we have pointed out this matter. However, that does not mean that since the situation has not been corrected, then the vacuum will fail. In any country, Sir, say, United Kingdom, civil servants control elections. However, the difference here is that the civil servants in United Kingdom do it secretly whereas in Kenya there has been a tendency for civil servants to come out in the open and forget that there is somebody supposed to control these things.

My final point, Mr. Deputy Speaker, Sir, is that whereas the election meetings are going to be controlled by the provincial administration, I agree with the Vice-President where he says that we should not regularize meetings whereby candidates campaign together. It has been my experience, and I am sure the experience of other hon. Members, that when you campaign together with some political non-entities, you actually give them an advantage. Sir, you give them an advantage because you provide them with an audience they would not otherwise have, and you educate them on the methods and ways of addressing public meetings. This is not fair on the older Members because it is no good making regulations whereby your opponent would have an advantage which he would not otherwise have on his own. Therefore, Mr. Deputy Speaker, Sir, I would like to commend the Bill to hon. Members and hope that when amendments to this Bill are introduced, hon. Members will feel that they are amending it for the benefit of the country and not because of suspicion of what might happen to other hon. Members.

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

The Minister of State, President's Office (Mr. Koinange): Mr. Deputy Speaker, Sir, I rise to support the Bill and I wish to say a few words in connexion with this debate.

[The Minister of State, President's Office]

In supporting the Bill, Sir, I want to give the assurance that no hon. Member, as far as possible, or any candidate will be refused to address a meeting. There will be only one condition: that such Members or candidates should go to their officials either as a group or as individuals and make arrangements of the time-tables on when and which and where candidate will hold a meeting. When those meetings are arranged, I am quite sure that Government does nothing to prevent any person from holding his meeting.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Deputy Speaker, Sir. Since all points being made now are a repetition of those which were originally aired, may I move that the Mover be now called upon to reply.

Hon. Members: No! No!

Mr. Migure: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this Bill. I have one or two comments to make on this Bill.

In the first place, Sir, I am extremely worried about the politics in Africa. The problem here is that—The House is too noisy and I require your protection, Mr. Deputy Speaker, Sir.

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir, do you not think that the House is so noisy that we cannot hear what hon. Migure is saying?

Mr. Deputy Speaker: Yes, I expect hon. Members to keep quiet and hear hon. Migure in silence.

Mr. Migure: Thank you, Sir, I was saying that we passed a Bill in this House similar to the one we are now discussing and so far we do not know what is happening to it. I appeal to hon. Members to ensure that we pass this Bill without delay. The reason why I am saying so is that it is better to have this Bill rather than have nothing at all. It is all right if we have 28 days; I do not consider that period to be too long because there are some people who will need time to resign from the Civil Service and private firms. These people should be given enough time to introduce themselves to the public. Last time we had a very rough time. Personally, I had only ten days in which to campaign and I found it very difficult to do so. We, who are in politics, are known to the members of the public, and, therefore, it is only fair that those others who are also intending to contest seats in the coming elections are given enough time to introduce themselves.

An hon. Member: Are you serious about what you are saying?

Mr. Migure: I am very serious, Mr. Deputy Speaker. I do not see why we should give the citizens of this country a very short time to campaign. Every citizen has a right to come to this House. Therefore, I do not see any reason why we should reduce the campaigning period from 28 to 14 days.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker. Is it in order for the hon. Member sitting just behind me here to say that it is intended to reduce the number

of days for campaigning from 28 to 14, something which nobody has said? If the hon. Member has nothing to say I think he should give us chance to speak.

Mr. Migure: Mr. Deputy Speaker, I do not know what is worrying the Assistant Minister for Information and Broadcasting. I am only saying that I support the idea of allowing the candidates 28 days to campaign. I do not see why the Assistant Minister should be worried. After all, he cannot teach me how to speak in the House.

My worry here is about the party, Mr. Deputy Speaker. I do not know why those who were appointed by the President to work on the re-organization of Kanu have not done anything up to this time.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker. Despite the anxiety being shown at the Front Bench, do you not think there is too much noise?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. In order that Standing Order No. 87 may not be contravened, can you direct that any Member who wants to speak should tell us on what clause he is talking because we are becoming sick of repetitions? There is no use an hon. Member speaking on a Bill without telling us on what page and clause he is speaking.

Mr. Deputy Speaker: Nowhere in our Standing Orders is it provided that a Member speaking should mention the clauses about which he is talking. However, there is a provision in the Standing Order which the hon. Member has just mentioned which specifically denies this House the right to repeat. The hon. Member for Mbita is being accused, in some ways rightly, of repetition.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. I do not say that the Standing Orders provide that a Member should tell the House which clause he is talking about but that if a Member repeats what has been said he is contravening Standing Order No. 87. However, when we speak in this House, is it not fair that any hon. Member speaking draws our attention to whatever he is talking about because sometimes Members wander about and leave us confused?

Mr. Deputy Speaker: That is not necessary.

Mr. Migure: Mr. Deputy Speaker, I was making a point on Kanu. Since this Bill is about the National Assembly and Presidential Elections it would be all right to say that Kanu should be organized properly at district and national levels. At the moment it is not very well organized because the Constitution provides that we should have elections after a certain time and that has not been followed for a long time. We have to be very serious on these matters.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Deputy Speaker, Sir. It is the custom of this House that when we debate an amendment Bill to an existing Act we confine ourselves to the clauses which are being amended. Can we be

[The Minister for Local Government]

told whether the hon. Member is in order to speak about Kanu elections in relation to the Bill which we are now discussing?

Mr. Deputy Speaker: What the hon. Minister has just said is precisely what we ought to do. You ought to confine your remarks to the parts which are being amended. I notice that in this sheet there are some parts which refer to the original Act but are not printed or cyclostyled. So, we are in danger of going into them without realizing what we are doing.

Mr. Migire: Mr. Deputy Speaker, Sir, we are talking about the National Assembly and Presidential Elections. The President is the leader of the party—

An hon. Member: In which clause do you find that?

Mr. Migire: There is no provision requiring me to say what clause I am referring to.

We are talking about the Presidential Elections, and the President is the President of our party. Why are these Ministers being so sensitive when we are telling them what is happening.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. With all due respect to the hon. Member, is he not out of order to drag us into the question of the party presidency? This one is not mentioned in any of the clauses of this Bill.

Mr. Deputy Speaker: We are only concerned with this Bill, Mr. Migire.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. In view of your last ruling to the effect that when we are discussing an amendment we should only refer to the main Act and the amendments being made, and since the hon. Member does not have a copy of this Act, may I lend him one so that he may be able to make his point?

Mr. Migire: Mr. Deputy Speaker, I do not think the Member for Butere can teach me how to read Bills in this House. I am competent enough to read them myself, and I have been taught to read them.

Coming to the question of offences, Mr. Deputy Speaker, I would like to say that during the last elections we had a lot of problems. Some civil servants, for example, the chief of my area—

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Deputy Speaker, Sir. Which clauses talk about the election offences? What clause is the hon. Member referring to?

Mr. Migire: Mr. Deputy Speaker, Sir, several hon. Members, while speaking on this Bill, have talked about civil servants being involved in politics. Will any hon. Member tell me which clause talks about civil servants being involved in politics? Mr. Deputy Speaker, Sir, I think I am entitled to a hearing, and I am also free to express my opinion on this Bill without interference.

The Assistant Minister for Natural Resources (Mr. Ochwada): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to suggest that two wrongs make a right? Even if he knows that some hon.

Members made some mistakes, is he in order to say that he should be allowed to make a mistake?

Mr. Deputy Speaker: Mr. Ochwada, although your point of order is valid, I think it would only be fair for us to give the hon. Member for Mbita a hearing. If hon. Members keep on heckling him all the way through, then do we expect him to be precise in what he is saying?

Mr. Migire: Thank you very much, Mr. Deputy Speaker, Sir, for coming to my aid. However, I would like to ask the Minister of State in the President's Office to give a very strong warning against civil servants being involved in politics. There is no reason why some civil servants should campaign for some candidates. For instance, during the last General Elections, some chiefs who were going round telling the people not to vote for me. However, for the information of the House, nobody should get the impression that I am fearing. In fact, some of the chiefs tried to persuade some people not to vote for me, but in the end they were surprised to find that those people voted for me.

The Assistant Minister of State, President's Office (Mr. Muryil): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to try to mislead the House by saying that some civil servants have in the past campaigned for some candidates in given areas bearing in mind that the Minister concerned has on several occasions made it clear that civil servants should not indulge in politics?

Mr. Deputy Speaker: Order! I am just about to make a ruling that no more points of order should be raised. However, the Member for Mbita is entitled for a hearing. However, since it seems that hon. Members are out to interject the hon. Member for Mbita, I am not going to entertain any more points of order as long as the hon. Member is on his feet unless he makes a serious allegation.

Mr. Migire: Mr. Deputy Speaker, Sir, the Assistant Minister in the Office of the President has made a very serious allegation by saying that civil servants have been warned against indulging in politics. Some of us are talking out of the experience we gained during the last elections when some civil servants were telling the members of the public the people they should vote for. Since the Minister of State, President's Office has promised this House that he is going to take a serious view over this matter, we should hope that things will work according to plan. I would like to appeal to all hon. Members to support this Bill. Some of us who will be lucky enough to be re-elected will have a chance of looking at this Bill again, if it will be deemed necessary. However, although I am not suggesting that I will be re-elected, we should all remember that one cannot be sure of winning in an election like the one we are facing. However, I hope Mbita people will re-elect me.

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

Mr. Karungaru: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to speak on this Bill.

Mr. Mutunga: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member for

[Mr. Mutunga]

Embakasi to tell the Member for Mbita that it were better if he lost in the next General Elections because he happens not to like his face?

Mr. Karungaru: Mr. Deputy Speaker, Sir, that is not true. All that I know is that the Member for Mbita has been talking as the doubtful Thomas. I cannot remember of a time when I said that I would not like hon. Migire to be re-elected. After all, I have no power to stop him from being re-elected. In any case, he is a very good Member.

Mr. Deputy Speaker, Sir, I would like to differ with what the Attorney-General said on Clause one. This clause talks about the Minister's power to fix a date when this Bill may become law. The Attorney-General said that some by-elections are being expected to take place before the General Elections. I think that is not a valid reason, because I see no reason why a by-election should be held in any part of the country when the General Elections are just by the door. However, if that is because we have laws governing by-elections, then—

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, Mr. Deputy Speaker, Sir. Since it appears that we have exhausted the discussion on this Bill, am I not in order to move that the Mover be now called upon to reply?

Mr. Deputy Speaker: Yes, I think it is reasonable for the House to consider that now.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. It appears that the Front-benchers have conspired against the Back-benchers and, as result, we find that if there is one Back-bencher who is prepared to oppose the Bill he is drowned in shouts and uncountable points of order. Is it in order for the Front-benchers to have the impression that the Back-benchers are not entitled to contribute to this Bill? Why should they interrupt the Back-benchers repeatedly for no apparent reason?

Mr. Deputy Speaker: One of the liberties of the hon. Members is to group together and decide on issues together and then act together. One example is when they group together to vote together. When I put the question that the Move be now called upon to reply, the majority of hon. Members were in favour of that.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. In view of your ruling, is it not appropriate that the Member for Embakasi withdraws his insinuation that the Front-benchers have conspired when we know that all hon. Members voted together in favour of the question of closure?

Mr. Deputy Speaker: I am not going to push this Bill as far as you want me to push it. The word "conspiracy", I admit, is not a good word when it comes to this kind of thing. Perhaps he should have asked how the hon. Members discussed the matters outside and decided to vote together rather than using the word "conspiracy".

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, Sir. There was a question from hon. Karungaru, which I also witnessed. There was a lot noise, made deliberately, on the Front Bench when the Member was speaking or was on a point of order and this was completely out of order. If you, Mr. Deputy Speaker, had not noticed this, I would like to draw your attention to it so that hon. Members are protected from the Front Bench.

Mr. Deputy Speaker: The words hon. Mwamzandi uses are that the noise was deliberate. If one wants to vote he ought to be deliberate and if one wants to vote orally he makes a noise of some kind. I do not see what the objection is if it is the way you put it.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I would like to answer one of the points which were raised with regard to the deposit of Sh. 1,000 that a candidate has to pay. There was a suggestion that people have to move from their constituency to come to Nairobi to— I think the words used were "from Hola to Nairobi". In the rules it is said that the money which is to be paid by the candidate should be deposited with the returning officer in the area concerned and, therefore, one does not have to come to Nairobi. That is already in the regulations. In fact, there are quite a number of points which are already in the regulations which some hon. Members, particularly the Member for Tinderet, just chose to ignore so that the Bill looks more sinister than it is.

Mr. Deputy Speaker, Sir, on the position of the party, it is not for me to say whether the party is strong or whether it should be killed, neither is it for the Member for Tinderet to suggest that the party should be killed. We should be doing something to revitalize the party to which we all belong to.

Mr. Seroney: On a point of order, Mr. Deputy Speaker. I would not like the hon. Member to get away with the impression he has created that I have suggested that the party should be killed. I have not said so and I deny this.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, the words that the hon. Member used were that there was something called a party. It is not something called a party because the party is Kanu, to which all hon. Members belong. The party is also competent to make its own regulation and it would be wrong for this House to make rules or regulations for the party.

I am not going to repeat what was done to me here and every hon. Member had the opportunity of expressing his views about this Bill and those who did not express their views had spoken on an earlier Bill which is precisely the same as this one. I am saying that I have removed the aspects of the other Bill which were not acceptable because we are interested in having one ballot box and seeing that the agents of candidates are allowed to help the candidates.

With these 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

SESSIONAL PAPER NO. 5—NDEGWA SALARIES REVIEW
COMMISSION REPORT

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, what do we do now since the Mover of the business is not in the Chamber?

Mr. Deputy Speaker: If there is no Minister to move the Motion, we shall adjourn.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, shall I move that the House doth adjourn.

Mr. Deputy Speaker: If the Minister does not come then we shall adjourn.

Mr. Migire: On a point of order, Mr. Deputy Speaker, Sir, when we are faced by such a situation, can the Chair not allow us to discuss general matters?

Mr. Deputy Speaker: No.

(Debate on Motion deferred)

ADJOURNMENT

Mr. Deputy Speaker: The House is adjourned until tomorrow, Thursday, 30th May, at 2.30 p.m.

*The House rose at forty minutes
past Five o'clock.*

Thursday, 30th May, 1974

The House met at thirty minutes past Two o'clock

[*Mr. Speaker in the Chair*]

PRAYERS

NOTICE OF MOTION

SESSIONAL PAPER No. 6 OF 1974—GOVERNMENT
GUARANTEE FOR OVERDRAFT TO CHEMILIL
SUGAR COMPANY

Mr. Seroney: Mr. Speaker, Sir, I beg to give Notice of the following Motion:—

THAT, before giving its approval to Sessional Paper No. 6 of 1974 on Government Guarantee of Overdraft facilities to the Chemelil Sugar Company Limited, this House wishes to satisfy itself that the said company is being managed with efficiency and economy and along sound commercial lines with a view to assisting Kenya to reduce and ultimately eliminate its dependence on imported sugar.

ORAL ANSWERS TO QUESTIONS

Question No. 302

PROGRAMME OF PRESIDENTIAL VISITS

Mr. Nthenge asked the Minister of State, President's Office, since the President wants to meet his subjects, why there is no programme for the President to travel all over the Republic instead of visits of a few privileged persons to Gatundu, and whether it is not good to give every district headquarters a visit by the President.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to give the following reply.

A rigid programme for His Excellency the President to travel all over the Republic and to visit every district headquarters would not be workable in view of the fact that His Excellency the President has to attend, personally, to matters of national and international importance. These affairs keep him extremely busy and makes it necessary for him to be accessible at all times. It is not correct—and it was rather unfortunate that the hon. Member alleged that the privileged persons are the ones who visit Gatundu. It is an open fact that people who visit Gatundu come from all walks of life, starting from the hon. Members of this House, including men, women and children and all sorts of people.

It would definitely be good if His Excellency the President could visit not only district headquarters but all other areas of the Republic. Every effort will be made to do so when the time is appropriate for His Excellency the President to do so.

Mr. Nthenge: Arising from the Assistant Minister's reply, does he realize that to go to Gatundu people have to travel by their own means and therefore, the poor people who cannot find means to travel or who cannot collect money when others are collecting, do not have the privilege of seeing the President?

Mr. Munyi: I have already given the answer and the

hon. Member is one of the Members who has been telling the House and even his electors that it is not only in Africa but in the whole world—there is no other President who is liked and loved by his own people; and the President who loves his own people more than His Excellency the President, Mzee Jomo Kenyatta. Therefore, the hon. Member should be thankful.

Mr. Tsuma: The Assistant Minister has said that His Excellency is engaged on national and international matters of importance; we all along hear that when His Excellency visits Rift Valley and Mombasa, he is on a busy working holiday; could the Assistant Minister, therefore, tell us whether when the President in North-Eastern Province he could not as well attend to these matters of national importance?

Mr. Munyi: As I have already said, and I am sure the hon. Member who is my friend is aware that His Excellency the President is always busy dealing not only with international matters but he also meets people representing all walks of life. People are free to see His Excellency the President any day they want. That is a fact which is known.

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, are you satisfied that the Assistant Minister has replied to my question? My question was: could the President not attend to those important matters as well in other provinces because they are within his own Republic? Are you satisfied that he has answered my question?

Mr. Munyi: I think if the hon. Member was listening to the reply which I had already given he would have been satisfied.

Question No. 315

DEATH BENEFITS FOR THE LATE MUSUNGU NDULOKA

Mr. Kitonga asked the Minister of State, President's Office when the family of the late Sub-chief Musungu Nduloka of Zombe Location, Kitui, is going to be paid his pension scheme benefits.

An hon. Member: Are you serious?

Mr. Kitonga: I am not serious.

The Assistant Minister of State, President's Office (Mr. Munyi): This is the first time to hear that the hon. Kitonga is not very serious.

Mr. Speaker, Sir, I beg to give the following reply.

The family of the late Musungu Nduloka was paid Sh. 729/50 under Children's pension Scheme on 4th April, 1974.

Mr. Kitonga: Arising from the Assistant Minister's reply would he tell the House in which office these people were paid the money since it is only three weeks ago when they approached me about the matter?

Mr. Munyi: The hon. Member is aware of how the machinery of Government works. As I have already said the family was paid the money in Kitui; the money was given to the District Commissioner, Kitui District. If the hon. Member is not aware that they were paid, then he can approach me and we will follow up the matter.

Mr. Kholkholle: The Assistant Minister has told the House that the family in question was paid just a month

[Mr. Kholkholle]

ago and that they were only paid Sh. 729/50; how long has this sub-chief been working for this family to be paid so little money?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member is not versed with the working of the Government machinery. The pension which I have already mentioned is called Children's Pension Scheme. The assistant chief in question was paid some money when he was alive through another pension scheme. What I have said is correct because even the Ministry of Finance and Economic Planning approved that the money which was paid to these children was the correct amount of money to be paid under this scheme.

Mr. Kitonga: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, I would like to know from him, because I am not very learned like him, whether the money which was paid to these children, Sh. 729/50, is the pension which these children should have received for the rest of their lives?

Mr. Munyi: Mr. Speaker, Sir, I have already said that this money will only cover the children because any other benefits which were due to this assistant chief were paid to him when he was alive.

Mr. Mutunga: Mr. Speaker, Sir, while appreciating the fact that the Government has done a good job in paying this money to the children of the deceased, would the Assistant Minister agree with me that this amount of money is very little for the children of somebody who has served the Government for so long? Is he aware that this money is not even enough to purchase one grade cattle?

Mr. Munyi: Mr. Speaker, Sir, this system of paying pension was set up by the Government and we should follow it. These are regulations which govern all the people who work for the Government, Mr. Speaker, Sir.

Question No. 214

MARKET FOR KIBERA

Mr. Y. Ali asked the Minister for Local Government why the city council has failed to build a market in Kibera.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

The city council has done the preliminary work for the construction of a market in Kibera. This, however, is one of the capital development projects of the city council which are being withheld until sources of finances have been identified.

Mr. Y. Ali: Mr. Speaker, Sir, since one of the sources of finances to be identified by the city council is the promised Government grant of approximately £2 million to replace the graduated personal tax which was abolished, could the Assistant Minister tell the House whether the Government has given out that money to the city council to enable it to carry out these capital development projects?

Mr. Ogutu: Mr. Speaker, Sir, I would like to inform the hon. Member and the House that the Government

has not given the city council the promised £2 million grant as yet. This of course will be done in the due course. However, I would also like to inform the hon. Member and the House that the market at Kibera is in the capital development programme of the city council and the money to be used for the construction of this particular market will be borrowed from public funds as a capital development in line with other development projects which the city council has in mind for the whole City of Nairobi.

Mr. Y. Ali: Mr. Speaker, Sir, arising from that reply since the Government and the city council are not in a position to provide the people of Kibera with a market—Kibera being an estate which is expanding very rapidly—could the Assistant Minister give an assurance that the temporary market there will not be closed in any way until such time that the council will be in a position to build a better market for the people there?

Mr. Ogutu: Mr. Speaker, Sir, I said earlier that the city council has already done the preliminary work for the construction of this market. The drawing of the market plan have already been completed and what is remaining now is money to start the actual construction of the market. The temporary market there will continue to function until the new market is built.

Mr. Tsuma: Mr. Speaker, Sir, before I ask my question I would like to point out that it appears as if this question does not contain all the material which was in my original draft.

Mr. Speaker: I have no way of knowing this now. You should have pointed out to me before the House met.

Question No. 299

CHARGES ON PLOT APPLICATIONS—KAKAMEGA COUNTY COUNCIL

Mr. Tsuma asked the Minister for Local Government why Kakamega County Council charges Sh. 20 for every plot application form for plots in the council markets.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

The Kakamega County Council charges Sh. 20 for every plot application to cover administrative charges involved in the allocation of plots. These expenses are in the form of stationery, cost of survey and allowances to members of the plot allocation committee.

Mr. Tsuma: Mr. Speaker, Sir, this is a very embarrassing matter. Could the Assistant Minister tell the House whether the plot allocation committee is a committee which is formed by the members of the county council or not?

Mr. Ogutu: Mr. Speaker, Sir, the plot allocation committee consists of other members who form part of the county council.

Mr. Tsuma: Mr. Speaker, Sir, my question is whether the Sh. 20 goes to the allowances of the members in the plot allocation committee? The plot allocation committee is a committee which does not concern the

[Mr. Tsuma]

county council at all. This being the case how does these allowances go to a committee which is district-wide?

Mr. Ogutu: Mr. Speaker, Sir, I did not say that the money is used for allowances only. I said this money is used to offset the cost of stationery and also for survey charges. This money is also used to give allowances to the members of the plot allocation committee. This money is used for those three categories which I have mentioned.

Mr. Tsuma: Mr. Speaker, Sir, since this is an unnecessary type of taxation which the people of the Kakamega County Council are experiencing at the moment is it the policy of the Ministry that all the county councils in the Republic should levy this kind of taxation?

Mr. Ogutu: Mr. Speaker, Sir, some county councils have resolved and requested the approval of my Ministry to levy this sum of money. However, I would like to inform the House that this money is levied to meet the costs of some services which the county councils are providing to *wananchi* in their given areas. I do not think the hon. Member is a person who would advocate for free things because there is nothing free in this country.

Mr. Kholkholle: Mr. Speaker, Sir, would the Assistant Minister tell the House the section of the by-law which empowers the Kakamega County Council to charge this amount of money?

Mr. Ogutu: Mr. Speaker, Sir, I am not prepared to give the hon. Member the section of that by-law off-hand but given time I can do so. However, this practice was approved by the Ministry after the resolution was passed by the County Council of Kakamega. There is a by-law covering these charges and this by-law has been approved by my Ministry which makes it a law in itself.

Mr. Mwangi-Nzelu: Mr. Speaker, Sir, arising from the Assistant Minister's reply could he tell the House whether the charge of Sh. 20 is uniform to all county councils throughout the country or it is only applicable to Kakamega County Council? I have asked that question because I know of some districts which charge about Sh. 50 for a plot application form to be processed.

Mr. Ogutu: Mr. Speaker, Sir, the fee varies from one county council to another. However, in the case of the Kakamega County Council it is Sh. 20. It might be that the hon. Member is aware of the Sh. 50 charged by other county councils. There are other county councils charging Sh. 5 or Sh. 10. So, it varies according to environment or the fee is based on that particular county council approved by my Ministry.

Mr. Speaker: Next question. Mr. Amin.

Question No. 282

LABOUR OFFICER FOR NORTH-EASTERN PROVINCE

Mr. D. M. Amin asked the Minister for Labour why he has not found it fit to post a labour officer to the North-Eastern Province.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

Labour officers are posted to the areas where there is sufficient concentration of employment activities and, up to now, the North-Eastern Province is not considered to have such a concentration.

Government reviews the posting of labour officers from time to time and it is hoped that when enough concentration of employment activities increase in the North-Eastern Province then, a labour officer will definitely be made available.

At present, the Labour Officer at Thika takes care of the North-Eastern Province with the help of the Provincial Administration in the area.

Mr. D. M. Amin: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell the House the reason why the North-Eastern Province has no labour officer and yet there are very many workers there working on the road and carrying out electrical work and even there are quite a good number of civil servants working there and these people are given very low salaries and that is the reason why we need labour officers there?

Mr. Kibisu: Mr. Speaker, Sir, I am not denying the fact there are employees in the North-Eastern Province; but all I am saying is that the activities that require the services of a labour officer do not sufficiently compel me to post one there.

The Labour Officer at Thika, at the moment, devotes enough time on the problems in the North-Eastern Province. Therefore, I am satisfied that the grievances of the employees there are taken care of adequately.

Mr. Cheptai: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that a labour officer and a registration centre is very much needed in the area? Therefore, why is he refusing to post a labour officer to the North-Eastern Province? The Assistant Minister has also promised the Pokot people that the same thing will also apply to them. When will this be done because there is no labour officer in Pokot and people are not even being registered? Therefore, can the Ministry take action immediately because our people are really suffering at the moment?

Mr. Kibisu: Mr. Speaker, Sir, registration is already taking place in the area. I have already said that in reply to this question. I said that with the help of the Provincial Administration, labour officers pay special attention to these matters. May I take the opportunity, Mr. Speaker, Sir, to say that the hon. Member who has just raised the supplementary question, asked me a similar question two years ago and I took action. However, since then, he has kept quiet; indicating that he was satisfied with what the Government did for him.

Question No. 200

HOUSING SCHEME LOANS IN MERU

Mr. Nyaga, on behalf of Mr. Muturia, asked the Minister for Housing to tell the House the number of people in Meru District who have been given loans under the Rural Housing Scheme.

The Assistant Minister for Housing (Mr. Mukuna): Mr. Speaker, Sir, I beg to reply.

Twenty-three people from Meru District have been given loans under the Rural Housing Scheme.

Mr. Nyaga: Mr. Speaker, Sir, in view of the fact that this number seems to be too small for a district like Meru with so many people, can the Assistant Minister tell us the number of people who had applied for loans under this scheme during that period?

Mr. Mukuna: Mr. Speaker, Sir, the people who have been given Rural Housing Scheme loans in Meru District are as follows:—

1. R. J. Kovia.
2. J. S. Mburugua—

Mr. Speaker: No! Mr. Mukuna, how many are they?

Mr. Mukuna: They are 23 people in all!

Mr. Nyaga: Mr. Speaker, Sir, can the Assistant Minister tell us the total number of people who had applied for this loan during that period?

Mr. Mukuna: Mr. Speaker, Sir, the number of people who had applied for this loan was 32.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the answer that only 23 people were given loans in Meru District under the Rural Housing Scheme, can he tell us how much money they were given in form of shillings?

Mr. Mukuna: Mr. Speaker, Sir, the maximum of the loan is Sh. 20,000 for each person.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, could he really tell us how many people applied for these loans and how they were given because I know several people who applied for these loans but were not given anything? How did these people apply for these loans and how were they given the money?

Mr. Speaker: What was your question, Mr. Marete, I did not hear?

Mr. Marete: Mr. Speaker, Sir, my question is: can the Assistant Minister tell us the method of applying for these loans now because I know several people who have applied for them but they have not been given anything? There is no form to fill when one is applying for these loans except only an ordinary paper which one is given to write down all his particulars. So, how were these people given these loans? That is the question.

Mr. Mukuna: Mr. Speaker, Sir, I am surprised to learn from the hon. Member that he does not know how these loans were given by my Ministry to the *wananchi* and yet he is the person who is supposed to inform them how to get this money. However, when one wants to get a Rural Housing Scheme loan from my Ministry, one has just to write to the General Manager, National Housing Corporation, Nairobi; then the application will have to go to the committee which deals with these kinds of loans and then one's name will be approved.

Question No. 321

COMPENSATION FOR LOSSES THROUGH ROAD CONSTRUCTION

Mr. Munyasia asked the Minister for Works to say—

- (a) why the following persons were not paid compensation for their land when Thika/Kitui Road was being constructed some years back: Mrs. Elisi Kavivya, Mrs. Kavungu Malombe, Mr. Mbindyo Kavivya and Mr. Kitavi Ithuli—of Matinyani Location Thome No. 2 in Kitui District;
- (b) when they can expect these payments as their land was valued in April, 1972; and
- (c) how much each of them is entitled to be paid.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

(a) The persons named were not paid compensation for their land when Thika/Kitui Road was being constructed as there were disagreements regarding the rates. This has now been settled, between the Commissioner of Lands, the District Commissioner and my Ministry.

(b) Payments to these people will be made immediately. Cheques should be with the District Commissioner, Kitui, within a month.

(c) Compensation to be paid to these people is as follows:—

Mrs. Elisi Kavivya	...	Sh. 28/20
Mrs. Kavungu Malombe	...	Sh. 14/00
Mr. Mbindyo Kavivya	...	Sh. 11/80
Mr. Kitavi Ithuli	...	Sh. 36/20

Mr. Munyasia: Mr. Speaker, Sir, while appreciating the efforts and time taken by the Ministry and also the Commissioner of Lands to find out the rates of compensation, could the Assistant Minister tell us what criteria they used in deciding on these small figures of money as if they were buying eggs? Is this really compensation for land taken or is the Ministry just trying to make a joke with the people?

Mr. Kuguru: Mr. Speaker, Sir, the compensation was based on each man's property. For instance, the value of the land in that area is very poor and, therefore, the amount of the money paid is equal to the value of the land taken by the road construction.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the land there is very poor, can he tell us—I know that the first lady named to have received Sh. 28/20, her land which was taken for the road construction is very big; in fact, it is about one-eighth of an acre. Even the Ministry of Works carry murrum from this lady's land. Therefore, can the Assistant Minister tell us how much a lorry of murrum costs? Can he also tell us whether this was really fair payment on the payment on the part of the lady in question?

Mr. Kuguru: Mr. Speaker, Sir, the question of a lorry-load of murrum does not arise because the question is

[The Assistant Minister for Works]

concerned with compensation to this people in time. There was a delay in paying compensation because we disagreed with these people over the amount of money to be paid to them. Now, that they have agreed with us, we have in fact compensated them.

If I may mention the respective people involved and the acreage involved, Mr. Speaker, Sir, I would like to say that in respect of Mrs. Elisi Kavivya, her acreage was 0.141; Mrs. Kavungu Malombe, her acreage was 0.70; Mr. Mbindyo Kavivya, his was 0.59; and Mr. Kitavi Ithuli had an acreage of 0.186.

Mr. Kahengeri: Arising from an earlier reply by the Assistant Minister, can he tell the House whether the rates at which they compensated money have been agreed upon by the owners of the land?

Mr. Kuguru: As I said, Sir, the payments took a long time to be effected. However, the recipients agreed to the payments and that is why we were able to pay out the money.

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir, in view of the fact the Assistant Minister said earlier on that these cheques reached Kitui after a month's time, is he not contradicting himself here?

Mr. Speaker: He means that they have accepted to be paid this amount.

Mr. Murgor: Previously, Mr. Speaker, Sir, and according to the laws of this country, the procedure has been that any land set aside by Government, nothing can be done to it until money for compensation has been deposited to the district commissioner. Now, has this procedure been changed whereby work can start on a private piece of land without the owner having been compensated?

Mr. Kuguru: Mr. Speaker, Sir, I am sure the hon. Member who, himself, was a Provincial Commissioner knew the regulations very well. In any case, if Government wants to acquire a piece of land, for public use and the owners of the land refuse the money assessed by Government, then payment can be deposited with the court. If the owners, ultimately, accept the money then they can collect it from the court. Mr. Speaker, Sir, nothing can prohibit or stop Government acquiring land for national development.

Mr. Murgor: On a point of order, Mr. Speaker, Sir, does the Assistant Minister mean to say that once a law has been made by this House, Government or any Ministry can do anything against that law? Is he in order to mislead the House by saying that Government can do anything for national development when we know that this can only be done by an appropriate amendment to the law?

Mr. Kuguru: Mr. Speaker, Sir, I think I should be helped here because I am not a lawyer. All I know, for example, in my constituency when roads were being constructed there people bargained with Government about the rate of compensation while road construction was going on. Their bargain did not stop construction of roads simply because the owners of land were still arguing about the appropriate payment for the land.

However, as I said, Sir, these people have been paid compensation but their argument over an appropriate payment did not stop the construction of the road.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance here. Mr. Speaker, Sir, before a road is constructed, the Government gives the owners of land where it will pass a notice. Therefore, is the Assistant Minister not misleading the House because he has not told us whether or not these people were given sufficient notice either to accept the money or object to the rates of payment?

Mr. Speaker: That is a different question. Mr. Mwithaga, I think, you had better be careful because yours is not a point of order, but another way of asking a question. The issue of giving notice did not arise otherwise Mr. Munyasia would have asked that.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is it in order for a senior Member like the hon. Member for Nakuru Town to be on his "little" feet while you are making a ruling?

Mr. Speaker: No, he was only slow in sitting down. Next Question.

Question No. 309

OFFICIAL OPENING OF KAMASENGRE AIRFIELD

Mr. Migure asked the Minister for Power and Communications when Kamasengre airfield in Rusinga island is going to be officially opened.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

This airfield does not belong to the Government. It is up to the person or persons who own it to arrange for official opening whenever they wish. Therefore if my good friend, hon. Migure, wishes to make such arrangements he can come to my office and we can discuss how the arrangements can be made. I am sure that any of the Assistant Ministers for Power and Communications will be available to go to Rusinga and assist in officiating the opening of the airfield.

Mr. Migure: Arising from the Assistant Minister's reply, can he tell the House what action he has taken about the letter I wrote, on behalf of the people, asking that the airfield be opened sometime in July this year?

Mr. Moss: Mr. Speaker, Sir, the letter has been received and if it has not been acknowledged, it will be acknowledged in the normal channels.

Question No. 166

FIXING OF SCHOOL FEES PAID PER TERM

Mr. Nyaga asked the Minister for Education whether he will fix school fees per term for secondary schools.

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

I am satisfied that boards of governors in schools are carrying out their responsibility of laying down school fees instalments to be paid by parents per term reasonably well. For this reason, Sir, I have not found it necessary for me to interfere in the matter.

Mr. Nyaga: Arising from that reply, Mr. Speaker, Sir, does the Minister agree with me that certain schools demand fees for the whole year on the first day of school term while others demand it in two or three instalments? Where the fees for the whole year are paid on the first day of the term, parents find it extremely difficult to pay school fees.

Mr. Towett: Mr. Speaker, Sir, in the case of Harambee secondary schools, the board of governors ask the fees to be paid at the beginning of the term for fear that children might run away leaving them in debts.

In the case of Government schools, I am not aware of any school which asks for the whole year's fee to be paid at the beginning of the term.

Mr. Tsuma: Mr. Speaker, Sir, is the Minister aware that the boards of governors for these schools do not regulate the payment of school fees but the headmasters do so? If that is so, could he therefore direct the headmasters that the fees fixed per term should be put before the boards of governors to agree and regulate?

Mr. Towett: Mr. Speaker, Sir, as far as I am aware there is not a single headmaster who has powers to do that unless his board has so sanctioned.

Question No. 291

EXPANSION OF BARINGO EDUCATION OFFICE

Mr. arap Cheboiwo asked the Minister for Education:—

- (a) whether he is aware that Baringo District Education Office accommodation is very small and need expansion; and
- (b) what is being done either to expand the present building or build another one.

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

(a) I would like to inform the honourable House that the District Education Officer at Baringo is doing his best to manage with the office accommodation facilities currently at his disposal and I am satisfied that educational services in the district are running satisfactorily in the present circumstances.

(b) The proposals for additional office for the District Education Office in Baringo are being considered alongside many others but provision of new buildings will depend on the availability of funds.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the Minister's reply especially in the second part of the answer, that the proposals for additional offices are being considered, would he tell the House whether he has taken any trouble to apply for money from the Treasury for the expansion of these offices? When you go there you will find that the offices are very small—the clerks and the education officer are congested in one small room. Can you tell the House when this money will be available?

Mr. Towett: Mr. Speaker, Sir, every year before the new Budget is debated, I take the trouble of applying for funds for the schools and education offices. In the case of Baringo, I was there some time last year and I was pleased with what is going on under the present

circumstances, I am applying for funds, not specifically earmarked for Baringo as such, but a lump sum for education offices in the Republic.

Mr. Cheptai: Mr. Speaker, Sir, arising from the Minister's reply where he said that he visited the offices last year, does he know that the district education officer sits next to his clerk? How can he make some confidential reports when the office is so small and which was previous occupied by the colonial district officer's house boy?

Mr. Towett: Mr. Speaker, Sir, I would like to assure the hon. Members from Baringo that their offices are better than the ones I saw two days ago in Wajir.

Mr. arap Cheboiwo: Mr. Speaker, Sir, while I do not disagree with the Minister, I was with him when he visited this area but he did not visit the office. Can he investigate into the matter and see whether he can do something during the coming Financial Year, since he cannot do it during this Financial Year? When he talks in general, he does not answer the question because the question is specially for Baringo District offices?

Mr. Towett: Mr. Speaker, Sir, I do not know who is in the wrong—whether it is me or the hon. Member. I remember visiting this office in Baringo maybe it was a huge building separate from the education office. I will check whether I signed their visitors book or not but when I receive the funds in the next Financial Year I will then decide whether there is money for Baringo offices or not.

QUESTIONS BY PRIVATE NOTICE

ARREST OF SOMALI BY POLICE IN NAIROBI

Mr. D. M. Amin: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- (a) Would the Ministry clarify why the police authorities have been searching and detaining persons of Somali origin in the Eastleigh area of Nairobi for the last one month or so?
- (b) Is he aware that the Questioner was picked up in one of the swoops and that he was only released when he identified himself as a Member of Parliament?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

From time to time the police officers are necessitated to carry out operations in order to clear the City from criminal elements. The operations are not directed at one particular section of our community. In one operation carried out in Eastleigh a number of people were arrested and charged before the court.

There is no police record to show that the Questioner was arrested in any of the swoops. However, he may have been arrested among other people who were rounded up and then released like anybody else having identified himself to the satisfaction of the police officers.

Mr. D. M. Amin: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I think the Somalis are known to be law abiding in this country. I, therefore, wonder

[Mr. Amin]

why there are frequent raids by police officers in their houses in Nairobi.

Mr. Speaker: I think there is nothing to reply to because what you are asking was covered in what the Assistant Minister said before.

Mr. Haji: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he give an assurance to this House that in future, a part from the criminals, the law abiding citizens will not be harassed?

Mr. Bomett: Mr. Speaker, Sir, the police officers do not harass the law abiding citizens. In fact, it is not the intention of the Government to do that, but when the criminals are swept, it is very difficult to know who is who and a few law abiding citizens may be embarrassed but this is caused in order to protect more of the law abiding citizens of this country. I want to refute any statement which suggests that Somalis are actually being singled out because this is not the case. They happen to be more prominently placed in Eastleigh than in other places. Therefore, in the course of their being protected they suffer a little.

Mr. Kanja: Mr. Speaker, Sir, would the hon. Assistant Minister assure the House that while the police is entitled to carry out their swoops, there will be no discrimination to any particular tribe or race in Kenya since we all want to be one Kenya irrespective of what area one comes from?

Mr. Bomett: Mr. Speaker, Sir, the sentiment of the question is uncalled for.

Dr. Waiyaki: Mr. Speaker, Sir, will the Minister also give this assurance, that when his police men are searching Somali women they will not do it in a rude manner, that they will not throw their properties out of their houses, that they will not leave their children without their parents or guardians after midnight and that they will cease embarrassing Somali citizens outside New Stanley Hotel by making them sit down for hours waiting for police transport?

Mr. Bomett: Mr. Speaker, Sir, it is not the intention of the police officers nor of the Ministry of Home Affairs or the Kenya Government to single out the Somalis. I would like to say that if one goes to New Stanley Hotel he will see prominent youth loitering around and they must be cleared because they are there for 24 hours and we cannot allow that. The Somali youth happen to be the majority. If the community does not learn to teach their youth how to live, they will be taught by the Government.

Mrs. Onyango: Mr. Speaker, Sir, can the Assistant Minister clarify to the House whether that was an occasion for the Somalis alone to be arrested, and whether they were the only people who were law breakers?

Mr. Bomett: Mr. Speaker, Sir, I am sure any hon. Member who might have scrutinized the photograph of the people who were arrested noticed that many people from different tribes were arrested. In fact, I saw the face of a Luo in the photograph. Therefore, that was not a day for the Somali people alone but anybody found loitering on that day was arrested.

LEASING LAND TO FLUORSPAR COMPANY

Mr. Kurgat: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:—

(a) Is it true that the Fluorspar Company of Kenya wants to lease some land in Kerio Valley, and that the land adjudication in the area has been suspended?

(b) If the answer is in the affirmative, how much land is to be leased, and how many right-holders are affected, and what will be the basis of compensation?

(c) Will the Minister comply with the resolution of this House on my Motion of 16th July, 1971, regarding the would-be displaced owners?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

(a) It is true that the Fluorspar Company of Kenya wants to lease land in the Kerio Valley, but the adjudication work has not been suspended.

(b) The land that is to be set aside, under the Trust Land Act, for leasing is 3,672 hectares, or just over 9,000 acres. The district commissioner for the area is compiling a list of right-holders affected and he will also, in consultation with the district agriculture officer, assess compensation in respect of the land and improvement thereon to be paid to the right-holders.

(c) The basis of compensation will be the current market value of land within the district. In addition, right-holders will be paid compensation for any house that will be destroyed, together with crops and other property when the land is set apart.

Mr. Kurgat: Mr. Speaker, Sir, arising from the Assistant Minister's answer, it seems as if he is not aware that the company is in operation right now. It is doing its work day and night. Would the Assistant Minister suspend the mining work there until an agreement has been reached between the people and the company?

Mr. G. G. Kariuki: Mr. Speaker, I would like the hon. Member to clarify what he has just said. The operation of the company does not prevent anybody from claiming whatever he wants to claim.

Mr. Kurgat: Since the Assistant Minister has never been to that place and, therefore, he does not know anything about it, I would like to tell him that as the work is going on the marks showing the boundaries of people's plots are being removed. The tractors there scoop about 20 feet of soil. How will the right-holders be able to claim to be paid for their correct measurement of land if land is being "bulldozed"? The land is being blasted with mines!

Mr. G. G. Kariuki: Mr. Speaker, Sir, when land has not been adjudicated it is very difficult for any of us to decide the correct boundaries. According to the hon. Member's question, he asked us whether it is true that the Fluorspar Company of Kenya wants to lease some land in Kerio Valley, and whether the land adjudication in the area has been suspended. The answer I gave to that last part was, "No".

In the second part he asked us, if the answer is in the affirmative, how much land is to be leased, how

[The Assistant Minister for Lands and Settlement]

many right-holders are affected and what will be the basis of compensation. In reply to that part I have already explained the acreage which is affected. At the same time I have said that the people who have any claims will be considered according to the Trust Land Act, and compensations will be paid accordingly.

Mr. arap Cheboiwo: Mr. Speaker, Sir, this is a very serious matter because *wananchi* are affected. Although we appreciate what the company does for the economy of this country, what steps is the Ministry taking to see that these people who are being displaced are compensated immediately? Part (c) of the question talks of a Motion which was passed in this House on 16th July, 1971 which the same Assistant Minister amended and confirmed that nobody would be displaced without due compensation. What has he done about it?

Mr. G. G. Kariuki: It is true, Sir, that there was a resolution of this House which was passed on 16th July, 1971, and it has not been forgotten. It is up to the people who have genuine cases to report to their district commissioner immediately and a recommendation will be made to us and proper valuation and compensation will be taken care of.

Mr. Murgor: Mr. Speaker, Sir, in view of the fact that the piece of land was set aside by Government, why has it taken so long to pay compensation to the right-holders since, as hon. Kurgat has said rightly, the homes of some people have been "bulldozed" and it will be difficult to ascertain the acreage of individual's land, which means fair compensation will not be paid? Secondly, does Government have any land anywhere which it can allocate to the people who have been displaced?

Mr. G. G. Kariuki: Mr. Speaker, if there is any delay to pay compensation it is regretted seriously. However, up to this time we do not know how many people are ready to be compensated since they have not complied with our request. They should all go to the district commissioner for the area.

With regard to the question as to whether there is any land anywhere in the Republic to be given to the displaced people, I think this is a matter for Government to decide. When the people have been compensated we shall definitely find some alternative places for them.

Mr. Kurgat: Mr. Speaker, Sir, in his earlier reply the Assistant Minister said that his Ministry has not suspended adjudication work in the area. I have a letter from his Ministry dated 15th January, 1974, which was addressed to the clerk to the county council of my area, and its reference number is 31055/V/60, which is instructing the Director of Land Adjudication to suspend land adjudication in that area immediately. What is the Assistant Minister trying to tell the House when I have a document with me here?

Mr. G. G. Kariuki: Mr. Speaker, Sir, if the piece of paper the hon. Member is holding was written by one of officers of my Ministry as he claims, then I am sorry to say that I have not seen it. At the moment land adjudication is in progress, and there is no intention to halt it. The letter the hon. Member is holding, as far

as I am concerned, has no meaning at all.

Mr. Speaker: We must go on now.

Mr. Kurgat: On a point of order, Mr. Speaker, Sir, is the Assistant Minister prepared to hold a *baraza* in this place so that he can read the names of those people who have been affected by this exercise? According to our Constitution, section 118, individuals' properties are to be protected.

Mr. G. G. Kariuki: Mr. Speaker, Sir, we have to be very clear in what we say in this House. The section of our Constitution the hon. Member is referring to does not require the Minister for Lands and Settlement to hold a *baraza* in any place if he does not want. For the information of the hon. Member a Minister is not a Government officer, but a politician who acts in the way he likes.

Mr. Kurgat: On a point of order, Mr. Speaker, Sir, is the Assistant Minister prepared to ask the district commissioner for the area to hold a *baraza* in the area in question so that he can tell the people living there the truth?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I accept the request by the hon. Member. I would like to assure him that we shall act on his request as soon as possible.

SEIZURE OF GOODS—M.V. CAPTAIN STELIOS

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Power and Communications the following Question by Private Notice:—

Due to speculations and unhealthy feelings about "M.V. Captain Stelios", held by our Kenya Navy vessels at Lamu will he urgently disclose to the House—

- (a) what goods other than charcoal were found in the ship;
- (b) who paid the expenses incurred during delays and all the operations; and
- (c) what is estimated to be the charges involved.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

(a) I do not know whether there were any other goods in the ship. The police who inspected the cargo can supply that information.

(b) The ship paid.

(c) The expenses were estimated to be approximately K£35,000.

Mr. D. M. Kioko: Mr. Speaker, Sir, I expected the Assistant Minister to give the House a better answer than the one he has given now. Why should he refer us to the police instead of his Ministry asking the police to supply his Ministry with the relevant information? As far as I know charcoal is amongst the restricted goods or in other words it cannot be exported or imported from or into Kenya. Will he tell the House whether or not, after the police check was completed, some other commodities apart from charcoal were found in the ship? What made the Government suspect that the ship might have been carrying restricted goods?

Mr. Moss: Mr. Speaker, Sir, that was a normal police check. For the information of the House as soon as the police have completed the investigation the truth will be made known to this House.

Mr. D. M. Kioko: Mr. Speaker, Sir, in view of the fact that it seems that the Assistant Minister was not prepared to answer this question, am I not in order to ask you to direct that this question should be sent to the Ministry of Home Affairs?

Mr. Moss: Mr. Speaker, Sir, why should the hon. Member expect a different reply from the Ministry of Home Affairs other than the one I have just given. Mr. Speaker, Sir, I have told the hon. Member the truth. However, if the hon. Member is interested in knowing what the police discovered after they had checked the ship, then he should direct his question to the Ministry of Home Affairs.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, in view of the fact that the Assistant Minister is not competent to answer this question and realizing that he is now referring me to the Ministry of Home Affairs, am I not in order to ask you to rule that the question should be directed to the Ministry of Home Affairs?

Mr. Speaker: Mr. Moss, did you say that you are not in a position to reply part (a) of the question?

Mr. Moss: Mr. Speaker, Sir, I have made my position very clear. I do not want anybody to have the impression that I am unable to give a sufficient reply to this question. I have stated categorically that I do not know whether there were other goods in the ship apart from charcoal.

The only people who are in a position to give a satisfactory reply are the policemen who conducted the investigation.

Mr. Speaker: Order! Will you sit down, Mr. Moss! This question will be sent to the Ministry of Home Affairs.

(Question deferred)

MEDICAL TREATMENT—KIPCHUMBA TUITOEK

Mr. Murgor: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice:—

Is he aware that a boy, Kipchumba Tuitoek, was admitted to the Eldoret District Hospital with a badly broken thigh bone on 16th May, 1974 and since that date until 21st May, 1974 afternoon he had not been treated?

Will he tell this House—

- (a) why the boy had not been treated for so long; and
- (b) whether the boy has now been given treatment.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

According to the surgeon at Eldoret District Hospital, Kipchumba Tuitoek, an eight-year old boy was admitted at the hospital on 16th May, 1974 with a simple fracture of the thigh bone. He was put on a splint and given pain relieving drugs on admission. His thigh was X-rayed on 18th May, 1974. The surgeon sees this patient daily, and he has reported that since the boy is making satisfactory progress he does not consider any further treatment necessary.

Mr. Murgor: Mr. Speaker, Sir, as far as I know this boy was in the hospital for five days before he was

treated. After looking at the X-rays photographs I formed the opinion that the fracture was not as simple as the Assistant Minister is claiming. Mr. Speaker, Sir, realizing that a fracture is very painful, will he tell the House why the boy was in the hospital for more than five days before he was treated?

Mr. Jahazi: Mr. Speaker, Sir, the hon. Member is saying that he had looked at the X-ray pictures of the thigh bone of the boy, and he concluded that the fracture was not simple. Mr. Speaker, Sir, the hon. Member's definition of a simple or not simple fracture may differ from a doctor's definition. A doctor is used to seeing all kinds of fractures in course of this work, but the hon. Member rarely sees a fracture, and as such he might have concluded this boy's fracture was not simple. As far as I know this boy was admitted on 16th May, 1974 and he was X-rayed on 18th May, 1974. The reason why the boy was not X-rayed immediately is because in Eldoret Hospital there are no X-ray facilities. In fact, Eldoret Hospital uses the X-ray facilities at Uasin Gishu Hospital. The hon. Member who visited the boy in the hospital might have been informed by a doctor, but not the surgeon who was treating the boy, that he was waiting to be put in a traction. This has never been the intention of the surgeon and so, maybe, this is where the discrepancy about the five days comes in. However, by the time they saw the boy, he had already been seen by the surgeon, and he was being treated.

Mr. Murgor: Mr. Speaker, Sir, in a hospital like the one at Eldoret, where we have more than 300,000 people, why is it that there is only one bed of that type that the Assistant Minister has mentioned? That boy had to wait until this particular bed had to be taken to the Ministry of Works to be adjusted.

Mr. Jahazi: Mr. Speaker, Sir, the question of there being just one bed of its type is not the issue here, but we will put as many beds of this nature as possible when we have the means to do so. However, sometimes, you will be surprised to see that the bed is not occupied. There are many times when that particular bed is empty, the fact that it may have been used at this time is just like in the case of the theatre. You may want to use a theatre and find the theatre busy, and you will not demand that there should be several theatres. Therefore, in this particular place, one bed is sufficient for the time being, until we have enough expansion of the hospital itself, when we shall add more beds of this nature.

Mr. Speaker: Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker, left the Chair]

IN THE COMMITTEE

[The Chairman took the Chair]

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS (AMENDMENT) BILL

New clauses 2 and 3

Mr. arap Chumo: Mr. Chairman, Sir, I beg to move the following amendments:—

[Mr. arap Chumo]

THAT, the Bill be amended by inserting after Clause 1, new clauses 2 and 3 and renumbering subsequent clauses:—

2. Section 4 of the National Assembly and Presidential Elections Act 1969, hereinafter referred to as the Principal Act, is amended by replacing subsection (2) thereof with a new subsection as follows:—

(2) Not later than the 31st March of each year, the Minister shall by notice in the Gazette cause every register of electors to be revised in the prescribed manner, so as to bring it up to date.

3. Section 9 of the Principal Act is amended:—

(a) by inserting immediately after subsection (1) thereof the following proviso:—

“Provided that where due to circumstances beyond his control any person having been under a disability has not applied to be registered and has not submitted his claim for registration to the registration officer within the prescribed time, he may submit it within 14 days after the cessation of the disability.”;

(b) by deleting subsection (3) and substituting in place thereof the following new subsection (3):—

An appeal from the decision of a court shall lie to the High Court whose decision shall be final.

Now, Mr. Chairman, the new clause 2 is quite necessary as you can see from the Principal Act. The section dealing with the registration of voters is so vague that nothing can be done. This is why no revision of the voters register has been done since the last five years. Now, talking to the Attorney-General privately outside, he told me that probably, this could mean incurring a lot of expenses. However, I think on the contrary, Mr. Chairman, that a revision of the voters register would, in fact, minimize the amount of work that would be required when the time for elections comes closer because after all, what is required of a person is for him to go to his district commissioner and say he has attained the age of 18, and then have his name added on the voters register. This, Mr. Chairman, is arranged in alphabetical order, and it should not be difficult just to add an additional name of a person in the register. This, in fact, will not require the rush and heavy work as we witnessed in the last three weeks.

Mr. Chairman, as regards the new clause 3 subsection (9), it is true that some people may be unable to register when the registration of voters is being carried out. Therefore, I feel that it is quite necessary that a provision be provided, so that if one is unable to register himself because of reasons beyond his control, he should be able to apply to the registration officer to have his name included in the register, so that he can have the right to vote.

Mr. Chairman, as regards subsection (b), it is true

that the Principal Act allows appeals, but this subsection in the Principal Act says that no appeal shall lie from the decision of a court. Mr. Chairman, I feel that when an appeal is necessary, a candidate should be allowed to have the appeal right to the High Court, whose decision should be final. I think this will help greatly, and I hope it does not do any harm to the Bill as it is, but rather, it will improve it.

Therefore, Mr. Chairman, I beg to move.

(Question of the new clauses 2 and 3 proposed)

(New clauses 2 and 3 read the First Time)

Mr. Seroney: Mr. Chairman, Sir, could we, as a matter of order, deal with one at a time, that is clauses 2 and 3?

Mr. Chairman: It does not matter how we deal with them, but as they have already appeared under one name, I think we had better deal with both of them at the same time.

Mr. Seroney: Now, Mr. Chairman, touching on the one on the annual revision of the voters roll, the attitude of the Government is, to say the least, very surprising. The Principal Act says something like this:—

“Whenever the Minister, after consultation with the Electoral Commission by order so directs, a register of electors shall be revised in the prescribed manner, so as to bring it up to date”.

This is the law and has been the law since 1969, when we had our General Elections. Now, although there was a provision here for a regular revision of the voters roll, no revision was done. It was all left until the election, year or until what we hope is the election year, and then creating a rush and all the confusion we noticed, of people being transported and so on and so forth. It is true that a lot of money was spent during the registration of voters whereby the university students and other students were employed as assistant registration officers. They were to be paid daily allowances and so on and this cost a lot of money. However, this would not have happened if originally, a provision had been made for the annual remission. The Attorney-General talks about the expense involved, but when I went to register last time, I noticed how they did their registration. All people whose names begin with “A” were put together in the order in which they came. All that is required is that if somebody next year requires to be registered because he has reached the age of eighteen or has moved from Nairobi to Eldoret, his name should be put at the end of the “As” and if that page is full, then another page can be inserted without upsetting the other register. It is difficult to tell me that the cost of one piece of paper and a few minutes which the district commissioner or anybody else can take to do that job, will require us here in Parliament to vote in some money for it. I do not think any expense is necessary at all. Therefore, Mr. Chairman, I support this particular amendment because I feel the Government should not treat the rights of the *wananchi* so lightly. Last time when we were registering, we were told that we were given only two weeks. However, another week was added and then another and another and another all being done as though it was a favour and not a right. After all, Mr. Chairman,

[Mr. Seroney]

the right to register as a voter is contained in the Constitution and therefore, the Government should not adopt a sort of benevolent attitude because they make it look as if they are doing us a favour.

Mr. Chairman, Sir, with regard to the next proposed amendment, I do not know what is worrying the Attorney-General because the amendment clearly states "Not later than 31st March each year". Perhaps the Attorney-General may say that he does not want to be tied down and that he would like to do it anytime he feels like it. However, Mr. Chairman, even if we are assured in this House that this thing will be done annually, what is wrong in putting it in black and white. I am saying this because it would help to keep the Government on its toes and it would not create this situation. With regard to the paper the Attorney-General is talking about, I do not know what this paper is all about. However, with regards to the proposed clause 3, it is possible and we know this because it has happened that certain circumstances are created to make certain individuals unable to register and if they are Members of this House they will find they cannot stand for re-election because they are not registered. Therefore, I entirely support this particular amendment.

Mr. Chairman, Sir, with regard to the appeal from the court, I would like to suggest that it is wrong for an Act of Parliament to say that a constitutional right—I do not know what is worrying the Assistant Minister. Mr. Chairman Sir, the section to be amended says that an appeal from the decision of court shall be final. This means therefore, that if you want to register, then the registration officer will refuse to allow you to register. If you then appeal to a subordinate court of first class, according to the memorandum of the Attorney-General, it will be anything from a senior resident magistrate to a district magistrate. Let us suppose it is a district magistrate, their decision is final. Mr. Chairman, Sir, I do not see why a constitutional right should not have access to the High Court for a second time. This is very important because the right to be registered as a voter is very important because none of us here would be able to stand unless we are registered as voters. Therefore, it is very simple to refuse somebody registration or to make it impossible for him to register at the right time and then you tell him, "You are not registered and therefore you cannot stand". Therefore, Sir, I would like to suggest that a second opportunity should be accorded so that nobody will later on say that if he had presented his case to the High Court, perhaps things would have been different.

With these few remarks, I commend the two amendments to hon. Members.

Mr. ole Marima: First of all, Mr. Chairman, I think it would be proper that when we come to put the question, we should take these items one by one instead of reading them all together. Mr. Chairman, Sir, until I listened very carefully to my good friend—hon. Seroney—it did not occur to me that this amendment implies so much. When we say that people should go and register themselves, I fail to understand what will induce the people to go and register themselves. I am

saying this because some of us experienced a lot of difficulties in persuading our people to go and register, during the last registration period. If people do not want to register themselves, we cannot deceive ourselves that we shall achieve what we want. I am saying this without any ill intention because I know people in the rural areas attach no importance to registration. I know this is the same situation in my own area because 90 per cent of the Masai are illiterate and they attach no importance to registration. Unless we start an exercise such as the one we carried out and persuaded them to go and register themselves, they will not do it on their own. What is 31st of March, to a Masai or a Somalia? It means nothing!

Mr. arap Chumo: On a point of order, Mr. Chairman, (Inaudible.)

Mr. ole Marima: That is a point of argument although the hon. Member had time to advance his arguments. What I am saying is that we should agree or disagree that this rule will not be effected in my own area. If other hon. Members feel likewise, then it will not work. However, if they feel it will work then the amendment will go through. For this one reason, I personally say that we should register people when we think it is necessary and that we should appeal for more time for registration. Let us devise a good method of registering voters instead of people coming in one by one to register.

Mr. Chairman, Sir, when we come to this section relating to the appeal to the High Court, we find that it is important so that one can get a chance of having justice administered properly. I hope that the Attorney-General and the Leader of Government Business will find it fit to accept that for an issue so important as this, of one having lost an election, perhaps through an unfair means, one cannot be justified anywhere else that you have lost in a just manner except when you put your argument to the highest position of authority in law, which is the High Court. I hope this will be accepted.

With these few remarks, I beg to reserve my comments.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Chairman, Sir, I would like to agree with the sentiments expressed by the Mover of this amendment, as far as the registration of voters is concerned. This is very important and I agree with him that this should be done annually. I hope, that on that particular section, the Attorney-General, having spoken to him on the issue, I hope he will agree with it so that this is revised annually.

Mr. Chairman, Sir, I can hear somebody saying that I do not know what I am talking about. However, there is a saying that you should not argue with an ignorant person, because by so doing, the public will not be able to tell who is ignorant and who is not. However, I know that hon. Members are not ignorant. They are intelligent. One thing is that there is no use arguing on this issue. I can see there is a merit in this. If the Attorney-General has accepted that this should be done annually, without committing himself on the date, I think there cannot be any argument.

[The Assistant Minister for Tourism and Wildlife]

Mr. Chairman, Sir, as far as the other provisions are concerned, we cannot do this on what we assume, that people have not registered, because if we are accepting what is stated in (ii) above, then there should be no worry at all. If somebody has not registered himself, he will get a chance of registering himself when the voters roll will be compiled the next time. There are people in jail at the moment and others in other places and definitely will be required to register themselves when they come out of jails. So, I quite agree that on the (ii) above is all right, if it can be done annually.

Mr. Chairman, Sir, as far as (ii) is concerned, I do not know why we should put that clause there because it is stated in the National Assembly and Presidential (Amendment) Bill that election court means the High Court. I think it would be important for the Attorney-General to make a clarification here whether what is stated here meets the requirement and if it does, then we do not need to amend it. However, if it does not meet the requirement, then, surely, we need to have an appeal in the High Court, and, therefore these two sections should be amended. I also feel that this section (iii) is not really necessary and I hope the Attorney-General will bring these two little amendments together so that we pass them straightaway without even bringing in very many other amendments. I feel that if we delay this amendment again, it might take us a long time before it comes up again for debate. Therefore, I would like to appeal to the hon. Members to withdraw these other amendments so that we finish this Bill quickly.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I think the only orderly way we can deal with this matter is first of all, for me to say that I object to the amendments which have been proposed by the three wise men and then undertake immediately to do the amendment in my own way, which will satisfy the sentiments of the hon. Members.

Mr. Chairman: Would you clarify what you want to do?

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, first of all, I will read the draft, which I have not read and which I am not going to read now, revising the register annually and I will also provide something about the High Court. However, I think the more orderly way is, first of all, to deal with the prior's amendment and then I deal with mine.

Mr. Chairman: It looks the best thing then to do is to decide on this straightaway. So, you know the technical way of putting this is to say that the new clause 2 will be read a Second Time and if you do not agree you will say "no".

(Question, that the new clause 2 be read a Second Time, put and negatived)

Mr. Chairman: Following on this, I will also put the question of the new Clause 3.

(Question, that the new clause 3 be read a Second Time, put and negatived)

Mr. Mwamzandi: On a point of order, Mr. Chairman, Sir, I am seeking your guidance here. I know in the Committee stage we do not read clauses for a

Second Time. I would like to know from the Chair whether what we have just done is the right procedure.

Mr. Chairman: If you do not know that as yet, read your Standing Order No. 107.

New clause 2

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, may I, first of all, deal with clause 2. On this clause I would like to move an amendment as follows:—

THAT, the Bill be amended by the insertion after clause 1 of the new clause as follows:—

1. (a) Section 4 of the National Assembly and Presidential Elections Act is hereby amended by the deletion of subsection 2 and substitution therefore of the following new subsection—
2. the Minister shall in each year by order direct that all registers of electors shall be revised in the prescribed manner so as to bring them up to date.

Mr. Chairman, Sir, this will now provide a revision of the voters roll once a year.

(Question of the new clause proposed)

(New clause read the First Time)

Mr. Karungaru: Mr. Chairman, Sir, I welcome that amendment and the reason for doing so is that I have noticed during the time of the registration of voters, that there were some fictitious voters' cards being issued out. This is one of the reasons why I am supporting that move which the Attorney-General has initiated. The other thing is that even the officers who were registering the voters were not worried about anything because they were in a rush. Everything was just rushed over as a result of which all these malpractices surrounded all registration units. This was so because there was no procedure provided for review of voters' roll annually. Now that the Attorney-General has agreed to provide this provision, then I cannot see any reason why an hon. Member in this House can have any quarrel with this move.

With these few remarks, I hope the hon. Attorney-General will have the blessing of all hon. Members in this House.

Mr. Murgor: Thank you very much. I also support very heartily the move by the Attorney-General because those people who have been "imported" or "exported" from some areas to others will never appear again in the registers which will have to be reviewed every year. If I may be allowed to give an example, when we had the graduated personal tax going on, we had tax registers which had to be revised every year. In this case, what will happen is that new people will be registered and the ones who will have died will be crossed out and we will not have the problem which we have just faced recently where things had to be hurried so much. As a result people registered themselves in wrong areas, therefore, I support the move by the Attorney-General very much.

Mr. Chairman: I will put the question that the new clause be read a Second Time.

(Question that the new clause 2 be read a Second Time, put and agreed to)

[The Chairman]

(The new clause 2 was read a Second Time)

(Question, that the new clause 2 be added to the Bill put and agreed to)

(New clause 2 agreed to)

(Clauses 3 and 4 agreed to)

New Clause 5

Mr. arap Chumo: Mr. Chairman, I beg to move:—

THAT, the Bill be amended by substituting clause 5 thereof with the following new clause:—

5. Section 17 of the Principal Act is amended—

- (i) by substituting for paragraph (b) of subsection (2) thereof the following paragraph—
 - (b) he was a Member of the National Assembly during the period immediately preceding the preliminary election or he is qualified under, and has complied with any provisions of the constitution or rules of the political party concerned relating to members of that party who wish to stand as candidates at preliminary elections; and has deposited (or caused to be deposited on his behalf) a sum of one thousand shillings in cash with the returning officer at the place and within the time fixed for the delivery of nomination papers;
- (ii) by adding after the words “secret ballot” in subsection (3) thereof the words “and all ballot papers and ballot boxes used at such an election shall in respect of every political party be common for all candidates of each such party.”
- (iii) by deleting the words “as closely as may be” in subsection (4) thereof, as follows—
 - (d) that an elector who declares orally that he is unable to read or otherwise requests assistance shall be assisted by the presiding officer in the presence of and witnessed by at least one of the agents of each candidate in marking that electors ballot paper.
 - (e) that the deposit made under subsection 2 (b) of this section shall be either—
 - (i) returned to the person making it, as soon as practicable after the results of the Parliamentary Election concerned is declared; or
 - (ii) forfeited and paid to the Consolidated Fund in the case of a candidate who has not been elected and has not polled more than a quarter of the total of votes polled by all candidates in the preliminary election.

Mr. arap Chumo: Mr. Chairman, I know the amendment is lengthy. The reason why I brought a new clause completely is that as you can see some of the sections

of this clause are identical to the subsections that are in the amendment.

An hon. Member: I cannot see!

Mr. arap Chumo: If you do not see it is not my problem.

Mr. Chairman: I will propose the question of deletion. The amendment that Mr. arap Chumo proposes is to the effect that we delete clause 5 as it appears in this Bill and substitute what appears as a new clause 5. Therefore, I will put the question of deletion, namely, that clause 5 as it stands in the Bill be deleted.

(Question of the first part of the amendment that clause 5 be deleted, proposed, put and negatived)

(Clauses 5 and 6 agreed to)

Clause 7

Mr. Seroney: I beg to move that the Bill be amended in clause 7 by substituting for paragraph (d) a new paragraph as follows:—

“(d) all matters that shall come before it shall be decided according to substantial justice without undue regard to technicalities.”

Hon. Members: Shame! Shame!

Mr. Seroney: The shame is on the hon. Members who do not understand English.

(Laughter)

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Chairman, is the hon. Member for Tinderet in order to charge that the hon. Members of this House do not understand English when it is the official language of this House and we all have to pass an English test before coming here?

Mr. Seroney: Well I do not know; perhaps hon. Members would like me to qualify it by saying, “legal English”; perhaps this would make them happier. I do not understand why hon. Members are so impatient. If you want others to listen to you, you should listen to others.

Mr. Chairman, the present clause reads as follows:—

... the election court shall decide all matters that come before it without undue regard to technicalities.”

The reason why I have brought this amendment is because that phrase, “without undue regard to technicalities” is not so definite. This is because what is undue regard to technicalities and what technicalities should be preserved and ignored is a matter of legal opinion. **Mr. Chairman,** if you will remember, during the last elections, many petitions were thrown out because of a technical thing. What I really want is substantial justice; and not whether somebody has fulfilled various technicalities or not. We do not want petitioners to be victimized because their lawyers have not followed the correct procedures and so on. Therefore, I do not see why the hon. Members on the Front Bench are laughing because this is a very serious matter. A lot of petitions were thrown out on pure technicalities and I suggest that this amendment, incorporating substantial justice is a better one than the one which appears in the Bill.

I beg to move.

(Question of the amendment proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I have tried my best to do some homework. This is the Bill which was then known as "Seroney's Bill" and this is the Attorney-General's Bill. If you look at the former Bill on page 38 under clause 8 (d):—

"All matters that shall come before it shall be decided according to substantial justice without undue regard to technicalities."

Mr. Chairman, Sir, the Bill which has been tabled by hon. Njonjo has a similar clause which says, and I quote:—

"The election court shall decide on all matters that come before it without undue regard to technicalities".

Mr. Chairman, Sir, I agree that our English is bad but at least we can read. Now I am wondering about what the hon. Member calls the legal language here because I seem to be seeing similar words unless my eyes are bad.

Mr. Chairman: What these two clauses say is that the justice meted out should be substantial. I do not know whether that justice is yellow, red or blue or what colour it is. I actually do not know. Would you explain, Mr. Seroney, exactly what you understand the words "substantial justice" to mean?

Mr. Seroney: What I mean by substantial justice, Mr. Chairman, is this. Very often in courts of law we have got technicalities which are defended both by the judges and the legal profession because they are supposed to serve some purpose which perhaps only lawyers and judges can understand. What I am aiming at here is that the interests of the ordinary layman, the petitioner, who has been failed in an election and who wants the substance of his argument to be heard and not to be simply told, "All right, you have not filed this or you have not done this and that or you have not joined this or that party". What I mean by substantial judgement is the substance of the petitioner.

Mr. Chairman: That is for the judge of the High Court to know that in fact he should give substantial justice when he does not give undue regard to technicalities.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir—

An hon. Member: There is another hon. lawyer over there who wants to speak! It looks as if it is a battle of lawyers!

Mr. Chairman: Mr. Gatuguta, what do you have to say?

Mr. Gatuguta: Mr. Chairman, Sir, is the hon. Seroney not really misleading the House by putting words like "substantial justice" in his amendment when we know, by implication, that in fact courts are supposed to execute justice? They are supposed to do that, Mr. Chairman, Sir. Now, the hon. Seroney is implying that the courts are not just. We do not have to tell the courts to be just because that is what they are supposed to be. Is he now not misleading the House by saying that we

must tell the courts to implement justice for which, in fact, they are established to do?

The Attorney-General (Mr. Njonjo): First of all I think the hon. Member for Tinderet seems to be out of date with legal technicalities. I am not being unkind to him but I think first of all this House will realize that the election court that we are talking about is the High Court. I think it is an insult to the High Court to try to teach them their job because any lawyer will know that what courts are doing every day is trying to give substantial justice. I think since the hon. Member left us, we in the legal profession, he has forgotten what substantial justice is.

Mr. Seroney: Mr. Chairman, Sir, I cannot allow those remarks by the Attorney-General to pass unchallenged. The wording which appears in my amendment has been taken from similar wording in some other legislation, exactly word for word. Therefore, I do not agree with the Attorney-General's remarks that we are insulting the judges in this respect. All we are telling the judges is that they should not pay too much attention to technicalities. There is nothing wrong with that, Mr. Chairman, Sir.

An hon. Member: The judges know their job!

Mr. Seroney: If the judges knew their job then there would be no need for advocates in the country!

(Question of the first part of the amendment, that the words to be deleted be deleted, put and negated)

(Clause 7 agreed to)

Mr. arap Chumo: Mr. Chairman, Sir, I beg to move the following new clause 8:—

"There shall be inserted in the Principal Act, immediately after section 17 thereof, the following new section—

- "17 A. (1) The returning officer shall, after candidates have been duly nominated, meet with the candidates so nominated, and in consultation with the officer commanding the police division where elections are to take place arrange a schedule of meetings for each candidate and make such other arrangements as are required to ensure the due observance of law and maintenance of order at such meetings.
- (2) Where in accordance with any schedule of meetings prepared as is provided for in subsection (1) of this section more than one candidate wishes to address meetings at the same time and place, such candidates may address the same meeting presided over by a person mutually acceptable to them in the order of priority for which they shall ballot.
- (3) Any public officer or any officer of any local authority who campaigns for or against or in anyway expresses support for or opposition to any candidate, or assists in or takes part in the organization of any preliminary or parliamentary election meeting except for the purpose of maintaining law and order at such meeting, shall be guilty of an offence and shall be liable to imprisonment for a term of not less than two years or more than seven years.
- "

[Mr. arap Chumo]

Mr. Chairman, Sir, if it serves the Attorney-General I would like to withdraw subsection (3) of this new clause.

An hon. Member: Why? You cannot do it!

Mr. arap Chumo: I can do it. Mr. Chairman, Sir, if you watch closely you will see that subsection 17 (1) and subsection 17 (2) are serving the same purpose which the Attorney-General mentioned yesterday when he was moving the Bill. When he was moving the Bill he promised the House that the election candidates will not be refused to address meetings. What my amendment is seeking to do is to put in record that the returning officer shall meet with the candidates so nominated, and in consultation with the officer commanding the police division where elections are to take place arrange a schedule of meetings for each candidate and make such other arrangements as are required to ensure the due observance of law and maintenance of order at such meetings.

Mr. Chairman, Sir, subsection (2) of my amendment deals with a situation where the candidates wish to have joint meetings. I am trying to include this subsection in the Bill so that where candidates want to have joint meetings can meet with the returning officer and decide on what order they will conduct their meetings. I think this subsection is good. Mr. Chairman, Sir, the Minister of State, President's Office also mentioned that nobody will be refused to address public meetings. This being the case I do not see anything wrong in including this subsection in the Bill. Some hon. Members might say that we already have regulations which will guarantee the fact that everybody will be allowed to hold public meetings. In any case I do not see anything wrong for us to put this subsection in the Bill. I think this subsection will ensure that every candidate will have a right to organize meetings in consultation with the returning officer of his area and the police officer commanding the police in his area. I think this is fair and we should include it in the Bill so that we can safeguard our position. We cannot just go by the word of mouth that we shall be allowed to address meetings and all the rest. We want this assurance to be put on record and the way of doing so is by including this subsection in the Bill. I think this is a good amendment which we all need.

With those few remarks, I beg to move.

(Question of the new clause 8 proposed)

(New clause 8 read the First Time)

Mr. Mwithaga: Mr. Chairman, Sir, this is a very interesting amendment and I am going to oppose it. I would hate, as a politician, for anyone to try and use either law—the Principal Act—or even rule to indicate how I should conduct my own political meetings. This is because there are some hon. Members who do not need to hold meetings and there are even fresh candidates who do not need to hold public meetings. They only do door-to-door campaign. Therefore, if we are going to stipulate in the law every concerted manner of handling the election then, we are indicating political weakness.

Mr. Chairman, Sir, I am sure that the hon. Member who has just moved this amendment— He is asking

me how I will conduct my elections. I can invite him to come to my area when I shall be doing it and then he will see for himself how I will do it!

Mr. Chairman, Sir, what I am therefore saying is that if we look at the words he has used in his amendment, obviously for any sensible candidate and not only the sitting hon. Members of Parliament, it appears that should the district commissioner be absent and one wanted to get these people to meet or some other members do not want one to hold a meeting then that complicates the whole situation. This is because the clause does not compel that all members—all candidates—will have to meet. It is not an imperative clause. Therefore, it is unnecessary and I would like to say that we do without this particular arrangement and we do without this kind of guidance on the part of election campaign and leave each candidate to arrange or devise his own system of campaigning and contacting his people. I think that is the best way to hold elections.

With those few remarks, Mr. Chairman, Sir, I beg to oppose.

Mr. Seroney: Mr. Chairman, Sir, yesterday, when the Leader of Government Business and the Minister of State, President's Office were speaking, I listened to them very carefully and from what both of them said which was reported in the local newspapers, I do not find any difference with what is recorded in these two subsections.

Mr. Chairman, Sir, the Government is very ready with assurances and so on. They assured us that this and that will not happen, so on and so forth. However, let me ask, Mr. Chairman, Sir, that supposing for some reasons or the other, when elections come about, the people who have given us these assurances will not be there in the same positions that they are occupying today? What will happen? Would somebody else consider himself bound by those assurances? No!

Mr. Chairman, Sir, having seen several elections myself, I cannot help but laugh when I hear that assurances are being given at the end of this Parliament similar to those which were given in 1969. Mr. Chairman, Sir, we were given so many assurances in 1969 by the Government and we thought that all was going to be well. We were told that no sitting Member of the House would be interfered with and the law which had just been passed would not operate against the sitting hon. Members of Parliament. Everything, Sir, was sugar. However, the moment when Parliament was dissolved then, things changed completely. Now, you see the mischief, Mr. Chairman, Sir, is that if we are still in this House then, we can, of course, ask the Leader of Government Business what happened about this. When he was asked what happened, he said this: at the material time, we shall not be here. Therefore, there will be nobody to ask for these assurances. Therefore, Mr. Chairman, Sir, I cannot see how we can avoid a situation like what happened in the last General Election. I explained when I was speaking in an earlier Bill what happened. I explained how we were told that; "You wait until Kanu organizes a meeting." So, we said, all right. Kanu is going to organize meetings. Therefore, we kept on waiting and waiting and

[Mr. Seroney]

those of us who were favoured were allowed to go ahead. However, those of us who were not in the good books of establishment were told to wait for Kanu to organize meetings. When this happened and Kanu organized meetings, out of ten days, we were only allowed to hold four meetings. Now, what happened to all the assurances which were given to us in July, 1969 when the Act was being amended and it was discussed here in the House? I do not know.

So, Mr. Chairman, Sir, if the Leader of Government Business was really serious yesterday when he spoke about this and also if the Minister of State, President's Office was also serious when he spoke about this yesterday then, they should have no objection in seeing what they said incorporated as law because it does not prevent the district commissioners from governing and it does not also prevent the police from maintaining law and order in the country. As a matter of fact, they are in all the time. Therefore, I cannot agree with the hon. Member for Nakuru Town by saying that candidates will be dictated to. I mean, for instance, if after the nomination day at 12.00 o'clock on such-and-such a date, people get together and a candidate says that he is not interested in having any scheduled meeting then, he just needs to walk out of the meeting. The remaining candidates will do their business without any disturbance or interference. The fact that one is not stopped from saying that although he had planned to have a meeting on such-and-such a date but, today he is not going to take advantage of that. However, he would like to have campaign against So-and-so then, he is free to do so. Therefore, these clauses are not tying down any candidate to campaign in any particular way. However, they make sure that there will be no discrimination against the favourite boys of the establishment.

With those few remarks, Mr. Chairman, Sir, I beg to support.

Mr. Gatuguta: On a point of order, Mr. Chairman, Sir, how come that you are only calling on speakers from only one side of the House?

Mr. Chairman: That is not a point of order, Mr. Gatuguta!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Chairman, Sir, I would like first to say that, in this House, we must learn to trust one another. I think we must be able to take the statement by the Minister of State, President's Office very seriously. He told us yesterday that we shall all hold meetings.

Now, I am told, Mr. Chairman, Sir, that some hon. Members who are in this House today had no meetings last time. However, when one is popular, whether one is given a public meeting or not, one will still come back to this House. So, it does not matter whether we make legislation to enforce things or not. Mr. Chairman, Sir, I would like to tell the hon. Members that I did not hold a single public meeting during the last election and yet my rival candidates held a thousand and one meetings but still I came back to this House! Why? It is because I was popular in my area.

I think it is very unfair, Mr. Chairman, Sir, to say that we must make a legislation so that we can have some meetings. Some of us have managed to be popular in this House by not even having meetings at all. Sir, let me tell some of the hon. Members who are here that, in fact, when one is refused permission to hold meetings by certain officers of the Government, the *wananchi* wonder why one is refused permission to hold meetings? It might be that probably he is the right man and this is a credit for one as a sitting Member or the candidate. I think, Mr. Chairman, Sir, one should take it as a man and say "Look, I am being refused permission to hold a meeting because they know that I am good". The other point, Mr. Chairman, Sir, is about Government officers campaigning for certain people and trying to make it legal. I will tell them a bitter experience, Sir. I know of a case, involving somebody who is now in the Rift Valley, who had to bring down a district commissioner who was on leave to come and campaign against me and yet I won the election! Therefore, why should I bother about getting into jail? He should feel ashamed that he had done a hopeless job! I think they should be left to campaign against myself and then I shall defeat them. I think this is the honour I have as a person. Therefore, why should one bother whether they are campaigning against him or not? Are we fearing that they are too strong and we cannot defeat them? What is a chief in a location? This is only what we are fearing. Why should one bother about the district commissioners and the rest of them? We should not fear them! In any case, Mr. Chairman, Sir, they will all be too busy trying to organize meetings.

Mr. arap Chumo: On a point of order, Mr. Chairman, Sir, is it not true that the hon. Member speaking is now discussing a different matter altogether? I thought that the matter of civil servants campaigning for some candidates has been dropped?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Chairman, I think hon. Members should not be worried about meetings. Let us pass the legislation before the House in toto and in peace so that we can have the bread we have been asking for. We should not add some clauses to this Bill which might spoil what we have done so far.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, Sir, I heard a few words being uttered behind me here in Kikuyu and sounded *King'ori Waibochi*. Sir, what does this mean to this Bill?

Mr. Koigi: Mr. Chairman, Sir, I uttered the words to that effect with a view to assuring the House that during the General Election, the Attorney-General can prevent a candidate from standing. I said that during the last General Election such a thing happened to one candidate, namely, Mr. King'ori Waibochi. So, that can happen again during the forthcoming General Election.

(Question that the new clause be read a Second Time put and negated)

(Clause 8 agreed to)

New clause 9

Mr. Seroney: Mr. Chairman, Sir, I beg to move that the Bill be amended by inserting a new clause, wherever it is appropriate, to read as follows:—

The provisions of the Election Offences Act specified in the first column of the Schedule to this Act are amended in the manner specified in relation thereto in the second column of that Schedule.

The only thing I have to say here, I would like hon. Members to take it very seriously, is the question of employers. During the last General Election, my experience was that some employers did not give a reasonable voting period for their employees. They could do this with impunity because they felt that as long as they tell their employees to go home at 3.00 p.m. and vote for only three hours, then this was reasonable. Sir, whatever may be reasonable for one individual may not be reasonable for a whole labour force in a vast area like Nandi Hills. Therefore, Mr. Chairman, Sir, in our own interest especially those hon. Members who represent areas where tea estates or companies which employ a large labour force, we should accept this amendment. I would ask the Attorney-General and this House to do one of the two things. He should either accept this amendment or have that day be declared as a public holiday.

Mr. Chairman, Sir, the right to vote is a very valuable one and it is no use keeping temptation in the way of employers. Therefore, we should declare the election day as a public holiday because it is only one important day in five years.

Therefore, Sir, I beg to move the amendment.

Mr. Nthenge: Mr. Chairman, Sir, I rise to support the amendment because an employer can prevent his employees voting for the candidate he does not like by allowing a very limited time for voting. So, Sir, if employees could be left uninterfered with, then things could be all right. However, the existing law does not ensure that employees have sufficient voting time. If your five supporters were refused a chance to vote and your opponent beat you with three votes, surely if your supporters would have voted you would have won. This, Sir, is quite obvious and there is no reason why the Attorney-General should give us a verbal assurance without enacting a law to that effect. When this aspect is in the Laws of Kenya then such notorious employers would respect the law by allowing their employees sufficient time to vote during the polling day.

As the hon. Mover said, Sir, this has happened in this country. I know that the Attorney-General does not understand what I am talking about. However, if he were a politician, Sir, I am sure he would have experienced the problems I am talking about. I am sure that he too found some problems in the Civil Service before attaining his present position. Similarly, we have our own problems in politics.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, is the hon. Member speaking in order to say that? If he is a politician, then I would rather be a sweeper in our streets.

Mr. Nthenge: Mr. Chairman, Sir, let us put these small things aside when we are discussing an important matter in this House.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, Sir, I think we must maintain the order and dignity of this House. Do you not think the remark by the Attorney-General was in itself an insult to the hon. Member?

Mr. Chairman: No, the Attorney-General merely made a comparison.

Mr. Nthenge: Mr. Chairman, Sir, if I were to exchange words with the Attorney-General, I would make him cry in this House. So, the best thing is to leave him alone. Mr. Chairman, it is not that I did not hear what he said, but I would not be ashamed to say that I am one of the people who used to say that we must Africanize his office. In fact, he Africanized an Attorney-General that used to be in this Chamber with me. Therefore, I do not want to show the people that what I did was a waste of time.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, is the hon. Member right in misleading this House that I owe my job to him?

Mr. Nthenge: Mr. Chairman, Sir, we do not need to take a lot of time on this one. He must know that Africanization is a political policy and I was a champion.

I was making this point in the amendment. If the amendment is included in the law, what do we lose? If the amendment is not included in the law we might lose something but if we have it included we lose nothing. I do not see why anybody would object to it since by inserting it we lose nothing. Therefore, it is a wise man's principle that always to close all the holes to avoid anything coming in. There is no need of saying that since nobody will come in, then, why lock the door? It is always wise to lock the door because if you lock it you lose nothing. There we should lock our door against elections' irregularities.

Mr. Chairman, Sir, I have a factory in my constituency and somebody who is against me could easily organize and say that on that particular day everybody will work to make sure that the workers will not cast their votes. One cannot organize an election to cure all these irregularities but if it is done it is easy to run to the authorities and say that such-and-such company is refusing the staff to go and cast their votes and the authorities will be ordered to let the people go.

With these few remarks, I beg to support the amendment.

(Question on the new clause 9 proposed)

(New clause 9 read the First Time)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, if one looks at the amendment seriously, he will note that the amendment is irresponsible because there are quite a number of hon. Members who employ a number of people. I am sure that they will be reasonable to give their employees time to go and vote. If the hon. Member is saying that on that day nobody should work, then, who will be running the Kenya Bus Services, who will be running the hospitals? The effect of this legislation is that every working person will say that it is a voting day and therefore no work. I therefore oppose the amendment.

(Question that the new clause 9 be read a Second Time put and negatived)

Clause 9

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move an amendment that in subsection two of the Principal Act, namely, section 9 by the deletion of the words "a court" and the substitution, therefore, of the words "high court". In little (2) by the deletion of subsection (3) of subsection (9) which did not allow an appeal to the High Court.

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 9 as amended agreed to)

Mr. Seroney: Mr. Chairman, Sir, I withdraw the new clause 13. I also withdraw the amendment on the Schedule and title.

(Title agreed to)

Clause 1

Mr. arap Chumo: Mr. Chairman, Sir, Clause 1 says that:

"This Act may be cited as the National Assembly and Presidential Elections (Amendment) Act, 1974, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint."

Mr. Chairman, Sir, I feel that since we have accepted this Bill there should not be any reason for requiring the Minister to put in the Gazette so that it operates. This Bill should operate immediately the President assents. I think the Attorney-General said he would do something about it. I therefore, beg to move my amendment:—

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I will say they are three musketeers and agree to the amendment.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, Sir, is it in order for the Attorney-General to call hon. Members musketeers?

Mr. Chairman: No, they are hon. Members.

(Question, that the words to be deleted be deleted, put and agreed to)

(Clause 1 as amended agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration of the National Assembly and Presidential Elections (Amendment) Bill and its approval thereof with minor amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND
THIRD READING

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the National Assembly and Presidential Elections (Amendment) Bill and approved the same with minor amendment.

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 for Local Government (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the National Assembly and Presidential Elections (Amendment) Bill be now read a Third Time.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I wish to second the Third Reading of this Bill. We have discussed it as brothers and sisters here, and we have passed it. Let us give it a trial. I do not think this is the last amendment to be made. I hope there will be more amendments to be made in future. However, for the time being we have something to work with.

Having said that, I hope that this Bill will be for the "Welfare of Society and Just Government of Men". For those who are going to execute it I have to say this to them: all that the *wananchi* of Kenya want is justice. Those who have different views may find it difficult because the *wananchi* of 1974 are not the *wananchi* of 1963. They are now grown up and they know which side of the bread is buttered.

The fears which have been expressed by our hon. friends here today are genuine. However, those who will try to suppress justice will also be suppressed in the long run because if you do something to somebody today tomorrow it will be done to you. I am quite sure that this Bill will enable some of us to come to this House. If it would be the one like that of 1969, then some of us would be organizing parties here to bid good-bye to this House. This Bill is much better than the one which we had in 1969, when those of us who managed to win the elections did so through the grace of God because we had quite a hectic time.

Mr. Speaker, Sir, let it be known that whether you are given a chance to hold a meeting or not—this is what is worrying most of our friends—the public know who will speak for them. Those who refuse you a chance to hold a meeting may not even see the four walls of this House. Therefore, the fears with regard to holidays and so forth should not worry us because the public know whom they want, and they will elect the right people to this House. In fact, according to this Bill, the poor people who have nothing in this country have now a chance to milk those who have been amassing wealth and a lot of money. They will use their money and then vote in the people they want. The poor people have suffered for a long time, and this is the

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

right time for them to harvest. They should eat the money of the rich. They should do so very well so that they may build Harambee secondary schools, primary schools and also buy their children some shoes for the first time. After doing that they will vote for different people. Therefore, this is a Bill for the small man to exploit the rich.

I beg to second.

(Question proposed)

Mr. Seroney: Mr. Speaker, Sir, in commenting on the Third Reading of this Bill I would like to say that it has taught us a few very important lessons. One of them is that we should not take anything for granted. Our Constitution does not make provisions for all possible eventualities. I would have hoped that in the light of our experience this time, those who come after us will try and devise a method whereby we can avoid the situation to which we have bound ourselves during the last several weeks.

There is a need in this House for a spirit of give-and-take. I find that there is a tendency of some—not all—persons in the Front Benches to be intolerant of any efforts made by Back-benchers. Our Standing Orders do provide quite clearly that Ministers as well as Back-benchers may introduce public Bills. They describe a private Bill as follows:—

“A private Bill is a Bill which is intended to affect or benefit some particular person, association or corporate body”.

That is what a private Bill is, and I hope the Attorney-General will take note of that. No one has introduced a private Bill in this House since independence. We have had two Bills from Back-benchers, and both of them were public. I hope that if the Ministers expect us to support their Bills, in the spirit of give-and-take, they should also support our Bills which we bring forward. They should not expect us to keep on supporting their Bills and, perhaps, amend them reluctantly, when they do not do the same.

In today's Order Paper there were notices of amendments which have gone down into HANSARD only as matters of public record. Some of us regret the fact that many of the amendments which we brought forward as a result of experience in the last elections have been rejected by the Front Bench.

Hon. Members: They were rejected by the House.

Mr. Seroney: Mr. Speaker, Sir, I say they were rejected by the Front Bench because many of the Ministers who rarely attend this House are here today.

Having this Bill I would like both the Office of the Attorney-General and those who organize the elections to take into account the sentiments which have been expressed by the House and also to make it known to the Civil Service that there is really no conflict between us and them. What we really do not want ourselves is a Ministry that does encroach on our spheres because they will resent their interference with our functions. I trust that although the amendments which we had

proposed have been defeated, I hope that the sentiments of this House will be conveyed to the Minister of State, President's Office. I personally feel that the administrative officers will not be allowed to be big-headed to such an extent that they might be tempted to think that they can kick around Members of this House including Ministers in the way they like.

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

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, I would like to take this opportunity to express my gratitude to the hon. Member for Tinderet for having pioneered the move which has made the Attorney-General to bring this Bill to this House. I am sure that all of us accept the fact that every hon. Member is free to bring a Private Member's Bill for debate. It is only after we have debated the Bill we can decide whether or not we should adopt it or drop it. The Attorney-General's Bill is generally based on the Bill which was moved by the hon. Member for Tinderet. If I was the hon. Member for Tinderet, in fact, I would take some satisfaction from the fact it is me who enabled this House to discuss an important matter which affects the future of this country. Mr. Speaker, Sir, this Bill is important because it is a milestone in our national development since most of us believe that people who are elected to this House should be elected on fair grounds.

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

Mr. arap Keino: Mr. Speaker, Sir, I would like to thank both the hon. Member for Tinderet and the Attorney-General for the troubles they have taken to make sure that a Bill of this kind is introduced in this House. The only thing we can draw from this Bill is that Kenya will remain a democratic country for many years to come. Kenya will be a shining example to the rest of Africa. The only thing I would like to do is to request the Front-benchers to pull up their socks. They should not wait until such time there is crisis.

I hope that the Government will leave us alone to look after the affairs of our constituents. I hope that the Government is not going to sponsor a candidate in any part of the country. This is my honest request to the Government. In any case, if that happens, let everybody know that the wishes of the 12 million Kenyans will prevail.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Thank you very much, Mr. Speaker, Sir, for giving an opportunity to say a few words on this Bill.

This is a very important Bill which all of us should support. Most of us who have campaigned in the last three elections must have seen the dangers which arise when wrong regulations to govern the elections are formulated. In the past, some of us lost our ballot boxes. However, this Bill is going to remove that loophole. According to this Bill if people in a given constituency feel that they do not want a particular hon. Member

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

they will have an opportunity to do that freely without interference. In fact, this is a very important Bill as far as I am concerned.

Mr. Speaker, Sir, politics should be left to politicians and civil servants should not indulge in politics. For instance, as regards the question of fixing the boundaries for wards and local authorities is very sensitive. I would like to appeal to the Minister for Local Government to do something about this problem. The reason why I say that politics should be left to politicians is because in this country we happen to have very capable Ministers. All the civil servants particularly the district commissioners who are supposed to advise Ministers should do that without malice.

Mr. Speaker, Sir, this Bill, among other things, talks about the registration of voters annually. I would like to say that is a pity that rules governing registration of voters are very loose. For instance, when the voters were given a chance to register this month we were surprised to see people being transported in lorries and buses from one place to another to register there. This is a very dangerous exercise, Mr. Speaker, Sir. According to the rules governing registration of voters, all Kenyans are entitled to register anywhere. Unless something is done about this question, we should expect trouble in the near future. For instance, if a person was born in Kiambu he should register as a voter there. In cases where people move to other areas they should wait for at least three years before they can register in their new areas. There is no reason why a person who was born in Nakuru should not register there. The same case applies to those people who are born in such areas like Baringo, Solai.

However, as far as I can see this Bill is going to safeguard democracy in Kenya. In Kenya we enjoy democracy due to the wise leadership of our beloved President Mzee Jomo Kenyatta. In Kenya we are lucky in the sense that we do not shoot at each other or club each to win a parliamentary seat. All that we do is to go to the ballot box to elect Members of Parliament of our choice.

Mr. Nthenge: First of all I would like to thank all those hon. Members who supported this Bill.

I cannot help in the first place to thank the President for directing the Attorney-General to bring this Bill to this House. Probably the President did not like our first approach. It is very encouraging to see that the President did not block the whole idea completely. That is the reason why I feel that we should commend him very much.

Mr. Speaker, Sir, the question of choosing leaders in a country should be taken seriously. In a society or in a country like ours there must be rules to govern our society or country. It is common sense to know that such rules cannot be made by all the people in that country. The people who are entrusted with making such rules must be people with qualities which are acceptable to the rest of the population. They are the ones who will make laws and regulations for the society.

Mr. Speaker, Sir, we must not confuse national leadership with club leadership. I am saying that the imple-

mentation of the Bill we have passed is very important, and it should be handled with great care, so that we may finally achieve what we wanted to achieve in the best possible way. Let the people who will be elected be properly elected, according to the Bill. The Bill, for example, requires everybody who is going to be a candidate to have a representative next to his opponent's representative as well as that of the Government. All these people are to ensure, Mr. Speaker, that voting will be done in the right way and in accordance with this Bill. Therefore, Sir, I would like to urge the Ministry concerned to publicize this very well, so that everybody knows about it. I am sure and I hope that the Ministry of Information will give them a hand, so that it is very well known that every representative of a candidate has equal rights with the representative of the Government and there will be no favouritism, so that we may have some peace as well as democracy moving in the right direction.

Mr. Speaker, Sir, I would like to say that this Bill, if badly handled, could mean that we were spending our time here wrongly. However, as it is now, and if it is properly handled, it can be hailed a lot in the country. Everybody would say, "Oh, what a wonderful Bill the House has passed". Now, Mr. Speaker, Sir, for those of us who may not come back to this House, because I do not think there is any Parliament where all Members are returned, unless there are some tricks used, and maybe, one of them is myself, at least, we should go home and put it on record that we did something good for the nation.

The Assistant Minister for Natural Resources (Mr. Ochwada): On a point of order, Mr. Speaker, Sir, would I be in order to propose that the Mover be now called upon to reply?

Hon. Members: Hear! Hear!

Mr. Speaker: Yes, I think that is quite appropriate now.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I want to say this; that the Bill we have just passed or we will be passing in a few minutes, I hope, will enable every Member who is sitting in this House to be returned to Parliament.

Hon. Members: Hear! Hear!

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I know that you will have opposition. In fact, our Galleries here have recently become very popular with hon. Members' future opponents.

Hon. Members: Hear! Hear!

The Attorney-General (Mr. Njonjo): However, I hope that this legislation will help you to be returned as Members of Parliament for the next Session. I am hoping that you will all be returned as a result of this Bill.

Now, Sir, I want also to thank those who have supported this Bill, and I also want to thank the three wise men, as perhaps they think themselves to be, for the effort they have made to bring amendments here.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, the Attorney-General has been using that term since we

[Mr. Nthenge]

started debating this Bill. Now, is it in order for hon. Members to be referred to by such a term as the Attorney-General has just done?

Mr. Speaker: No, well, if the Members concerned take offence to it, then perhaps Mr. Njonjo should keep clear of those terms.

The Attorney-General (Mr. Njonjo): I do not know why a vicarious responsibilities for other people. First of all, I do not think the hon. Member even knows the meaning of that word. I happen to know the hon. Members very well, and they know what I am talking about. Therefore, I do not know why he should try and be their spokesman. I was merely saying that the hon. Member for Tinderet has told us to take the spirit of give and take. Now, I hope that he, himself, will now again adopt a spirit of giving a little. He has been described as being a loner, but I hope sometimes he will join us and also take part in what we are trying to do, instead of always feeling as if everything that is being done is aimed at a particular group. This legislation, Mr. Speaker, will affect the whole country and not just a particular area, to improve the voting system. I trust that this will happen, and all I want to assure the hon. Members is that I will watch to see that the system is carried out fairly and justly.

There are some Members, Mr. Speaker, who have complained about residents from our neighbouring territories, that is Uganda and Tanzania, having been registered to vote in this country. Well, my advice to them, Mr. Speaker, is that they should refrain from taking part in Kenya's national elections because if they vote and they are found out, it will be a sorry day for them because they are not entitled to vote as Kenya nationals. They are residents in this country and they should just behave themselves as residents and not interfere with our elections. Only citizens are entitled to vote in the forthcoming general elections.

Mr. Speaker, Sir, I am grateful for all the interest the Members have taken in this matter. I am glad also that wisdom has prevailed in this matter, and we have all agreed on this legislation, so that we can have a proper and fair system of election in the forthcoming elections.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

SESSIONAL PAPER NO. 5 OF 1974—NDEGWA
COMMISSION REPORT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House notes the Sessional Paper No. 5 of 1974.

Now, Mr. Speaker, hon. Members are aware that we have had a report which was submitted by a commission of inquiry, that went into the structure, the

services, the rules, the regulations, the planning, and the training of our Civil Service. Now, when that report was produced, there was in the report itself, about 12 chapters, dealing with different aspects of the Civil Service. Mr. Speaker, Sir, the report which I hope the hon. Member for Mombasa Central has read fully, did propose—and I will detail some of the points—very far-reaching structural changes in our Civil Service. Although we have tended in the past to concentrate our attention on the review of salaries and remunerations, I would like to say that this report did, in fact, cover a very broad aspect of the Civil Service structure. In fact, the report was commissioned by the President for the purpose of reviewing the structure of the Civil Service. It is only as part of that review that they did discuss the salaries that are to be paid, the consolidated salary scales of the Civil Service and other remunerations. I am mentioning this because I do honestly hope that this report will have been read in good detail so that it will be possible for us to discuss all aspects of it, particularly those which propose a change in the structure of our Civil Service. Mr. Speaker, Sir, I personally take these proposals very seriously in that I am one of those who are convinced that any country, particularly a democratic country like ours, cannot possibly be efficient in its implementation of development, unless it has an effective and efficient Civil Service whose structure and recruitment allows for renewal of promotions and training. I am saying this because too often, when the Civil Service is working well, we tend to take it for granted that it is working wonderfully and therefore, there is no need to talk about it. However, when we run into some very little problems, then we talk about it. In any case, in this country we have been rather fortunate in that while we have been going through the programme of Africanization which has changed about 98 per cent of the staff from foreigners to Kenyans, we have been carrying out a programme of development which has been quite magnificent. We have achieved a very high rate of growth and development.

Mr. Speaker, Sir, the second general point which I would like to make is that when the report by the commission was produced, it was found necessary to take a decision fairly early, about whether the salaries proposed were going to be accepted or not accepted. I am saying this because we had a period of nearly a year when the Civil Service had been told that they had to wait for their demands on salary increases until the report is produced. When it was produced, it was essential to make a decision quickly on the aspect of remuneration. Mr. Speaker, I have heard it being questioned whether it was right or wrong for a decision to have been made on salaries structure before the full report was debated in this House. Now, Mr. Speaker, Sir, I think on this one point, we should all be quite clear that, in fact, it was perfectly in order and perfectly correct for the executive arm of our constitution to debate and deliberate on salaries with the representatives of the civil servants and to arrive at a decision on them. It is the responsibility of the executive arm of our Government to do so. Indeed, Mr. Speaker, this year, three months ago, we had some consultations with the Civil Servants Union regarding the salaries of all

[The Minister for Finance and Economic Planning] those officials who earn less than £1,200 per year. Mr. Speaker, increases were agreed ranging from 15 per cent to 25 per cent. This review this year will cost the Government some £5 million. This was done this year, but the one which was done two years ago, which arose out of this report, was done under the same type of terms and by the same powers. I thought this point needed some clarification.

Second point, Mr. Speaker, Sir, is with regard to—

Mr. Seroney: On a point of order, Mr. Speaker, Sir, will the Minister tell us more about the powers he is now referring to. Where are they contained? I am talking about the powers the Minister implies that they are supposed to override the decision of this Parliament.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, the hon. Member is trying to mislead the House by suggesting that I have anywhere suggested, either by implication or explicitly, that the executive arm of the Government has powers to override the decision of Parliament. I have not said so. What I have said is that in our Constitution, we have three arms of the state, namely, the Executive, the Judiciary and the Legislature. I have stated that under the Constitution, the recruitment, the remuneration, the terms of service and promotions are functions which are, in fact, day to day carried out by the executive. This is all I said. This is the nature of our Constitution. I did not make the Constitution alone, in fact, I was with the hon. Member when it was being drafted.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, I would like to interrupt the hon. Minister. However, I would like to seek your guidance here because there seems to be some misconception. The Minister has said categorically that it was found necessary for the report in question to be implemented before this House, which is responsible for approving any money for expenditure, was consulted. Would I know from the Minister whether or not, according to our Constitution, the executive arm of the Government, or indeed any other arm of the Government, has powers to authorize the expenditure of any money without the approval of the National Assembly?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I do not know what is meant by all these points of order because quite honestly, I think, they are trying without any success to put words into my mouth, a thing I will not accept. Everybody must speak for himself and I certainly will speak and repeat what I have said. I have not, Mr. Speaker, said that any executive anywhere has the kind of powers the hon. Member for Embakasi is imagining. I have not said it. However, I have said and have given three examples that the day to day recruitment in the Civil Service, terms of service, increment of salaries, review of salaries, *et cetera, et cetera*, is done by the executive arm of the Government and that, in fact, this is a function which is clearly recognized as the responsibility of the executive arm of our Government. I have not gone further and said that this executive arm is independent of the other two arms of the Government. What the hon. Member is now saying is quite

different from what I said. If one was to say what the hon. Member is now proposing, of course, he would be very wrong. I do not know why he says that I said it when, in fact, I did not say anything like that. He can say it himself when he stands up to speak.

Mr. Speaker, Sir, I would like to go on and say that in this report, very many aspects of the Civil Service have been gone into. I will only mention some of which I regard to be very important and some of which have taken a little more time in deliberations between the different Ministries concerned. Mr. Speaker, Sir, there is a proposal that the structure of the Civil Service headed by the Public Service Commission, should be strengthened so that the Public Service Commission can itself audit the allocation of work in a different department thereby having a kind of unit which should go round to find out what work is being allocated and how training procedures are taking place and so on. I believe this is a very important innovation which we should undertake and which, according to the Sessional Paper, we should accept.

Mr. Speaker, Sir, the second note is that of the Directorate of Personnel with emphasis in training. It is proposed here, by the Commission, that there should be established organized procedures for training, for recruitment, for promotion and for annual assessment of performance. Now, Mr. Speaker, Sir, I believe that this effort by the Commission, to move the management of the Civil Service nearer to the modern management technique, management by objectives and evaluation, I think is a very, very important step forward. I believe that, that is a recommendation that we should and ought to endorse.

Mr. Speaker, Sir, there is another recommendation in which, instead of having the numerous number of grades and groupings that we had in the Civil Service, we now have these reduced to some nine. I think the structure which has now been proposed in grading and the system of promotion has simplified evaluation and checking on promotions. I think this, again, is a very important tool for management because it has made it easier to keep check of who is recruited and what progress he is making.

Mr. Speaker, Sir, a third aspect, which I personally think is a renovation and is important, is the recommendation in Chapter 12 where the field administration and the administration at the headquarters of various departments and Ministries will have their personnel more freely interchangeable, because, Mr. Speaker, Sir, this young nation can very well benefit from a free flow of officers from the field to the departments at the headquarters. Mr. Speaker, at the headquarters it is very important that there should be officers who have served in the field for a period of time who know what it means to try to convince a community to change and adopt some new programme in a given area. Just to give a typical example, in my own Ministry, in the planning department, we have found that some of the most effective planning people are those who have been in the field, whether as agricultural officers or district officers or any other officers in the field, where they have earned the experience in dealing with the motiva-

[The Minister for Finance and Economic Planning] tion and organization of human beings. It does add a lot to be appreciation of the problems of development. So, the proposed structure which allows a freer interchange of personnel from the field to the headquarters this, Mr. Speaker, I believe is a very important renovation and I think it is one that we should adopt.

Mr. Speaker, Sir, there is another proposal regarding the management of finance which again I feel is very important. It is proposed here and we have accepted that the district revenue offices and district treasuries should be strengthened and that their reporting back to the headquarters should again be direct and arranged on monthly basis, and that the structure at the provincial level ought to that extent be reduced. This, Mr. Speaker, Sir, I believe will be a very important change and one that falls completely into harmony with our proposal to set up district development committee to which we shall allocate money directly. I think these two fall in very well.

Mr. Speaker, Sir, there is a proposal, and I hope the hon. Members will note it on the matter of financial management that our Public Accounts Committee should meet on a continuous basis and ought to be given more powers. That, as the Sessional Paper says, we have agreed to.

Mr. Speaker, Sir, the centralization and computerization of all statistical records is a good recommendation and is one that had already been accepted and was already being implemented. This had already been accepted even before the Commission recommended it.

Mr. Speaker, Sir, with regard to the organization of Ministries, the most important recommendation here is that we should review the duties under different Ministries so as to group them on functional basis. The grouping of duties under different Ministries in Kenya is purely historical. It has been accepted that certain departments had already been together. The Commission says that we should now review this and group the different duties on the basis of the functions, those which are related. Now, I am sure this would improve efficiency. I know it is a touchy matter because the moment one goes into greater detail, you will get all the usual resistance from those who think that their empire is being reduced a little or those who think that they are being added a little. So, this is quite a sensitive issue. However, in this Sessional Paper we say that this is a duty which must be undertaken because it is very important as this will give us a more efficient system of administration regardless of personalities.

With regard to education, I think this is where the Commission has put very, very major recommendations and I do hope that this section will be looked into. However, before I say what I am going to say on education, I must say that the Commission just missed a point which I made the other day, when we debated the Plan and which I will repeat again, that education is now eating up a full one-third of our Budget. Mr. Speaker, Sir, a time has come for us to keep permanently in view that very serious fact that educa-

tion eats one-third of our development budget and one-third of our recurrent budget and all the other services in the whole country have to share the other two-thirds. Is it possible really to go on like that? This is a very serious question to face but when the report was written, some of these facts were not clear to them. However, in their own way, the recommendations they have made are very important. For instance, they have recommended that we revive the district education boards and give them powers to administer our primary education in the districts. This I believe is very important because working in collaboration with the district development committees we ought to be able to co-ordinate the Harambee activities in this field, the staffing of these schools and above all to be able to encourage people to expand existing primary schools instead of just dotting little one all over the place. Equally, they have recommended that the inspectorate is strengthened and perhaps, most important of all, they have recommended that the Teachers Service Commission be given greater powers that all teachers be brought under one umbrella and that whenever we are to review the terms of service of the teachers, it should be done by one organization, the Teachers Service Commission. I believe this is very important and in any case it is something we have accepted, we are moving towards it and is a process that is nearly completed. They have gone on to review the way we should change the curriculum of what we teach to make it more suitable to the needs of development in this country and I am very grateful for the review they have made.

Mr. Speaker, Sir, on their review of the fees structure of education, many, many of their recommendations have been overtaken by events in that some of the fees have been abolished and others have been reduced. So, quite a few of their recommendations have been implemented or taken into account.

With regard to teachers education and the transferability of teachers, I think that their recommendations are those that we must really, all of us endorse, particularly the free transfer of teachers to all parts of Kenya. As they rightly said, we should encourage all our teachers in all primary schools to be fully acquainted with all parts of the country and above all to be able to teach wherever they are posted but not to get them stuck in one place all the years. This is very, very important.

Regarding the statutory boards I will not say anything here because I think we have said enough on it and I think their recommendations were of general character and they have all been accepted in this Sessional Paper.

Mr. Speaker, Sir, with regard to the Local Government, which is topical because we are going towards the end of the life of the existing local authorities and going on to new elections, their recommendations are very, very important. It is important to accept their recommendations that we have only a two-year system of Local Government, at the lowest level then district or municipalities and then the Central Government. That could be more dangerous in a young country to

[The Minister for Finance and Economic Planning] waste a lot of finances in building all categories and levels of Local Government administration. This would add to the recurrent expenses of the nation without producing any new services. Therefore, I am very grateful that they came out wholly in favour of a structure which has a Local Government at the lowest level on advisory bases, a county council and then the Central Government. I think this is a wise recommendation. There are recommendations that we should review—property taxes, rates—so as to have new sources of revenue for local authorities. This is the one I personally endorsed. I understand that some people have reservations but I think this is a good one.

Mr. Speaker, Sir, they have finally come out quite clearly on the question of recruitment for and on behalf of the Local Government authorities; that we need a Local Government Commission to enable the staff of local authorities to have a small measure of independence from the councillors. This is because I honestly believe that we shall never have an efficient administration at the local level so long as the engineer or the education officer or the medical officer in that council area cannot feel that he is treated fairly; so long as he is forced to think that his first responsibility is to please the councillors. He will then always be looking over his shoulder. Mr. Speaker, Sir, I believe that we need to protect these employees so that they can have that kind of independence and plan fresh, free of pressure or worries from the political influence of those elected councillors. We in this House do the same. We criticize officials and everybody else, but Parliament is not given power to go and recruit. However, if we had that power, Mr. Speaker, you can imagine what would happen in practice. I am therefore, quite sure that this Commissioner is right.

I will not say anything about retirement benefits except to say that we at the Treasury are very grateful for the recommendation by the Commission that all the business dealing with pensions, *et cetera* should go to the Directorate of Personnel where it genuinely belongs. These are the people who do recruitment, training, transfers and therefore, they should also handle the pensions for those who have left the services. This is a very big department and will leave our officials at the Treasury more free to do more productive jobs than merely hunting for records of who was employed in 1910 and where did he serve and such like things. I am not saying that this is a meaningless job, I am merely saying that it belongs together with the recruitment, training, management and posting of staff. It does not really belong to the Treasury. Therefore, I am very grateful.

Finally, I would like to state that these changes are major changes; some are being accepted quite easily others are taking longer and more effort to implement. However, altogether, I believe that the recommendations before us are very important and far reaching if they are all implemented. I am saying this and it can bear repetition because we do not want to lose sight of the fact that this Commission had very broad terms of references and not merely salaries.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister of State, President's Office (Mr. Munyi) seconded.

(*Question proposed*)

The Assistant Minister for Labour (Mr. Kibisu): Thank you Mr. Speaker, Sir, for giving me this opportunity. The Ndegwa Commission has been, as all of us in this House know and the entire Civil Service knows, a very topical issue. We are debating a report three years after it came to effect. We are therefore, seemingly carrying out a postmortem examination of what has already happened.

First of all, in various capacities and various pronouncements I have myself been a critic of the Ndegwa Commission Report; the way the Commission functioned, its recommendations and the way these recommendations were implemented piecemeal, and some of them are not even implemented at the time of debate.

First of all, Mr. Speaker, Sir, let me question the wisdom of a commission of this kind in a country such as Kenya today. Why do we need a commission so expensive as the "Ndegwa Commission" when in fact on the other hand we employ a fleet of the so-called experts in management studies, in method studies, in organizational behaviour. All these people are employed in the public services plus the fact that in the Public Service today we have recognized the existence of a very strong trade union which is geared to look after the affairs and the terms and conditions of employees in the public services. I therefore, Mr. Speaker, think that there is no need for the future for commissions of this magnitude to be at all appointed. They serve no purpose except to drain the public purse. Therefore, I think having recognized trade unions and having employed experts of various descriptions, commissions of this kind should go out of the order of the day in this country. They are colonial and they are things which we have inherited and which we must get rid of now.

Mr. Speaker, Sir, I think that one thing the "Ndegwa Commission" endeavoured to do is to talk about the organizational structure of the Government of Kenya. I still question the effectiveness of our structure, Mr. Speaker, Sir. I do not know who in the Government is responsible for checking that everybody else in the Government is doing their fair share of work and doing it completely and effectively. The Ministry of Labour is one Ministry that is always in argument with the Ministry of Finance and Economic Planning as they are both of them in argument with the Office of the President and *vice versa*. I think there is need for the organization of the Government to take a more positive, a much more simpler and a much more representative pattern in the sense that, the responsibility of ensuring that the organization is ticking or is functioning properly can also ensure that what Ministries are supposed to do for *wananchi* is in fact being done. How many times do we stand in this House saying that projects are not being implemented in this country. If it is an agricultural project and you go to the Ministry of Agriculture to ask about it they will swing you to the Ministry of Finance and Economic Planning who will later swing you to the Ministry of Works. It looks as if everyone

[The Assistant Minister for Labour]

is swinging the other one left and right. This is manifest of the fact that the organization of the Government is cumbersome and it needs a complete review, I may suggest that we need somewhere, in the Office of the President, a Minister and an office that is responsible for checking that decisions of Parliament, decisions of the public services, are actually implemented by the implementing Ministries and that office should be responsible to Parliament as it is responsible to everyone else to check that the decisions have been implemented to the satisfaction of everybody.

Mr. Speaker, Sir, I will now come to the more touchy aspect of this matter. The hon. Minister for Finance and Economic Planning said that this question is very sensitive. I would like to say that it is not sensitive but what is happening is that people are being just too selfish on the question of delegation of work. Mr. Speaker, Sir, in the Government today, let us not cheat ourselves in this Chamber, there is a lot of frustration. Officers are having to rub shoulders against others and officers are grumbling against others because of the selfishness of the officers at the top in the persons of permanent secretaries who put every function available in the Ministries under their arms and they dish those responsibilities out as if they were mothers and fathers dishing food out to their own children. I think this is very unfair on the part of those officers. If you go to any officer, including my own Ministry of Labour, you will find that there are officers who are very highly paid, occupying good and beautiful offices but doing very little work in those offices because they have no real work to do. This is what the Minister for Finance and Economic Planning says is a sensitive issue. It is sensitive because the permanent secretaries are being selfish and they do not want to delegate duties and responsibilities to other officers who are equally paid by the public services to do these jobs.

Mr. Speaker, Sir, the question of delegation is touched upon in a variety of ways in the Ndegwa Commission. I myself think that the Ndegwa Commission, whereas it might have had good intentions to bring to light the need to delegate more—these delegations do not exist in Government at all. I think it is time those responsible for delegating responsibilities and duties in Government did so to minimize the element of frustration that is going on today. I know of some Government Ministries where a permanent secretary by-passes his deputy permanent secretary and his under secretary and goes to a little junior man down the line because the permanent secretary is in terms or he favours that the man will do the job without questioning and, therefore, the job is given to him as opposed to being given to the deputy permanent secretary or to an under secretary. This is a fact, Mr. Speaker, Sir, and let us not kid ourselves. It is ruining our Civil Service at the moment; including public services, corporations which are categorized as being under the Community but are operating from territorial Kenya. This is happening all the time. Therefore, I think that the question of delegation has to be seen to be implemented and let every *mwananchi* employed and paid out of the public funds, do a full-day's work for which he is paid.

Mr. Speaker, Sir, I now come to the question of

salaries. Personally, I do not question the fact that the salaries of the civil servants were implemented on 1st July, 1971 because they needed that money anyway. However, I think the underlying principle was wrong because the report had not thoroughly been scrutinized to see whether the salary rates recommended by the report were appropriate for the appropriate officers. What actually happened, Sir, is that the old rule was followed that: "Those who have, have been added; and those who did not have, have had nothing". Mr. Speaker, Sir, the example of this is the fact that any district commissioner—and there are 42 of them in this country and maybe more—who has a handful of activities; he is looking after big, large districts with numerous problems earns much less than a senior assistant secretary in any Government Ministry and yet a senior assistant secretary is just about the tenth man in a line up in normal Ministries here. This is not a very good structure of grading salaries because with my knowledge of grading salaries, I would have expected that those who do a job of work that is full of tasks like the district commissioners, doctors, teachers and the others, should have their salaries accordingly weighed as opposed to, say, assistant secretaries who are merely used in most offices in these Ministries as errand boys. For instance, like in the Ministry of Finance and Economic Planning. There are about not less than ten under secretaries, five or six deputy secretaries and a fleet of senior assistant secretaries and then assistant secretaries. Now, these officers are headquarters' officers merely vetting and co-ordinating what the field officers do. I am sure that their work is not as weighty, as heavy, as the work of the field officers. Therefore, I cannot see how a district commissioner, for example, would be expected to earn a much less salary than an officer in the head office who is perhaps number ten in the line up.

Mr. Speaker, Sir, let me come to chiefs. It is not surprising to see that the chiefs' salaries in most cases is less than a senior messenger's salary in other public offices. I think this is absurd and I think the report ought to have paid special attention to the responsibilities performed and authorities carried by these people to be able to attach a more appropriate salary grade or rate to these officers. For instance, we have had the strike by the doctors and the Minister for Health ought to have supported this had he been here because it is true. The doctors' salaries is one other thing the Commission never cared to look at and yet no sooner the recommendations of the Ndegwa Commission had been implemented that we had the strike of doctors. Therefore, I am saying that the grading and entire structure of salaries as recommended by the Ndegwa Commission is wrong. My colleague the Minister for Finance and Economic Planning out to be listening and taking note of what I am saying. These are the technicalities that the Ndegwa Commission was set to correct and instead left them uncorrected and the whole setting is the worst so far.

Mr. Speaker, Sir, I am defeated to understand how Government officers are retired. I thought that the Public Service Commission was established by an Act of Parliament and the permanent secretaries have their own powers. It is all right for me to understand that we have the executive arm of Government on one side, the

[The Assistant Minister for Labour]

judiciary on the other and the legislature on the other hand also. However, who in the Civil Service decides whether or not an officer is to be retired? How many cases do I handle concerning premature retirement, wrong retirement or retirement in the public interest just because a permanent secretary does not like the face of a certain officer. This, Sir, is true and I can bring cases to this House.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, the hon. Member speaking is alleging that permanent secretaries are able to retire officers in the public interest whereas he knows the right procedure and where these matters ought to go. I am quite sure that he knows that these matters have to go to the Public Service Commission and be investigated thoroughly. Mr. Speaker, Sir, permanent secretaries do not have that authority. Therefore, can he substantiate his allegation?

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I do not want to raise issues with the Minister. I think if he has challenged me, he has challenged the wrong man because my little job in the whole country has been on labour matters. If the hon. Minister wants me to substantiate, then I would ask him to write down a few cases which I can remember off head.

In the Ministry of Labour, Mr. Speaker, Sir, a district co-operatives officers, a Mr. Lubaga, was retired by the Permanent Secretary two years ago against the wish of the Public Service Commission. If the Minister wants me to bring the correspondence to this House, I can do it. Furthermore, Sir, a Mr. Absolom Malongo of the Ministry of Housing was retired as an executive officer by the Permanent Secretary against the wish of the Public Service Commission.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, if that is supposed to be substantiation, can we have correspondence which he claims he has? The correspondence is vital because this House wants to know whether if that is supposed to be substantiation, can we have without the procedure going through the Public Service Commission. This is important. So, could you ask him to bring this correspondence to the House?

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, if the Minister wants me to bring these papers, I can bring them next week and show him. I do not stand here to make statements which I cannot substantiate.

I am merely saying that there is something wrong in the division of authority in the Civil Service. The Ndegwa Commission has attempted to deal with the issue without presenting an equitable distribution of authority; it is left in the hands of one person.

Mr. Speaker, Sir, I would like to deal with my final point regarding the controversial suggestion of appointing an ombudsman. A lot of people, including myself, who read this report thought that the suggestion was good. I note with regret that the White Paper which the House has now to note rejects the acceptance of that idea of having an ombudsman. I think that it will

be fair on the part of Government to seriously reconsider its stand on this issue and see whether or not the idea cannot be accepted. Countries have tried this idea—it all began in Ghana and swept the whole of the continent of Africa and is in Tanzania, next door—countries that have appointed a person in this very high and trusted office have made it possible for the small man in the Civil Service to ventilate his own problems and to have recalls to normal appeals. At the moment it is not possible for people in the Civil Service who have difficulties in their place of work but who are compelled to work because they must work to earn a living for themselves and their families, but who have a lot of problems and have no way of ventilating their grievances of theirs. Sometimes the grievances might go through their unions but experience shows or seems to show that that way is not the most effective way. The best way left for them to appeal to the high authorities through the very officers that they are complaining about. I cannot see any justice being extended to these unfortunate people in the Civil Service. This is a widespread cry Mr. Speaker, Sir, and I hope the Minister will not ask me to substantiate. The question of the right of appeal seems to be lost if, in fact, one has to appeal through his immediate boss. One never trust that his appeal will be heard fairly. This is precisely what I am saying that the idea of an ombudsman being appointed in the Government was a noble idea. This is about the best thing I saw in the Ndegwa Commission. All the other things had gone wrong. The salary structure was wrong. The salaries have been given to the wrong jobs and not the right ones. I do hope that with these views the Minister for Finance who is responsible for bringing to us this Paper on the Ndegwa Commission will take note of this and ensure that redress is sought in the Civil Service in order to ensure a happier and effective Civil Service.

Mr. S. Lugonzo: Thank you very much, Mr. Speaker, Sir, and I would like to give a few comments on the Ndegwa Report.

As it has already been said, the implementation of the Ndegwa Report was unfortunately erroneous in that this House was not consulted before the implementation. I think that is the biggest error that was made and I think the Minister for Finance and Economic Planning still has to tell us why this was done and why he could not bring the Sessional Paper at that time, four years ago. Why could he not bring the Sessional Paper here before implementing it? Did he suspect that this House would throw it away or what was the reason? If he suspected that we would throw it away that time, what has made him believe that we will now pass it and not throw it away? Let it be recorded that it was an error that the Minister for Finance and Economic Planning must not repeat.

Mr. Speaker, Sir, there are few clauses which I would like to comment on. When we have some of these commissions the trend seems to favour the civil servants all the time. Whenever commissions are set to look into the salaries and conditions in the Civil Service they always come out with big salaries, which are always followed by inflations. This is a situation which is

[Mr. S. Lugonzo]

created by the Ministry of Finance and Economic Planning. Probably, the Minister thinks that the country is becoming richer and richer, but he should change that mind. While the civil servants get inflated salaries which enable them to buy goods in supermarkets, the ordinary people are getting poorer and poorer. It is time that freezing of salaries was thought of by the Minister until the situation of farmers and the unemployed people was improved. We require drastic changes in the whole of our economic policy. I do not intend to go deeper into this point because I will elaborate on it more when we come to the Budget.

Mr. Speaker, Sir, inflating the salaries of civil servants is a colonial hangover. We took over the wages and salaries from the former colonialists. A colonial permanent secretary used to earn a lot of money, and we also continue to pay them even more, forgetting that theirs was a plural society which was designed by the colonialist so that a certain section of the society did enjoy so many facilities while the other section suffered. The Minister for Finance prefers to adopt the colonial trend. In fact, even the civil servants know very well that they are more privileged than their brothers in the rural areas who are very unhappy. They would, in fact, appreciate if the Minister told them clearly that they should sacrifice something for the sake of the poor people. I hope the Minister will think of better drastic changes in the economic policy.

Coming to the question of the Public Service Commission, I would like to say that since it has a chairman and a number of commission members, some more powers should be given to it so that it may have a final say. It is still believed that the Public Service Commission does not have the power which it ought to have, and that it is not the one which appoints senior civil servants. If it does that, then it acts under pressure. It was even mentioned in this House that there is another committee somewhere which decides on who has to get which senior posts. We hope that they will be given sufficient powers to enable it to work well. At the same time we hope that it will work impartially. We do not want to see brothers or relatives of the members of the commission given very high posts when other able and qualified people are denied these posts. There should be some safeguards and directives which the commission should follow and should interfere with them, otherwise the whole purpose of the commission will be meaningless. I think this is a meaningless body but if it had the power to be impartial and to be final this would be the best body in this country for the selection of our personnel, but it has not reached to that stage at the moment.

Mr. Speaker, Sir, you know how much the Public Accounts Committee has done for this country since we were elected to this House. This committee has always done a thorough job but it has been lacking power just like the Public Service Commission. The Public Accounts Committee seems to have powers only to recommend or to note what has been done.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Its work is only to note what has been done!

Mr. S. Lugonzo: Thank you very much, hon. Member for Tana South. Our work is only to note what has been done. I think something should be done to make the Public Accounts Committee a legal body, a body which will be able to make decisions to be followed by the accounting officers in various Ministries. This will mean that when the Public Accounts Committee comes out with recommendations, they will be as good as any law and anybody who disobeys them would be taken to court. This will make the Public Accounts Committee effective. But the way it is at present is just a make-believe body. We just believe that it is serving a useful purpose in this country while that purpose is not recognized and it is not effective. I hope something will be done to make the Public Accounts Committee more effective as it has been pointed out in the "Ndegwa Report". We do not want theoretical recommendations.

Mr. Speaker, Sir, I would also like to mention something about education. The Ndegwa Commission recommends that district education boards should be revived in order to supervise and control the primary education in this country. These district education boards were, in fact, formed by the Minister for Education some time ago, but although they are established in this country they do not carry out any useful purpose at all. The present district education boards to which we all belong as *ex officios* by virtue of our being Members of Parliament—are useless. They are not doing anything useful for this country. They are convened once or twice a year simply to look at something which has been prepared by district education officers with no important topic on the agenda to be discussed. If we really mean to make the district education boards effective bodies the Minister for Education should come out with well thought of regulations and instructions to make them more effective and legal. If this is done what these boards decide will be effective in the districts and will be useful for the control of education in various districts; will control staffing in the districts, and will control the expansion of education in those districts. But just to be saying that there is a district education board in Kakamega District is not enough, because when you look at the functions of that board you will find that that board is just a laughing stock. The Government must look into the conditions of the present district education boards with a view to changing their present working system. I think the present set up of these boards is in itself a failure on the part of the Ministry of Education.

An hon. Member: A point of information!

Mr. S. Lugonzo: I do not want any information. If it is to the effect that the Nakuru District Education Board is doing better, then I do not want the information, and I will not give way.

Mr. Speaker, Sir, I would like also to add that we do not need only a district education board, we also need a provincial education board. The district education board is there to advise provincial education officers. They have such a free hand in the affairs of education in their provinces that *wananchi* are not feeling very happy about it. It is better that a provincial

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education officer be given a board to control his activities. Why should a district education officer alone be controlled and advised by a district education board while the provincial education officer is left free? Again, so much power has been given to the provincial education officer that even what the district education board is trying to do is all useless because there is somebody above them, who has dictatorial powers to control education in the whole province.

An hon. Member: That is useless!

Mr. S. Lugonzo: Somebody says it is useless, but I think the hon. Member has very little knowledge of educational matters. I have been in education since I was a student, and I have taught for so many years that I know a lot about education. I have been on the district education board for quite a long time, even during the colonial times, and I know that even the colonialists knew the purpose of provincial education boards. Now, these provincial education boards used to do a lot of useful work, and the provincial education officer never used to have as much power as he has today. This is why I suggest that even a provincial education board is necessary. It need not have about 20 people, you can also have a board of four or five people, to advise and give consent to the provincial education officer's proposals before he carries them out, otherwise, he has too much power now. If you do not know it—the provincial education officer has the right to say that a school will be started here or there. Perhaps, you are deceived, hon. Members, to think that a school is started by a committee somewhere or by somebody at the top here. For your information, it is the provincial education officers who start schools. A

provincial education officer has the sole power to start a school anywhere he wants. Now, he can hate you, hate your place and hate your school, and he can close it or he can refuse even for ten years to start a school in your area. He has that power. Now, why should he have that kind of power while he is only an individual? Why do we not have a board to control everything he passes? I have experienced this, and I have had to deal with several provincial education officers, some of them were good to me, and these gave me schools when I asked for them. Those who hated me never even thought of me, and they put all my schools last on the priority list. I do not want to be given first choice on the priority list because of friendship with a provincial education officer or the last choice, for that matter, because of enmity with a provincial education officer. I would like a board to do it instead of a provincial education officer alone. If you do not know it, a provincial education officer has every power, and even if you approach the Permanent Secretary and finally the Minister himself, he will still say, "I want to hear the provincial education officer's words before I do anything about this". Why can the Minister not say, "I must hear the provincial education board's view before I do this?" This is just a simple logic or common sense, Mr. Speaker.

ADJOURNMENT

Mr. Speaker: It is now time for the interruption of business and the House is therefore adjourned until tomorrow, Friday, 31st May, at 9 a.m.

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

Friday, 31st May, 1974

The House met at Nine o'clock.

[*Mr. Speaker in the Chair*]

PRAYERS

NOTICE OF MOTION

TRACTOR-HIRE SERVICES

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

THAT noting that the Government is fully committed to rural development in terms of agricultural activities, this House calls upon the Government to step up tractor-hire activities in all the districts with farming potential to facilitate such activities.

ORAL ANSWERS TO QUESTIONS

Question No. 292

HOUSING ACCOMMODATION FOR GOVERNMENT OFFICER
IN KABARNET

Mr. arap Cheboiwo asked the Minister of State, President's Office—

(a) whether he is aware that many officers who have been posted to Kabarnet have had to go back because of lack of housing accommodation; and

(b) what is being done to build officers' houses in Baringo District Headquarters.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, since investigation is still going on about what the hon. Member wants to know, I would like this question to be put off until next week on Tuesday.

(Question deferred)

Question No. 303

OVERCHARGING—CIVIL SERVANTS—RENTED HOUSES

Mr. Nthenge asked the Minister of State, President's Office—

(a) how Government satisfies itself that those civil servants who are given house allowance in lieu of housing accommodation are never overcharged by landlords; and

(b) whether he is aware that payment of house allowance when the rent is overcharged, is tantamount to condoning an illegal transaction.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

(a) The Government has set down the maximum house allowance payable to each officer according to officer's grade. These allowances take into consideration the type of accommodation the officer may rent, which is commensurate with his status.

Before house allowance is given for privately rented houses a Government valuer evaluates the house's value to determine whether the house is commensurate with his status. It is, therefore, not possible for Government to pay more to an officer than his entitlement. Should

an officer wish to rent accommodation which is above his status, then he would have to meet the difference from his own pocket.

Part (b) of the question does not, therefore, arise since the Government cannot pay inflated rent which is beyond an officer's entitlement.

Mr. Nthenge: Mr. Speaker, Sir, first of all I would like to clear the misunderstanding which has been developed by the Assistant Minister in his reply. The point is: you will find that according to the Government valuer a certain house is supposed to be rented Sh. 100 but the landlords charges Sh. 300, which a civil servant pays and then claims it from the Government. Is the Government, therefore, not paying very high rents and if some of these were valued, it would pay only a quarter of what it is paying now?

Mr. Munyi: That is not possible, Mr. Speaker, because everything has been set up and there cannot be any change. For instance, if an officer's salary is £1,866 per year, he is entitled to maximum house allowance of Sh. 950 per month. If he gets £1,494 per year he is entitled to Sh. 850 per month. If it is felt that these rates should change, Mr. Speaker, it is up to the Ministries concerned and the Minister for Finance and Economic Planning, who is in the House now to initiate that.

Mr. Nthenge: Mr. Speaker, Sir, up to now the Minister does not seem to have understood my question. I am saying that in Nairobi single rooms are being rented by Government officers at the rate of Sh. 300 each. Of course, the officers who rent them are, according to Government scales, entitled to Sh. 300 per month as house allowance, but the rooms are too small to be rented at that rate. However, since the officers have no alternative, and Government does not come in to help them, they pay Sh. 300 per single room and then claim the money from Government. Why should they pay Sh. 300 for rooms which are worth only Sh. 50?

Mr. Munyi: Mr. Speaker, Sir, I am aware of more than what the hon. Member is talking about. I agree with his views. Luckily, the Minister for Finance and Economic Planning is present in the House and is listening to the hon. Member's sentiments. Such a thing will be considered in future because it is the Nairobi City Council that has increased the rents so much that our people are unable to rent their houses.

Mr. Speaker: I think what Mr. Nthenge wants to find out is whether something could be done so that civil servants do not lose. Although they are entitled to the amount which they pay as house rents, the houses which they occupy are not worth it.

Mr. Munyi: That is a very good point, Mr. Speaker. I will put it forward so that it may be considered.

Question No. 201

MARKET AND SOCIAL HALL—NAIROBI SOUTH B

Mr. Y. Ali asked the Minister for Local Government why the City Council has failed to provide a social hall and a market at Nairobi South B and Mariakani estates.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Local Government]

A site has been set aside for a social hall near the present trading centre at Nairobi South B and construction will be started as soon as funds will be available.

With regard to the question of building a market, I would like to say that there is already a well developed shopping centre in that area. A physical survey has revealed no evidence in support of additional trading facilities, and no complaints have been received to indicate that the existing facilities already provided are inadequate. Sir, there is, therefore, no immediate plan for the establishment of a market in this area.

Mr. D. M. Kioko: Mr. Speaker, Sir, while we accept what the Assistant Minister has just said, can he undertake to see that from now onwards his Ministry will not accept the building of estates without including amenities such as social halls, nursery schools and other services because this is wrong planning which makes people suffer afterwards?

Mr. Ogutu: Mr. Speaker, Sir, social halls and shopping centres are additional to housing amenities. My Ministry and the Nairobi City Council consider housing facilities as the top priority to the public. As soon as funds are available these additional facilities will be provided.

Mr. Y. Ali: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, is he satisfied that the Nairobi City Council is distributing social services throughout the city equitably? If so, will he tell the House why the city council has taken so long to build social halls and markets in such estates as Mariakani and Nairobi South B bearing in mind that in other estates, particularly in Eastlands, where, in my opinion, more development is concentrated, you will find beautiful social halls and markets?

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to allege that all the estates in Eastlands have social halls and markets, realizing that an estate like Makadara which was built years and years ago has no social hall?

Mr. Ogutu: Mr. Speaker, Sir, I am satisfied that the City Council of Nairobi is endeavouring to distribute the social amenities in the city equitably. However, at the moment, due to shortage of funds, it is not possible for the city council to provide all these facilities in all estates in Nairobi. However, I would like to assure the hon. Member that a site in the area in question has been set aside and as soon as funds are available a social hall will be put up. All the other estates will then follow suit. The city council is planning to spend a sum of Sh. 4 million on the social facilities the hon. Members are talking about. However, this is covered under a long-term programme and, as such, I am not in a position to say when this will be done.

Mr. Mwithaga: Mr. Speaker, Sir, is the Assistant Minister not admitting failure on the part of the city council because whenever a person is planning for the residential houses in a given area one of the things he considers is whether it will be possible to provide all the necessary social amenities which are needed for human habitation? Is he not trying to confuse this

House by saying that the city council has provided all the social amenities in all the estates when we know that that is not the case in most of the estates apart from the city centre?

Mr. Ogutu: Mr. Speaker, Sir, I am not confusing the House as the hon. Member is trying to allege. I would have thought that all the residents of Nairobi consider housing as top priority. Since we have limited funds, the first thing we do is to build houses before building social halls which are subsidiaries of houses. As far as the question of building market in the area is concerned, that does not arise because in Mariakani and Nairobi South B there are very many shops.

Mr. D. M. Kioko: Mr. Speaker, Sir, in view of the fact that the Assistant Minister has said that he cannot undertake to make sure that the city council plans in such a way that all the social amenities required in an estate are provided, is the city council prepared to allow hawkers to start selling goods in such areas where there are no markets?

Mr. Ogutu: Mr. Speaker, Sir, in some estates hawkers are licensed to sell certain commodities to the residents. However, if they are not licensed they are not allowed to sell anything anywhere.

Mr. Karungaru: Mr. Speaker, Sir, since we know that the exercise of licensing hawkers is done by people who are corrupt and tribal, is the city council prepared to make sure that before an estate is built some money is set aside to build a social hall and a market?

Mr. Ogutu: Mr. Speaker, Sir, as soon as the city council has funds all those amenities will be provided. Mr. Speaker, Sir, the Nairobi City Council has planned on short-term and long-term bases. As regards the long-term programme, it is stretched up to the year 2000. In the near future Nairobi will be a very large city. As soon as the city council has funds all the social amenities required in the city will be provided. At the moment, due to lack of funds, the Nairobi City Council is not in a position to provide all the social amenities needed in the city.

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to suggest that there is no need for the city council to build a market in Nairobi South B when we—

Mr. Speaker: That is a question, but not a point of order, Mr. Yunis Ali.

Question No. 167

PAYMENT OF SCHOOL FEES

Mr. Speaker: Mr. Nyaga is not in? We shall leave his question until the end then.

Next question.

Question No. 310

LIBRARY FOR MBITA SECONDARY SCHOOL

Mr. Migire asked the Minister for Education:—

- (a) whether he is aware that Mbita Secondary School does not have a library and that the students there are at present using a part of the dining hall, and whether he would say when a

[Mr. Migure]

library is going to be built for the school; and

- (b) when the school buildings will be painted since nothing has been done for the last seven years; and if he is aware that the ceiling boards have been eaten up by white ants.

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

I am aware that a library does not exist in the school in question. Capital development in any school is considered in relation to availability of funds and along with other schools in the country. As soon as funds are available, Mbita Secondary School will be re-built.

Every year each school in the Republic of Kenya is allocated money according to its size for repairs, maintenance and improvement. The money provided to the school in question is considered to be adequate for that purpose. It is the work of the headmaster and the board of governors to decide when the painting of the school buildings can be done. Similarly, it is the duty of the school authority to decide when the ceiling boards can be repaired using funds which are at their disposal.

Mr. Migure: In view of the fact that the school authorities have not been able to repair the school buildings due to the fact that the amount allocated for that purpose is very little, will the Minister give more money to this school so that all the repairs can be done?

Mr. Towett: Mr. Speaker, Sir, it is the duty of the board of governors and the headmaster to come and see me in my office and explain their difficulties. However, that is not the work of the hon. Member.

Mr. Migure: Mr. Speaker, Sir, for the information of the House I am a member of the Board of Governors of the school in question. Since the headmaster of the school in question has on several occasions written to the Minister about the construction of a library in the school, will the Minister tell the House why it has taken his Ministry so long to meet the request?

Mr. Towett: It takes me a long time to get money, Mr. Speaker.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the replies by the Minister, in which he said that he is advising the hon. Member to send a delegation of the board to him, is there any assurance that when that delegation goes to see him, he will do something about this matter?

Mr. Towett: As far as my memory serves me, Sir, I did not advise the hon. Member to bring a delegation to me. I said that it was the duty of the board of governors to know what they should do, that is either to come and see me or to let me know what the conditions are. Individual delegations or one-man delegations are not acceptable in my philosophy.

Hon. Members: Hear! Hear!

Mr. Speaker: Let us now move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

INCREASE IN NAIROBI COUNCILLOR'S ALLOWANCES

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

(a) In view of the serious financial situation facing the Nairobi City Council, leading to termination of services of some of its employees, why did the same council find it worthwhile to approve increased allowances for the councillors?

(b) Has the financial situation of the council improved to warrant these increases? What is the Ministry's decision about the application for the increase?

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

I have not approved the recommendations put to me by the City Council of Nairobi in connexion with what the hon. Member is asking.

Mr. Karungaru: Mr. Speaker, Sir, does the Minister not find it unwise for council to increase the salaries of councillors from Sh. 1,000 to Sh. 2,500, those of chairmen of committees from Sh. 1,200 to Sh. 3,500, that of the Deputy Mayor from Sh. 2,000 to Sh. 4,500 and that of the Mayor from Sh. 4,500 to Sh. 6,500? Did it not leave a lot to be desired on the part of these councillors who are regarding themselves as employees of the Nairobi City Council whereas they are supposed to be politicians?

Mr. Osogo: I have, Mr. Speaker, informed the hon. Member and the House that I have not approved these recommendations. The reasons why I did not approve these recommendations are the ones he, himself has given here.

Mr. Y. Ali: Mr. Speaker, Sir, will the Minister at the same time take into consideration the fact that since the elections for local authorities are about to be held, it should be left to the people of Nairobi to decide on whether to return the councillors on this issue or to reject them entirely?

Mr. Osogo: No, I will not advise the electors on anything. The City Council of Nairobi recommended these increase to me, but I found them unjustified and refused to approve them. Therefore, I hope the electors will agree with me and support me at the elections.

An hon. Member: By throwing them out?

Mr. Osogo: No, not by throwing them out.

Hon. Members: Hear! Hear!

Mr. Osogo: I hope they will support me on the fact that I have used my good judgement and rejected the recommendations because it is public money that is involved in this matter.

Mr. Mwamzandi: Mr. Speaker, Sir, while appreciating the Minister's decision whereby he refused to approve these recommendations, would he tell this House if he made any suggestions about these increases, apart from just rejecting them entirely, which would have been accommodated by the financial capacity of the Nairobi City Council?

Mr. Osogo: No, Mr. Speaker, the rates of allowances for councillors of county councils, urban councils and municipalities were set by my predecessor in March, 1971, and these are the rates that are being used at the moment.

Mr. D. M. Kioko: Mr. Speaker, Sir, having heard what the questioner said here, that the Mayor's salary was to be raised from Sh. 4,500 to Sh. 6,500, I was wondering whether these allowances are uniform in all municipalities.

Mr. Osogo: No, the allowances are graduated according to the status of each council and the ability of each council to pay. I know the hon. Member wants to know whether the Mayor of Mombasa earns the same amount of money as the Mayor of Nairobi. The fact is that the Mayor of Mombasa earns less than the Mayor of Nairobi.

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that the Minister has not approved these recommendations due to the financial difficulties facing all the local authorities, would he assure this House that even if there is pressure from anywhere, he will still stand by his decision?

Mr. Osogo: So long as I am in this Ministry, that is what will happen.

Hon. Members: Hear! Hear!

Mr. Kanja: Now, while appreciating the decision the Minister has taken—and if my memory serves me right, Mr. Speaker, sometime back there was this question of rent increases which this House opposed very strongly, but which was later on implemented, in spite of our rejection here—can we be told categorically here that this increase will not, under any circumstances, be implemented as a result of any pressure from any quarter, unless and until the City Council of Nairobi can afford to pay it?

Mr. Speaker: I think that has already been replied to.

Mr. Osogo: Mr. Speaker, Sir, that assurance is given. In fact, I thought that the hon. Member knew my attitude, and what pressure the hon. Member is referring to, I am not aware of. Mr. Speaker, Sir, the House—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): A point of information. I do recall the hon. Minister giving the House an assurance sometime ago about the rents in the city council estates. He said he would take into account the feelings of this House but later on, under certain pressure, approved the rents.

Hon. Members: Hear! Hear!

Mr. Osogo: Mr. Speaker, Sir, I think the hon. Member's memory is very short. When that question was raised here by the Member for Embakasi—I hope you will allow me to reply to that point of information—Sir, I promised the House that the Cabinet was considering the rents that had been recommended by City Council of Nairobi. Now, the decision of the Cabinet cannot be overridden by the Minister for Local Government, and that is what actually happened. The decision of the Cabinet cannot be overridden by the Minister for Local Government because he is part of

that Cabinet. What I am saying here, in so far as the allowances are concerned, is that this has not gone to the Cabinet, and I hope it will not go to the Cabinet again because the financial position of the City Council of Nairobi is very bad. Therefore, we have refused to approve the allowances recommended by the City Council of Nairobi because of the poor financial position of the council, and unless the Government finds money to give to the City Council of Nairobi to effect these allowances, I will not approve them.

Mr. Karungaru: Mr. Speaker, Sir, would the Minister be kind enough to extend his generosity to the people who are being threatened from time to time by the same council that they will be declared redundant due to the fact that the council has no money, whereas the councillors know that there is some money somewhere within the council?

Mr. Osogo: No, the hon. Member is not a councillor, neither is he an executive officer of the council, to be able to tell us that the councillors have known that there is some money somewhere within the council. However, Mr. Speaker, the hon. Member's supplementary question is, in fact, anticipating another Question he has tabled here by Private Notice, which I think is coming up next week.

DISPLAY OF BODY OF ABNORMAL CHILD IN BUSIA

Mr. Okudo: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice:—

Could the Minister explain to the House what led the Medical Officer of Health for Busia District to display the dead body of a four-legged, four-handed and three-eared child to the public?

Mr. Speaker: I understand that the Ministry of Health is not quite ready to reply to this question.

(Question deferred)

INADEQUACY OF LOANS TO MAKERERE UNIVERSITY STUDENTS

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:—

(a) Does the Minister know that the loans advanced to university students in Makerere is inadequate and that this will lead to discontinuation of studies?

(b) What solution has the Ministry to the problem?

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

I would like to assure the hon. Member that my Ministry is very much aware of a possible inadequacy of the proposed loan ceiling, in particular, as it affects the Kenya students at Makerere University College.

(b) Consultations between the university, my Ministry and the Ministry of Finance and Economic Planning are in progress. It is hoped that a solution will be found in due course.

Mr. Y. Ali: Arising from that answer, Mr. Speaker, and since the Minister has admitted that there is a case here and that his Ministry, the university and the Ministry of Finance and Economic Planning are involved in

[Mr. Y. Ali]

finding a solution, could he tell the House why his Ministry has been putting our students at Makerere University into a hardship for the last two years? During the last two years they were in a terrible situation and it appears that they will be in the same trouble again this year and yet the Minister has not come out with a solution. This matter is very serious.

Mr. Towett: Hardships arise after the students are there; they do not come when the students go there.

Mr. D. M. Kioko: Mr. Speaker, Sir, I was wondering whether the Minister is taking this matter seriously. A lot of pleading has been done to his Ministry but no results have come out. May I know from the Minister whether the discussions they are holding will be concluded soon so that students are rescued from the position they are in within a month or so?

Mr. Towett: I said that consultations are in progress and I cannot judge what the results will be; but I hope they will be for the benefit of the students.

Mr. Wabuge: Arising from the Minister's reply, where he admits that there is consultations going on, could he tell the House how long these consultations will take? Meanwhile, what assistance is he according the students at Makerere University?

Mr. Towett: I hope the consultations will not take long. In the meantime, since I have no money, there is nothing I can do.

Mr. D. M. Kioko: It appears that the Minister does not know how long these consultations will take. Now, assuming that they will take some time, will he undertake—and he should assure the House on this—to make sure that the deficit involved is met by the Ministry at once in addition to the students' loans even if the discussions will take a year or longer?

Mr. Towett: I am a beggar in as far as finance is concerned and, therefore, I cannot advance money that I do not have. However, I can state that if there is any money not earmarked for anything else, this should be advanced to the students.

ADMISSIONS INTO THE UNIVERSITY OF NAIROBI

Mr. Nthenge: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:—

- (a) How many Kenya students missed places in our university due to lack of vacancies?
- (b) What does the Government propose to do with such students?

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

There were about 400 students who would have qualified had it been possible to accommodate every one of them who obtained two principal and one subsidiary passes if there was room at the university. Due to lack of vacancies, these students have not been offered opportunities to pursue higher education in the University of Nairobi. Of these 60 of them will be admitted at the Kenyatta University College for a Diploma Course in Education and it is hoped that the remaining

340 students will be absorbed in both private and public sectors without difficulties.

Mr. Nthenge: Will the Minister tell this House what he did to make sure that those who were admitted in the university had done better than the ones who, although qualified, did not get a chance of joining the university?

Mr. Towett: We should have faith in some of our administrators; if some of them have deceived us and have accepted those with less pass marks, then they are to blame. If I know of any student who got less marks admitted, I will have him sacked from the university. What happens is that students are supposed to pass with grades A, B and C in each subject. When they go below D and E in a subject, we regard them as having passed very lowly. In some cases there are some students who have done so well in, say, three subjects in science and, probably, done poorly in other subjects. However, because we have vacancies for sciences, we can admit some although their pass marks may be low. However, when it comes to Arts subjects, we take the average pass marks and we count from those with the highest marks in filling the room or vacancies in the university. That is what I have told them to do, and if there is anything that is defective, I should be informed. If a student who passed very lowly has been accepted when he should have not been there, I should be informed so that I can have him sacked and another one sent there.

Mr. Kabingu-Muregi: Arising from that reply by the Minister that 60 of these students have been offered vacancies in Kenyatta College, what assurance has he given to the rest of the students who have missed the chance not through their faults? What guarantee have the 340 remaining students of getting employment either in Government or private sector?

An hon. Member: That is a very good question.

Mr. Towett: The question is very good, yes, but the point here is; after one leaves school or university, if he does not go in for teacher training, I leave him to other sectors to consider his position. This is not a matter for the Minister for Education alone; it affects the whole Government and country. When students have not passed high enough or when there is no room at the university, I have no funds to give to them so that they can go there and, maybe, lodge outside. Again, I can offer no other promises in as far as employment is concerned; I am not responsible for employment.

Mr. Nthenge: Arising from the Minister's reply, what has he done to see that the whole Government gets involved in trying to solve the problem of our 340 students who have done well but have no place to go to? Has he tried to get them chances in overseas universities which might like to assist Kenya?

Mr. Towett: When anyone of us leaves school or university one should indicate the fields he should like to work in; whether in the Veterinary Department, or the Ministry of Labour. These things are indicated, and we usually forward the names to the Ministries concerned or to the places where the students indicated

[The Minister for Education]

on their career form—we pass the forms to the Ministry or sector concerned hoping something will be done. The whole Government is or will eventually be aware of the remaining students.

On the question of assisting students to go to outside universities, I would say that if I have the necessary funds, I would encourage them to look for places elsewhere. However, at the moment I have no funds for this job.

Mr. Mwithanga: The University of Nairobi should give its first services to the Kenya students and, therefore, Kenyans must fill it. Since our university has students from all over the world, including countries which have university facilities, and arising from the fact that we have qualified Kenya students who cannot get a chance in the universities outside the country because all the places have been filled by students from these other countries, where our students are unacceptable, and despite any other arrangements within Government to continue relationship with those other countries, will the Minister arrange that the places reserved for students from other countries are first of all filled up by students from Kenya so that only the remaining ones are filled by others?

An hon. Member: That is discrimination!

Mr. Mwithaga: No! It is not!

Mr. Towett: Mr. Speaker, last year, 4,700 Kenya students applied for admission to the university. Out of this number, Mr. Speaker, Sir, 2,242 qualified for admission but only 1,842 were admitted. However, I think this is quite a good proportion. Now, to go back to the hon. Member's question, the students at the university are on an exchange basis, that is, we send some of our students to Dar es Salaam and they send theirs here. At the same time, we send our students to Makerere University in Kampala and they send theirs here on the same basis. I do not know of any students from other countries apart from, perhaps, a few students at the top who are doing their Ph.D. or Masters degrees or researches in special fields. These students are quite few.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 36: CLOSURE OF KIKUYU RAILWAY CROSSING

Mr. Speaker: I have received a written notice from Mr. Gatuguta—Member for Kikuyu—of his intention to raise on a Motion for the Adjournment, a matter contained in a reply received to Question No. 36, concerning people facing great hardship due to the closure of the railway line crossing at Kikuyu. I shall call for Motion for Adjournment at the time of interruption of business on Tuesday, the 4th of June, 1974.

MATTER OF REPLY TO QUESTION BY PRIVATE NOTICE: TERRORIZING OF LANDLESS PEOPLE IN TINDERET

I have also received a written notice from Mr. Seroney—Member for Tinderet—of his intention to raise on a Motion for the Adjournment a matter con-

tained in a reply received to a Question by Private Notice concerning the District Officer of Tinderet Division terrorizing landless squatters in the area. I shall call for the Motion for Adjournment at the time of interruption of business on Wednesday, the 5th of June, 1974.

MINISTERIAL STATEMENT

CIVIL SERVANTS SOLICITING FINANCIAL ASSISTANCE ON ELECTIONS

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I would like to make a Ministerial Statement regarding a promise I made in this House on 24th May, concerning a certain District Officer who is stationed in Mombasa. Mr. Speaker, Sir, I did promise the House that thorough investigations were to be carried out. I am pleased to inform the House that investigations have been completed and it has been revealed that the District Officer in question, had, in fact, circulated letters to his friends soliciting financial assistance to enable him to stand for the forthcoming General Election. Mr. Speaker, Sir, we all know that the Government has constantly reminded civil servants that they should not engage themselves in politics, nor should they use their official positions to campaign for the forthcoming elections. Those who wish to stand for elections should resign from the Civil Service before they can be allowed to campaign otherwise severe disciplinary action will be taken against them. In this case, Mr. Speaker, the officer in question—that is the District Officer for Mombasa, has been asked by the Government to forward a written explanation as to why he acted in this manner. I would like to assure the House that appropriate action will be taken as soon as this explanation letter is received by the Government.

Mr. Speaker, Sir, I do not intend to go further on this matter, but I would like to say one more thing. Mr. Speaker, Sir, sometime next month, a statement will be made by the Government asking all the civil servants who want to stand for election, regardless of their positions in the Civil Service, to resign their posts. They will be given a definite date when they should resign, and when this period expires, those who will not have resigned will not be allowed to stand for election.

Mr. Speaker: Next order.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: No more on that matter. Let us move on now.

MOTION

MARKETING OF CASHEWNUTS

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, I have raised this matter once before, but I did not get a ruling on it. From time to time, Mr. Speaker, we get Motions like this one, which is based on what is stated to be a fact. Mr. Speaker, we then debate what is supposed to be a solution to this fact. The last time

[The Minister for Finance and Economic Planning]

I raised this question no ruling was given and this is why I am now raising it again. The Motion in question says:—

“THAT, in view of the fact that the Maize and Produce Board has not increased the price of cashewnuts for the last six years, and noting the fact that...”

Now, Mr. Speaker, what is said to be factual here is not all a fact and the growers know it, the union concerned knows it, the Government Department which deals with this matter knows it, the Maize and Produce Board, which markets this produce, knows it and, therefore, the hon. Member moving this Motion must, surely, know it, too, because he comes from the area and he represents those growers in this Parliament. Mr. Speaker, Sir, my question here is: what is the position of this House regarding such a Motion? Do we not have any way of getting Motions worded properly and correctly so that we debate a Motion which is factual? I would like to know what our position is because this is where all other things flow from. Mr. Speaker, Sir, recently, our Department was asked to finance a processing factory for cashewnuts and I had the opportunity of going into the prices paid to the growers for the last five years or so. The fact, as the Member concerned knows, is that at least over the last four years there has been, in each year, an increase of Sh. 10 per bag, or slightly more. I know this will be argued by the Ministry concerned when they come to reply, but my point of order here is: what is the position of the House when something is stated as a fact and it is not a fact?

Mr. Speaker: The position is quite clear, in fact, and I do not think there is any doubt at all as to what it is. If I am satisfied that the so-called fact in this Motion is not a fact, then the Motion is out of order. However, the Chair has no way of knowing all the facts of any one particular matter. This is why our Standing Orders provide that any hon. Member asserting something as a fact shall personally be responsible for accuracy of his own statement in this House. If it is proved, in fact, that what he says was a fact is not a fact, then he is misleading the House and, therefore, he is out of order. Such a Motion which misleads the House is also out of order. However, the Chair has no way of knowing all the facts although the assumption is that the Member concerned has checked his allegations properly before he states them in the House. On the other hand, if it can be proved that, in fact, what he has said is not true, then the Motion is out of order and I will rule it out.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, I think we need your guidance on a matter like this. What will happen if the hon. Mover of this Motion is given facts by the Minister concerned, that his Motion does not stand any grounds at all because the prices of cashewnut have been increased? If the Member insists on moving the Motion in the House for the sake of publicity and yet the facts show that what he wants has already been done, what will happen? Our Standing Orders do not provide

what should be done to such an hon. Member, but we would like to know from you, Mr. Speaker, whether or not, if we furnish the hon. Member with all the facts regarding the reasons why this Motion should not be moved, you are in a position to judge and say that this Motion should not have come to the House.

Mr. Speaker: That is exactly what I have stated. If I had been convinced that what he stated was not a fact, that the price of cashewnut has not been increased within the last six years, then his Motion would have been out of order. However, I had no way of knowing this. I am not in a position to know all these facts and the Standing Orders themselves cover that because it is realized that it is impossible for the person approving the Motions to know all the facts, and so, the responsibility is put squarely on the Member asserting a matter as a fact. If he is proved to be stating what is not a fact and basing his argument on that, then his Motion is out of order.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order. In view of the statement which was given by the Minister for Finance and Economic Planning, that price increases have been taking place for the last four years, and also believing that what the Minister for Finance and Economic Planning stated is the position, and the Minister for Agriculture will confirm that these increases have been made, at which stage shall we regard this Motion as out of order? After it has been debated or at its introduction?

Mr. Speaker: No, we cannot debate something which we consider to be out of order. This is the point. If the Minister for Agriculture confirms what the Minister for Finance has stated, then I shall rule the Motion out of order.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir. The cardinal point in this Motion is that the Mover says that nothing has been done in the way of increasing the prices of cashewnut over the last six years. If it could be proved that this is not so, would the Motion be out of order?

Mr. Speaker: Yes. We cannot debate something that is false.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, with your permission I will take the last three years out of the six years the Mover has stated in the Motion. The three years I have in mind are 1971/72, 1972/73 and 1973/74. The prices of cashewnuts in these three years were Sh. 75.50, Sh. 87 and Sh. 96.50 respectively. So there has been a progressive price increase for cashewnut, signed by the Minister for Agriculture and operated by the Maize and Produce Board.

Mr. Speaker: What was your point of order, Mr. Mwamzandi?

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. I really disagree with all the points of order brought in by these Ministers for the fact that they are anticipating debate. The theme of the Motion brings out two things. One is that the price of cashewnut has not been increased to the level required by the farmer. It is true that this is not in the Motion but I will explain it at the time of moving the Motion.

Mr. Speaker: Order, Mr. Mwamzandi! Your Motion must state your argument succinctly.

Mr. Mwamzandi: Mr. Speaker, Sir, my argument is that one pound, which is equivalent to—

Mr. Speaker: No, I think we are wasting the time of the House. Mr. Mwamzandi, you remember you changed this Motion because you realized you had also stated some untruth in your original Motion and I was myself doubtful whether or not to allow you to change it and, in fact, I said it depended on the Ministry, whether they would accept that change otherwise you would have to give another notice of your Motion. Now it appears that still there is a more serious untruth contained in your amended Motion and that is what you base your argument on. Therefore, I will rule this Motion out of order, and this should serve as a lesson that any Member bringing a Motion here must make sure that he knows his facts. We are not here just to debate like schoolboys for exercise of language.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. In view of the fact that this Motion is now going to be ruled out of order, and also in view of the fact that the Minister has told us the increases of cashewnut prices over the last three years, will the Minister give us the numbers of the Legal Notices under which he authorized these particular increases of prices so that the Member can go and refer to these? This would clear all our doubts.

Mr. Speaker: That can be done even outside this Chamber.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. I am seeking you to clarify one thing. I wonder how the Chair came to know what I was going to say before I had finished my statement—

Mr. Speaker: I do not need to know what you were going to say. I go by what is stated here. You have made a misleading statement here. You are asking this House to waste time discussing something which is untrue! That is out of order. If you persist in this, Mr. Mwamzandi, I will order you out of this Chamber.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: No, no, Mr. Mwamzandi! Will you just follow what I have said; I have ruled out this Motion because it is based on a false statement.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, Sir. Today we have had a Motion ruled out of order because of its facts and some time back we had a Motion like this one moved by an hon. Member from Meru and this procedure did not apply. What will be the procedure in future where the relevant Ministry leaves a Motion to be moved and then the points of the hon. Mover are proved to be false? Does it mean, Mr. Speaker, Sir, that in future the Ministry concerned will have the right to go to the Speaker and prove that the facts contained in a given Motion are untrue and, as a result, the Motion is ruled out of order before it even appears on the Order Paper? This is the first time I have seen this happen here, I may be wrong and, therefore, I stand to be corrected. Do we now assume that Ministers have a right to go to Mr. Speaker and inform

him that the facts stated in a Motion are untrue and so the Motion does not even appear on the Order Paper?

Mr. Speaker: What I said is that if I knew that, in fact, what Mr. Mwamzandi stated was untrue, the Motion would not have been approved. Now, it would be ridiculous to debate a thing when knowing very well that we are debating something which is false. It would be a waste of time doing this. The point has been raised, and we would take about one and a half hours debating something which is based on something which we know to be false. As I have already said, Mr. Mwamzandi had worded it differently, including something which he himself realized was false. He came to me, although it was on the Order Paper, and asked that if we came to it he should not be called up to move it because we wanted to have it re-worded. I allowed that on condition that the Ministry itself agreed because he was changing quite a substantial part of the Motion which could result in the Motion meaning something quite different from the reply the Minister had. Apparently, the Ministry did not object to that particular change, but now the Minister for Finance and Economic Planning has come up and pointed out another point, which means that even if we went on debating this Motion, we would be debating something which is not a fact. Are we to allow the House to waste one and a half hours debating something which is completely false? We have come to this conclusion on the fact that this Motion is based on something which is not true. Am I to allow it to go on simply because it has appeared on the Order Paper? This Motion has not yet been moved and, therefore, it is not yet really the property of the House. I have taken that action to save the time of this House.

We shall now move on to the next Order.

(Motion disallowed)

MOTION

ESTABLISHMENT OF NATIONAL SOCIAL WELFARE SERVICES FUND

Mr. Karungaru: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that the existing social security schemes are inadequate in catering for the majority of our people who are landless, unemployed or old and helpless, and considering that the prevailing circumstances of social and economic development are continually eroding the African traditions of social security and assistance for the poor, this House urges the Government to establish a national social welfare services fund for the purpose of providing better terms of life subsistence and protection to our people who are devoid of means of livelihood.

Mr. Speaker, Sir, I decided to bring this Motion to this House because our society has changed considerably since our independence. We have seen, over the years, that a small proportion of our society is becoming richer and richer everyday. At the same time, Sir, the poor people are becoming poorer and poorer everyday, and whereas these processes are taking place, it appears that there is no social scheme which can take care of the people I have mentioned in this Motion.

[Mr. Karungaru]

Mr. Speaker, Sir, much as I would not like to be a slave; I would also not like to be a master. This, in fact, reminds us of the fact that when poor people become rich, they forget that there is a class of poor people in this country who are left in poverty. If you do not have a title-deed to present to a bank as a security, you cannot be given a loan at all. This means that if you do not have a security against which you can be given money, you cannot even be allowed to run a shop. It also goes further to show that you cannot live a decent life unless you are financially sound in this country. The poor people, therefore, will continue to be poor while the rich people will continue growing rich. I am sure, Sir, that we would not like to see such a situation prevailing in the Republic.

If I look across the Floor of this House, Sir, I see a writing just above the entrance of this Chamber which reads:—

“For the welfare of society and just government of men.”

Mr. Speaker, Sir, if the “welfare of society” does not cater for the poor people, then the writing on the wall over *there* has no meaning at all. We have many cases of premature retirements in this country. In fact, I have a case whereby some people were employed as casual labourers and now they are being retired prematurely. All it means is that these people have been thrown out of employment, and they happen to have no land to go to and they have no money because there is no scheme to cater for them while in retirement. Such people are merely victims of social changes in this country. Soon we shall have many and more drastic changes taking place in the country and I am wondering what will happen to our people, Mr. Speaker, Sir. In the land settlement schemes, Sir, you will find one man owning more than two pieces of land and I cannot see why such a situation should be allowed in this country when there are many people who do not have even a small piece of land.

The whole set-up, Mr. Speaker, Sir, affects the educational system in the country because if you have no money your child cannot go to school. In Nairobi, Sir, there is no place where a poor man can get money for a meal. During the colonial régime, Sir, a poor man could go to the district officer's office or district commissioner's office and present his grievances there and he would be given money for a meal. It is sad that such a scheme functioned during the colonial days and today, in an independent Kenya, there is no such scheme whatsoever! I am told that this system was abused by chiefs in that they sold the rations which were supposed to be given to the poor. However, I do not understand why the sins of an individual should affect an important service to the poor people.

There is no guarantee in this country to a poor man that he would ever get his daily livelihood. In the United States of America, Mr. Speaker Sir, there is a social welfare scheme which ensures that every citizen, poor or rich, can have a meal everyday. In Kenya, Sir, there is no such a scheme. I believe the reasons why the American society set up a national

welfare insurance scheme are: to take care of contributors of the scheme during their old age; to take care of contributors in times when they have lost employment, and to take care of contributors when their health is declining. In Kenya today, Sir, we have no such scheme. It means that our poor people are not sure of living as members of our society; and they are not sure of what they will eat tomorrow. If, for example, Sir, you retire today and you are a contributor to the existing National Social Security Fund, you are told that you cannot be given your money unless and until you attain the age of 55 years. Mr. Speaker, Sir, when one is unemployed or landless, or when he becomes old, that is the time he needs help because he is helpless. Since we do not have any other scheme to take care of these people I would like to appeal to the Government to make sure that this Motion is implemented immediately. This scheme, which I have proposed in this Motion, should be established as soon as possible with a view to relieving the poor people in this country of the burden they are shouldering. These people have no other way of fighting their case. They can only fight their case through their representative in this House. This House is established for this particular purpose.

Mr. Speaker, Sir, the social welfare policy in this country is not known and we do not seem to have one. This is a very bad situation in a country like Kenya which is very proud of its good name. Kenya can afford building very big and tall buildings in the country-side, it can afford paying its workers very fat salaries, but cannot afford to take care of its citizens who are unemployed and landless, helpless and aged. We have cases of juvenile delinquency in this country. The Government is trying to turn its eyes on the other side pretending not to see what is happening in this country. It does not seem to see some of these things which are affecting this country. That means that the Government has no shame in that it keeps on increasing the salaries of those who are already earning fat salaries and who are sure of getting pension after retirement. They have forgotten the poor people of this country and this is very bad. Mr. Speaker, Sir, this means that we are in a very, very bad situation. Therefore, we would like the Government to see this in the proper light and see it in time.

Mr. Speaker, Sir, time and again we have reminded the Government or, at least, tried to remind the Government, that any time an hon. Member brings a Motion to this House, he does it in good faith and he does it bearing in mind that he has people whom he is representing. He does not represent his own interests in this House. He represents the interests of the people who elected him to come and air their views and grievances in this House so that the Government can take action where necessary. Therefore, I am appealing to all the hon. Members in this House to come forward and help the sons and daughters of Kenya by enabling them to get the benefits they are entitled to as members of the Kenya society. Mr. Speaker, Sir, I would like to appeal to all the Ministers on the Front Bench not to oppose this Motion for the sake of opposing it but—

An hon. Member: Nobody is opposing this Motion!

Mr. Karungaru: Mr. Speaker, Sir, I understand that nobody is going to oppose this Motion. That is very good. I must appreciate that remark, taking into account that this Motion is for all the people of Kenya. It is not aggravating any thing but merely trying to push the Ministry concerned into doing a good service to its members of the society.

Mr. Speaker, Sir, the poor people of this country are not asking for any favour to be done to them. I want this to be known by every hon. Member. The landless people of this country are not asking for a favour from the Government. This must be known by everybody. The old-aged people are also not asking for a favour from the Government and this must also be known by everybody. The juveniles, too, are not also asking for a favour from the Government. Mr. Speaker, Sir, all these people are asking for justice because they are true members of our society. They are not beggars and, therefore, they should not be treated as such simply because of the conditions surrounding them. These conditions have simply been created by our society. Mr. Speaker, Sir, this is a question of great concern to us and I think it is high time the Government came forward in aid of these poor people.

Mr. Speaker, Sir, this Motion is not uncalled for and, therefore, no Member should oppose it for the sake of doing so. I hope to get the co-operation of the Attorney-General and also his support of this Motion. I have seen him coming to the Chamber and, therefore, I want to get his co-operation on this matter because it is of national importance. He should, therefore, support us. I would also like to appeal to the hon. *Mwokozi*, Mr. Kamwithi Muniyi, who is a spokesman of the poor to support us in this Motion. I would also like to call upon the hon. "president" of the poor, Mr. Shikuku, to support this Motion because it is for the interests of the poor people of this country and he is always championing their cause. I admire him and have great respect for him. He knows that I always support him. I would also like to call upon the Assistant Minister for Labour to support it. I know that he has been a trade unionist and, therefore, he has been championing the welfare of the poor people. I think he is going to support this Motion. Mr. Speaker, Sir, I would also like to call upon the Assistant Minister for Labour, Mr. Fred Kubai, who was also a champion in the struggle for our independence to give me support. I would kindly request him not to oppose this Motion because it is going to mark a new era in the history of our social revolution. Therefore, he should not oppose it. I could remind him of very many things which he had done for Kenya and which he had seemed to forget. For instance, he advocated for land adjudication at that time and also for the improvement of the social welfare of the people of this country. He also advocated better social welfare for the children and old-aged people of this country. Therefore, I would like to call upon him to support this Motion very strongly. I would not also forget to call upon the Minister for Natural Resources, who is present in the Chamber and for whom I have great respect to see to it that he, too, does not oppose this Motion. He should support it like everybody else. I would also like to include his Assist-

ant Minister in this request because he has also been a trade unionist and, therefore, knows the problems of the poor people, the landless and unemployed people; he should come forward and support this Motion.

Mr. Speaker, Sir, since I have done my home-work, and since no hon. Member is likely to oppose this Motion, I would like to say something just before I conclude my speech. This is the only time that we can help the poor people of this country. This is also the only time that the poor people of this country can harvest the fruits of Independence. If this Motion is passed, then I am sure that the poor people of this country, including even those who were selling their votes, say, for one packet of *unga*, would get something to live on and would not be worried again about anything. They have revealed to me that they were selling their voting cards simply because they have no other way of earning their living; they have no farm or any real source of income. They wanted to get money from these rich people who have nothing to do with their money simply because it is too much. It is a pity that these poor people continue to grow poorer and poorer. I think that these poor people took a very good decision on this matter because they have already indicated to them that they are still poor and they are only prepared to support somebody who is able to support them improve their standards of living. They would like to improve their standard of living and also enjoy life like everybody else in the country.

Mr. Speaker, Sir, time and again, in this country, we have heard of social organizations like the National Council of Social Services. However, these are not catering for the poor of this country and it is for this reason that I want to introduce another organization to take care of the poor people.

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

Mr. Mwithaga: Mr. Speaker, Sir, I would like to second this Motion. The Motion is itself very timely since we have gone through the first ten years of our Independence and realizing the economic growth of our country. Unless there is adequate planning some people will remain poor at the start of any programme of economic growth. Some people are getting richer while others are getting poorer and this situation will continue unless somebody checks it and tries to see whether it is possible to close the existing development gap. But here we have been caught up in a situation whereby we have a lot of unemployed people both in the rural and urban areas. The unemployed people could be employable but they cannot be found jobs at the moment. These are people with no land, and it is actually a wonder how they live. These are people with families and yet they are able to send their children to school. They pay the necessary taxes and they can afford the municipal's or the private landlord's house rent. Mr. Speaker, Sir, if you consider the case of these employable but unemployed people, people who could till land but have no land, you will feel very much concerned about their plight because if you put yourself in their shoes you would imagine how you would be living in such conditions.

[Mr. Mwithaga]

Mr. Speaker, Sir, this Motion only requires the Government to re-examine the form of life which most of our people are leading, taking into account that those who can take care of themselves will always continue to take care of themselves, and plan for their own future generations, but those citizens of Kenya, most of whom have great faith in the Government and our ruling party, are ones who do not know their fate. Mr. Speaker, Sir, a scheme like the one which the hon. Mover of this Motion has in mind, if our Government is going to set it up, is going to be a very broad scheme in that it will have to find out the cases of poor people who need help both in the rural and the urban areas. It will have to find how these people can be assisted to live because one of our duties is to make our people feel that they can live happily under the social justice and care of this Republic of which they are a part and parcel. Mr. Speaker, Sir, in most cases such people turn out to be the most important. These are people who offer to assist if there is a national crisis. These are people who do not have white collars and suits and farms. They are labourers and their fate is never known. Their fate and usefulness is only known when there is a war or a national emergency. They are ready to sacrifice anything and to sweat in any crisis and they shall continue to be ready for any eventuality. Therefore, Mr. Speaker, Sir, if such people can be used when there is a national crisis to curb an invasion or revolution, then we should think how we can better their lives socially when our country is peaceful. There must be a way of organizing social welfare programmes for these people. That is why the Mover of the Motion has in mind a national welfare social services fund for these people.

I would also say that the National Social Security Fund, which was established to cater for workers, was meant to take care of the employable and employed. These are the people who contribute money to this fund with the assistance of their employers. Therefore, it is a very different scheme from the one the hon. Mover has in mind in his Motion. The one the hon. Member has taken care of all the people who are not covered by the National Social Security Fund Act. I am saying this to assist my hon. friends in the Ministry of Labour so that they can understand this Motion and assist the hon. Mover in finding a solution to this problem. The National Social Security Fund will continue to serve those who have gone through employment and contributed money with the assistance of their employers. Even if this scheme is expanded it cannot go out of the original formula. You cannot expand it to accommodate everybody including those who have not contributed money into it. If you do this you will be breaking the law. But those who are not taken care of by this scheme are people who have no shelter, no land, and it is mysterious to imagine how they live. That is why you find that when there are arrests of people who brew illegal drinks, such as *chang'aa*, those affected are mainly the people who have no jobs and who must look for ways and means to educate their children. Where and how would you imagine such a fellow lives? I would like one of the Members in the Front Bench to imagine the kind of situation I am

imagining as far as these people are concerned. They should think about the category of the people I and the Mover of this Motion have in mind and tell the House how they can live. If you analyse the mode of life which is led by these people you will find that it is impossible for them to live without leading a life with some criminal elements in it. You would not want such people to continue with such mode of life. We do not want that, Mr. Speaker, Sir. This being the case then, we should find a clear-cut solution to this problem. We should find a scheme which can accommodate the kind of life which is led by these people. Sometimes the kind of society in which we live discriminates against the poor people in one way or another. Of course, we have to make laws in this country and in implementing these laws you will find that the poor people who do not know about the existence of such laws might not care because the kind of life they lead needs no law. After such people have broken these laws the society is the one which should be blamed. It will be bad for us, during our time, to be that society which is always to blame for failing to have thought of how to take care of all those poor fellows. Some of these fellows are very old. I have seen some local authorities setting up homes for old people, but these old people sometimes find it very difficult to live in those homes because of the African tradition of social security. That old person, who might be the father of hon. Mukuna, would like to remain with hon. Mukuna and his family right in their own home village. But where will such a person get his financial assistance if hon. Mukuna has a large family to cater for? The state should continue supporting my father while he is under my shelter rather than take him to the alms houses for the aged. That is why it is better to have a fund, from where some money can be dished out to take care of the aged people and give them some elementary social justice to enable them to live comfortably.

(Question proposed)

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, the Government has already established a National Social Security Fund which is intended to cater for the purposes indicated in the Motion moved by the hon. Member for Embakasi. I agree that the fund, in its present form, does not fully cover all eventualities which a social security scheme should, but it is the base upon which the Government is progressively building a social security scheme which will deal with the question of poverty arising from unemployment, old age and all the circumstances in which a citizen may find himself unable to support himself. As I have said, it is Government policy to develop the present National Social Security Fund progressively to deal with what the Mover of the Motion has in mind and I would like to inform the House that the rate at which the fund is expanding is an encouraging sign that a base for the welfare state is being built.

Mr. Speaker, Sir, the hon. Member expresses fears about the operation of the present fund, and these fears are justified; but I would urge him to understand that the fund is in the young stage and it has had its own problems of growth like any child will do. The fund is continually doing what it can to correct any

[The Assistant Minister for Labour]

mistakes and to progressively move towards perfection of the service which the hon. Member is calling for. May I take this opportunity to remind the House that the fund has a council headed by one hon. Member of this House and is adequately represented on by the trade unions and employers alike under Government control and guidance. It is true that the fund's improvement is continually being sought. There is no quarrel between the sentiments of what the Motion calls for and what Government intends to do in order to achieve the same objectives. There is, however, the difficulty of establishing what appears to be a duplicate institution to the existing one. It is with these very strong views on the part of Government and the intention of the Government to expand the present fund to achieve the things that the hon. Member is calling for that I have reservations in supporting the Motion.

I would like to propose a slight amendment in the Motion as it stands. I would like to propose that the words appearing in the seventh line of the Motion, beginning with the word "established" and ending with the word "fund"—I quote, "established a National Social Welfare Services Fund"—be deleted and substituted with the following words speed up the expansion of the present National Social Security Scheme".

I beg to move that slight amendment with a view to achieving precisely the things that the hon. Member is calling for in the Motion.

With these few comments, I beg to move the amendment.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, what I would like to point out to the House is that the National Social Security Fund stands to benefit those who have contributed to it. The Motion as it stands is asking for a wider range of security which is not covered by the fund. However, it is the wish of the Government that the fund be developed to cater for these wide-ranging disabilities. As the fund is being progressively developed to meet these problems we would not quarrel with the wishes of the hon. Mover if he agreed to that slight amendment. As I said, the fund is being developed to meet the wishes of the hon. Mover.

With these few remarks, I beg to second the amendment.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. It is provided in our Standing Orders that a Motion cannot be amended in such a way as to change its meaning, so that it reads differently from what the Mover intended. I had deliberately framed my Motion to accommodate a special scheme for the poor, unemployed and aged people.

Mr. Speaker: Can you make your point.

Mr. Karungaru: Is it in order for the Assistant Minister to amend the Motion in such a way as to connect it with the National Social Security Fund?

Mr. Speaker: There is nothing wrong with the amendment. You may disagree with it but the Assistant Minister is entitled to hold the view that they already have a scheme which, if expanded, would cover your require-

ments. You may disagree with that, but he has put forward his argument. His amendment does not change the theme at all because what he says deals with the social security of the people. You may say that his amendment does not cover the community that you have in mind. You will need to say that when you come to reply, or any other hon. Member can do it, but the amendment is quite in order.

(Question of the amendment proposed)

Mr. Kahengeri: Thank you, Mr. Speaker.

The first thing I would like to say is that I reject the amendment. This Motion is urging Government to establish a National Social Security Fund for its people, both those who are employed and those who are not employed. If we accept this amendment it means that we confirm that Government has already established a social security fund which covers all the citizens. One of the Assistant Ministers for Labour has said that the Government has established a scheme to cover the people who contribute to it. That is all right. We know that this scheme exists; however, one scheme is missing, and it is the duty of Government to look after its people. There are some unemployed people in this country who go without food and clothes and they cannot find jobs to help them earn their living. It is the duty of the Government to establish such a scheme because it is out of these unemployed people that the Government draws its strength. There are some old people in this country who are not employed; but these people want to eat. These people are the supporters and pillars of the Government. Therefore, the Government must consider them also. This is what this Motion is asking for. You can only talk of speeding up something which is existing, but you cannot talk of speeding up anything that does not exist. Therefore, when the Assistant Minister moves an amendment of this kind he knows very well that he is misleading the House. How can you ask us to speed up something which is not yet established?

The Assistant Minister for Labour (Mr. Kibisu): On a point of order, Mr. Speaker. I think the hon. Member for Juja is misrepresenting me. My amendment urges Government to speed up the development of the present National Social Security Fund so that it becomes wider and takes care of the things which hon. Members are saying. In what way, Mr. Speaker, am I misleading the House?

Mr. Speaker: You are not misleading the House, Mr. Kibisu.

Mr. Kahengeri: Mr. Speaker, Sir, we want the Government to come out with some proposals. The Government ought to have speeded up what the Assistant Minister is saying a very long time ago when the fund was established, but they have not done anything. They only wait until an hon. Member moves a Motion here and then move an amendment that the fund be expanded. Let them tell us here what proposals they have to accommodate the other categories of our people—the unemployed, old people, beggars and the children who roam the streets—and enable them to do odd jobs and get their livelihood.

Mr. Speaker, Sir, without dwelling too much on this matter, I beg to oppose the amendment.

(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)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, the intentions of the Motion are very clear. We are Kenya citizens and we know what is happening. So, we do not have to pretend that we do not know. Some of us would be failing in our duties miserably if we pretended not to know what is happening in Kenya. The Kanu manifesto states very clearly that there will be a socialist government. If, however, you look at what is happening, you cannot get more capitalistic state of affairs anywhere else! So, we have deviated from the Kanu manifesto. We have also deviated from a well-known document by the name of African Socialism. It is only quoted in certain corners when it suits the conditions of those who want to quote it. When it does not suit their conditions they keep their big mouths shut. We equally know that the distribution of wealth in this country—what we call equitable distribution of wealth is just a theory. The truth is far from that because we have only a few people amassing wealth at the moment and you find that all the other people are going hungry. While some people can spend Sh. 2,000 a day others stay a long time without earning Sh. 1 in a month. That is why I am saying that there is no equitable distribution of wealth in this country; the situation is very far from the meaning of that word. It is not a question of jealousy when I say that in this country, while some people cannot earn Sh. 1 a month, there are some people who run three cars, one for himself, one for his wife and the other for his children. In that case there must be something wrong somewhere. How do we correct such a thing, Mr. Speaker, Sir? We can only correct such a thing by supporting a Motion like the one we are discussing now. There is no reason why some of us should try to pretend that we do not know what is happening in the country at the moment. Unfortunately, Mr. Speaker, Sir, an amendment to this Motion was defeated a few minutes ago. This Motion is going to help those in employment as well as those people who have resigned or have been sacked. I am sure that the contributors to the fund would not like their money to be given to a non-contributor, let us say, from Butere. What we are asking for is something which can help the poor people in this country. Those people who contribute to the National Social Security Fund can look after themselves. There is a need to establish what the Motion is asking for. Mr. Speaker, Sir, the question is: "Where are we going to get money to finance this exercise?" Since I know that it is difficult to raise such an amount of money, we should plan in such a way that in some years to come we shall be able to establish what this Motion is asking for.

Mr. Speaker, Sir, in the first place we should have a land policy. If we do that then we shall be able to acquire some land to be allocated to some of our poor people. There is no reason why an individual, be he a Member of this House or a member of the public,

should own 10,000 or 20,000 acres when there are people who do not have even an inch of land. Who does not know that there are several farms in Kenya which are owned by foreigners? Mr. Speaker, Sir, it is high time we amended section 75 of our Constitution so that we can take over all the farms owned by foreigners with a view to distributing them to the poor people of this country. On several occasions in this House, we have tried to ask the Cabinet Ministers to legislate on the maximum number of acres of land an individual can own in this country. Some people suggest that an individual should be allowed to own not more than 1,000 acres of land. Personally, I feel that is too much. Even 500 acres of land for one individual is too much. Mr. Speaker, Sir, I even go further and say that it is not wise to have one person allocated with, say, 50 or 100 acres of land when there are so many landless people in Kenya. It is obvious that it is not possible for everybody in Kenya to have a piece of land, but we should make sure that whatever land is available is distributed amongst the poor people equitably. When we ask the Government to give land to the poor people we are told that this is not possible. Mr. Speaker, Sir, why does the Government say that? It is because the majority of the people who own land in Kenya are big people. For the information of the House, most of the former white highlands has been occupied by the big people. It is high time we had a clear land policy and a land ceiling spelling out clearly as to how much land an individual can own.

Mr. Speaker, Sir, I also feel that we should have a property ownership policy. There is no reason why one person should own almost all the buildings in Nairobi. That is the reason why you find that today there are people who have accumulated so much money that they were able to buy voting cards during the recent revision of voters' roll. The wealth of Kenya is concentrated in the hands of the rich. Mr. Speaker, Sir, the time has come when the poor people woke up and defended their rights. The poor people should consume all the rich people's money. However, if they ask them to vote for them, they should refuse and instead vote for the poor people. If this happens, some of these people will become broke. For the information of the House, all the money the rich people have belongs to the poor people; it has all been grabbed from them illegally. There are some people in Kenya who are almost owning all that we have in Kenya. The time has come when we introduced the policy of one-man, one-job. If we do this, then we shall be able to solve some of the problems we are facing in Kenya.

Mr. Speaker, Sir, according to the Development Plan we are going to spend a sum of £4.5 million in financing family planning programmes. This money is going to be used in buying pills and coils for our women—

Mrs. Onyango: And for men!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): For the information of the hon. Gracious Lady, men do not give birth. It is women who use coils and pills for birth control. We are made to understand that those women who use pills become more sexy and fertile. We should

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

use this money to feed the poor people in this country. That is the reason why I feel that we should have a special social fund to help the poor people in Kenya. We should not use the argument that it is not possible because we have the National Social Security Fund while, in fact, this scheme is meant to help only those who are lucky enough to secure jobs somewhere in Kenya.

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

Mrs. Onyango: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to support the Motion.

It is true that the National Social Security Fund is different from the scheme proposed in this Motion. In the first place we all know that only the people who contribute to the National Social Security Fund benefit from the existing scheme. However, there is one thing I have found to be wrong and that is the way officers working with the National Social Security Fund write down the contributors' names. For instance, if a man's name is "Mr. Omolo", they will write down in the form as "Mr. Omoro", and, as a result, very many people are finding it difficult to prove their identity. I hope that something is going to be done to solve this problem.

Mr. Speaker, Sir, the Mover said that the national social welfare scheme is going to cater for the poor people in this country. In my opinion this scheme should be started without further delay. In this country there are very many people who are helpless and therefore, the time has come when the Government did something to help them. Since I know that the Government Responder is going to say that there is no money to finance the scheme, I would like to suggest that this money be deducted from the Mayor's Christmas Tree Fund. Mr. Speaker, Sir, part of this money can be raised through auctioning the maize which is confiscated by the police throughout the country. Mr. Speaker, Sir, there is no reason why the big companies operating in Kenya cannot be asked to contribute to this fund. Also, the money which is normally returned to the Treasury after the closing of the Financial Year can be used to boost this fund. Who does not know that it is useless asking hungry people to develop a country? Mr. Speaker, Sir, in such countries like England the needy people are given a few shillings weekly. There is no reason why Kenya should not do the same.

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

Mr. Mboja: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to say a few words on this Motion. It is extremely important for us to remind ourselves of what took place in the past. Many countries have been forced to undergo very serious tests simply because they did not plan in advance. There are very many things which have gone wrong due to carelessness. For instance, such countries like Russia and others have faced great difficulties due to carelessness. Now, when the *wananchi* complain about something

which is quite obvious, the people who ought to do something about the complaints of the *wananchi* just take things easily. They say, "Take it easy because, perhaps, we are an exception, and what has happened elsewhere may not happen in this country". However, the *wananchi* may one day say, "We are tired of the things that are happening here and we cannot tolerate them any more".

Now, I would like to say that although we are supposed to be a democratic country, things have changed and we have turned into a "grabbing society". Mr. Speaker, Sir, I say this not because I think it is a song that many people are now singing but because it is only fair that we pin-point where our weaknesses are, our ears open up and we hear what is necessary for us to hear.

I would also like to say something about equitable distribution of wealth. Mr. Speaker, Sir, there is a great deal of mistakes going on in this country. The people who are directly responsible for distributing our wealth to the *wananchi* have not deliberated seriously on how they can fairly and equitably distribute the wealth of this country. In other words, they take that they must take the first chances—if there is a loan somewhere, they make sure they get it first or, maybe, make sure that it goes to their cousins, wives or other relatives. At the time the *wananchi* will be considered ten great years of independence will have elapsed and there will be nothing left for them anyway. As a result of this, Sir, our *wananchi* have reached a point of extreme suffering.

Mr. Speaker, Sir, I would like to give an example which I have seen in this country. You will find that there are some clever people or, maybe, better "grabbers", who go to their provinces and apply for all the loans they can get, until they cannot be given any more. After that, they go to another province, and there they apply for a loan in a cunning way. After that they go to another province, and apply for yet another loan, maybe using a different name, and they get it there as well. After that they go, maybe, to Kitui, and there, also, they manage to get another loan. This is the practice that some of our people have, and this is quite a serious matter. We know that such a practice exists in this country. For instance, Mr. Speaker, someone who comes from Nairobi, who is already a successful businessman, gets a big loan here, and when he knows he cannot get the local council loan because he has already exhausted his chances, he goes to another area and he gets another loan there. Therefore, this means there is no control in these matters. Now, since we have thousands of suffering *wananchi*, it should be made quite clear that if one has been given a loan he should utilize it properly and if he is unable to repay it he will be sent to prison. It should not be that when he fails to repay his loan, he goes to another area and gets another loan, thus taking the chances of other people who would have benefited. This is quite serious and unfair, and we know that it is going on in this very country of ours, where we are said to work, "For the Welfare of Society and Just Government of Men". However, I do not think this is just. Now, since we are

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a free society, I think we should be serious when we think and talk about unfairness in this country.

Now, landlords in this country, and especially in my constituency, have a bigger say than the poor majority of our *wananchi*, who have failed to get the big loans we are talking about and who have also failed to get land titles for the land on which they have lived for many years. These people will not harvest anything from their land because of the drought we are now experiencing. In many places in this country, the people are experiencing a drought except maybe, here, in Nairobi, where we have some rain. In certain areas of this country, our people have not had any rain up to this moment, and they have no way of getting their livelihood. In any case, Mr. Speaker, we are very careless in this country. We do not know what is happening with our *wananchi*, and this is a very dangerous affair. I think, Sir, that a time may come when we shall change this type of business.

We have some poor people in this country who have no means of livelihood and, as a result, their children cannot go to school. Therefore, I think it is important that the Government considers giving free education to the children whose parents have no means of livelihood.

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

The Minister for Natural Resources (Mr. Omamo): Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak. I would like to support this Motion, using very few words.

Mr. Speaker, Sir, as a Member of this House, I have often been embarrassed when I tour my own Constituency of Bondo. Mr. Speaker, Sir, there I meet families, men, women and children, and when I stare at them in the face I draw my own conclusion, that they are so poor and that they will live that way during the term of my tour in Parliament and that even the next Member for that area may not achieve very much in trying to help them. These families are poor, and being a Christian, Sir, I am again reminded that poverty has been with mankind for a long time. The good Lord did draw our attention to that family where the well-to-do were eating on the table and the crumbs they were throwing to the dogs were being picked up by a helpless poor fellow, with many ulcers. The Bible story continues to say that the poor fellow had a good heart, and he was welcomed in Heaven.

However, we are also being told, Mr. Speaker, when we pray, that we want the Kingdom of God to be established here on earth.

An hon. Member: Are you now preaching to us?

The Minister for Natural Resources (Mr. Omamo): I am not preaching, I am just giving an example!

Hon. Members: Hear! Hear!

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I am giving an example because this is what bothers me. Mr. Speaker, we are told that we would like to establish the Kingdom of God here on earth, and I do believe that when that Kingdom is

established on earth, there will be very, very few poor people. The "Lazarus" type of people will be very, very few.

Now, Mr. Speaker, this Motion is very important, and I am only disappointed that there are very few Members in the House. This is the kind of Motion that national leaders or Members of the National Assembly should take seriously, and this is why I postponed my going to Kisumu today.

Hon. Members: Hear! Hear!

The Minister for Natural Resources (Mr. Omamo): What I would like to point out after looking at the Motion is that the Mover was very, very modest because he pities those *wananchi* that are landless, unemployed or old and helpless. Mr. Speaker, Sir, the Mover should have included the children who are born in poor families, who are likely to live poor and die that way because they are there.

An hon. Member: They are already covered under "helpless"!

The Minister for Natural Resources (Mr. Omamo): Maybe they are covered under "helpless", but I would have liked the word "children" to be specifically mentioned.

Mr. Speaker, Sir, recently, a professor of rural economics—and if you may allow me, I would cite him as Professor Rob—after having studied a rural family as well as a rural community wrote his thesis and concluded by saying, "A poor soil can only support poor people". Poor people make poor soil become poorer. In other words, Mr. Speaker, Sir, there is a vicious circle. Knowing that less than one-third of Kenya's agricultural land cannot support much, I would like to draw the attention of the House to the fact that apart from the landless, the unemployed and other helpless, there are also those others with land but whose land is poor because of soil erosion. If I may be allowed to give an example—as poor as Kitui East; as poor as Baringo area; as poor as the Galana River area where many tons of top soil are going into the lake or sea never to return during our lifetime. Those should be included under this category.

Mr. Karungaru: They are covered.

The Minister for Natural Resources (Mr. Omamo): If they are covered—and I am pleased that hon. Karungaru says that they are covered—it is good that I add one more point. I feel that the nation has been successful in plucking some fruits of *Uhuru* and placing them in the hands of *wananchi* even though not equitably. I feel that Kenya has had a good record so far since 1963. However, I feel, at the same time, that this is perhaps the time when we should think a bit more seriously; when we should focus upon the poor because of circumstances. Often when we talk of agriculture in Nyanza, or when we talk about the lazy chaps from Nyanza or Siaya, I merely laugh at this kind of argument because I know that some of these people are poor and they appear lazy because of circumstances. They have no pyrethrum to pluck; they have no tea or coffee to pluck—why? Because the climate is not good enough. They have only fish to catch.

[The Minister for Natural Resources]

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

However, Mr. Deputy Speaker, Sir, catching live fish is not always easy; they are moving things! Therefore, I feel that hon. Members should support this Motion. We should support it because its implementation will help the Republic to move further in the proper direction.

Thank you, Mr. Deputy Speaker.

Mr. Mwavumo: I rise to oppose the Motion for the following reasons: First of all, whatever has been stated in this Motion is covered by Government. We have the Ministry of Lands and Settlement whose work is to settle the landless people. We also have the Ministry of Co-operatives and Social Services; we have rehabilitation homes and others which are caring for the helpless people. My worry is when this scheme is established—Recently the hon. Members said that they wanted to have free education and now they are crying that everything is going up in prices and that some commodities are missing in the country. Now, when this scheme is established, they have not told us where the money will come from. The problem will be that when the Government sets it up, higher taxes will be paid, and it will be the same Members who will complain to Government that the prices of goods have gone up very high. At the moment a shirt costs Sh. 210. The ordinary *mwananchi* is going to suffer as a result of this scheme.

An hon. Member: You are contradicting yourself!

Mr. Mwavumo: I am not contradicting myself. When you bring this scheme—of course, Government is going to accept the suggestion—where you are going to get the money? It is not yet time for us to establish such a scheme. We have so many other things to do in this country. There are so many homes in Nairobi which are caring for destitute children, such homes like Mji wa Huruma.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. Do you not think that this hon. Member has a lot of misgivings and seems not to have people to represent in this House? He is misleading the House; in fact, he does not even appear to know what we have in that Motion. Can you please direct him to see the substance of the Motion before he is caught unaware?

Mr. Mwavumo: I read the Motion and it is very clear. I am opposing the Motion because *wananchi* will have to pay for this scheme. At the moment *wananchi* are crying for heavy taxation, and since the Government has no money *wananchi* are going to be taxed more for it. That is why I said that this Motion is not good. We have so many schemes and we do not make use of them. The Ministry of Lands and Settlement is there; take *wananchi* to it and they will be given *mashamba*. In fact, since we have started giving free education there is no point for having this scheme.

I beg to oppose the Motion.

The Assistant Minister for Natural Resources (Mr. Ochwada): Mr. Deputy Speaker, Sir, while one would

appreciate the sentiments expressed by the hon. Member who has just sat down, I think the only trouble with him is that he has not been out in the rural areas to see how our people are suffering. We, the representatives of the rural people, should support this Motion and even suggest ways and means of raising enough money to establish the scheme. In addition to what hon. Shikuku has said, I would like to suggest that the Government seriously considers introducing a land tax. This tax would help solve the land ownership problem which has gone so high that you will find some people owning 12,000 acres while others have nothing at all. This will help us in raising the money we need. We will also raise some money elsewhere and, therefore, to suggest that because we have introduced free education and we are now complaining—Of course, we have no one to go to. We want to be independent and we all fought for independence. When we have our independence, we have nowhere else to look for money except from we, ourselves. We will have to sacrifice to help our own brothers and sisters who are suffering and who cannot afford even one meal a day.

Mr. Deputy Speaker, Sir, there are several ways in which we can raise money. We have built Harambee secondary schools; and we have completed many other projects on Harambee basis. If we cannot raise money from elsewhere to support this meagre scheme which the Ministry of Co-operatives and Social Services is running now, I appreciate very much what Government is doing to help the poor people in the rural areas—we should try our level best to suggest to the Government as to how best we can raise the money, rather than saying that we cannot do this. Of course, the Government is doing something and I am happy to say that in my constituency there are some people who can now eat from the money provided by the Social Services Department. This Motion should have been directed to the Ministry of Co-operatives and Social Services; however, because it is a combination of various aspects, landlessness, unemployment and general helplessness, there is no harm in having it directed to the Ministry of Labour. Mr. Deputy Speaker, Sir, although this Motion is slightly misdirected, I hope the Government has taken the feelings and views of the hon. Members of this House. I believe that as a result of our collective responsibility in the Government, something will definitely be done.

With these remarks, Mr. Deputy Speaker, Sir, I support the Motion.

Mr. Karungaru: Mr. Deputy Speaker, Sir, with your permission, I would like to allow Mr. Mwamunga to speak for three minutes only.

Mr. Mwamunga: Mr. Deputy Speaker, Sir, I would like to thank the Mover of the Motion for giving me this chance to speak. I would like to say straightaway that the Motion before the House is indeed a very important Motion, particularly in the present situation in Kenya. We would like to impress upon the Minister for Labour that the National Social Security Scheme is completely incapable of handling the kind of task that the Motion is seeking. The National Social Security Fund, Mr. Deputy Speaker, is not capable of expanding sufficiently to cover those who are not members of the scheme. The money that is contributed by the Members

[**Mr. Mwamunga**]

of the scheme is their money as hon. Shikuku said and, therefore, non-contributors cannot benefit from it. We know that the National Social Security Scheme is making a lot of money—in fact, we hear that they have so much money that they do not know how to invest it. Now, Sir, this money is the property of its contributors. Mr. Deputy Speaker, Sir, this Motion carried a lot of African aspirations in that the—

Mr. Mboja: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for the hon. Member for Mombasa North to hold a meeting in the House while another hon. Member is speaking?

Mr. Deputy Speaker: He is certainly out of order if he is doing that.

Mr. Abdallah: On a point of order, Mr. Deputy Speaker. I have never held a meeting in this House. I stand and speak like any other hon. Member in this House.

Mr. Deputy Speaker: Order, Mr. Abdallah! I am sure when you stand up to speak you will prefer to be heard in silence; so could you please stop interrupting unnecessarily?

Mr. Mwamunga: Mr. Deputy Speaker, Sir, in typical African tradition, it is the duty of the society to care for those who are incapable of looking after themselves. Therefore during the old African traditional societies, nobody went hungry, nobody went without land because those who had no land were given by those who had it. Today, Mr. Deputy Speaker, this is impossible because, as the Motion says, the situation has changed so much, and we have become very much Westernized or modernized so that those who should have some benefit from the society cannot have any benefit whatsoever. Those of our people who have something to spare have become so selfish that they will not even listen to what we are saying. What our Motion is saying is that it is not the mistake of the unemployed people that they are unemployed, it is just because there are no jobs available for them. Therefore, what fault can be attributed to these people? Have they no right to exist in the society just like me and you? It is the responsibility of those who have to see to it that those without means of subsistence, the old, the sick and the unemployed achieve some means of livelihood. It is only by having a Social Welfare Fund that we can give hope to those people who are unemployed, those people who are too old, those who are sick and so on.

Mr. Deputy Speaker, Sir, I know there are institutions in big towns like Nairobi, Mombasa, Nakuru, Kisumu and so on where some of the most unfortunate people can be cared for. However, in the rural areas, these institutions are non-existent. At the same time, the land in the rural areas can no longer support the people there because of failure of rain, poor harvests and the diminishing of land acreage as a result of the increasing population. What hope is left for our people now? It is vital, Mr. Deputy Speaker, Sir, that this Motion is taken seriously by the Government and ensured that as we are growing more and more into a Welfare State, the poorer members of the society are taken care of. I am saying this because the Motion seeks

to give expression to our declared policy of growing into a welfare state. Therefore, this is why I strongly support the Motion, particularly because our people in the rural areas are trying to make the two ends meet by going into innocent trading activities, only to be strangled by our laws, and there is no hope left for them. There are some of these people in my area who try to engage in innocent trade activities, but the standard of cleanliness demanded of them is much higher than that in Nairobi and Mombasa. This is why hon. Members from Mombasa and other places do not see the importance of such a Motion.

With these few remarks, I beg to support very strongly this very important Motion.

Mr. Karungu: I would like to thank all the hon. Members who have spoken on this Motion; of course, including the Assistant Minister for Labour who tried to amend it but unfortunately failed to achieve his aim. I would like to advise the hon. Assistant Minister to go and advise the Government not to sit on this very important Motion because it deals with a matter of life and death. We have people who cannot afford good clothes, we have people who do not even know their future or the future for their children. Mr. Deputy Speaker, we have been asked to say where we think the money will come from. May I say where this money will come from? First of all, if the Kenya Government can afford spending millions of shillings on the so-called Family Planning Programme, buying coils, pills and injections—if the Government is very generous to give this money free without even charging a small interest, why can they not think of the poor and unfortunate members of our society? The Government used to charge interest on this money given to the family planning organization but these days they do not charge anything, they give it free. What can one really say about this Government? Would one not say that this Government is sick? Would one not say that this Government has eyes that do not see? Would one not say that this Government has ears which do not hear? Yes, one would say all these things, but they would not listen! They do not want to listen! Let them charge interest on the money given to the Family Planning Programme organization to buy pills, injections and coils. We want them to use this money for this particular scheme which is going to cater for the poor people of the country. These are the true nationals of Kenya who struggled to liberate this country from the yoke of colonialists. However, when they won independence, grabbers came up and started grabbing everything to enrich themselves. They are in the industries, in the shops, in the farms, in the transport business—they are everywhere. However, the poor man remains helpless on the very spot he was placed after independence.

Mr. Deputy Speaker, Sir, I think there are certain things that people may play with; but, certainly, not with the lives of other people. If you play about with the lives of other people, you will be telling God that you are not worth living.

Mr. Deputy Speaker, Sir, when these rich people die, we want this money that they have accumulated un-

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scrupulously to be put into this particular fund to maintain those who do not have anything. The reason why we allow the present system of taxation to continue is because the poor people must live at the expense of the rich people because the latter are the ones who have made them what they are. Mr. Deputy Speaker, Sir, the inequitable distribution of wealth in this country is the cause of the present social evil in this country, where justice has been abused. When we think of developing this country, we get convinced that we should start developing buildings, major good roads when we have unhealthy people in this country.

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

(Question put and agreed to)

MOTION

CREATION OF MINISTRY OF WATER DEVELOPMENT

Mr. Deputy Speaker: I gather that the Ministry is not ready to deal with hon. Kitonga's Motion now, and so we will go to Mr. Migure's Motion.

(Motion deferred)

MOTION

CONSTRUCTION OF ROADS IN MBITA

Mr. Migure: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that lack of roads in different parts of Mbita Constituency has made it impossible for local people in the affected areas to communicate with the rest of the district, this House urges the Government to provide immediately roads to enable the local people to use vehicles to transport their commodities and for other general purposes.

Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to move this Motion. This is a straightforward Motion and does not need much explanation. The problem which I have in Mbita Constituency about roads is of long standing and I have always explained the case to the Minister for Works in this House but up to now nothing has ever been done. My constituency is composed of six locations, and for the information of the House there is no road in this area which can be used particularly during the rainy seasons. We have only one road in this area, the Mbita/Homa Bay road. This road is very poorly maintained. Even during the dry seasons you will find that there are a lot of pot-holes caused by heavy vehicles. We have often asked the Minister for Works to have the road properly constructed by putting murrum on it. It is not possible for the transporters to use this road for a long time without having their vehicles broken into pieces. We have very poor sections particularly in Gwasi Location.

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir. Since neither the Minister for Works nor his Assistant Ministers are here to take notes, could the Motion be deferred until such time that the Minister or one of his Assistant Ministers are in the Chamber?

Mr. Deputy Speaker: You see, the position is that the Motion has started and even if the Minister is not there, there is time, next time, for him to reply, having read the HANSARD, which is a verbatim report. As you can see, the time is already 11.30 a.m., which means the Minister will not have time to reply today. He will do that next week and, therefore, he will have plenty of time to prepare his reply.

Mr. Migure: Mr. Deputy Speaker, Sir, I was talking about one of my locations called Gwasi. We had roads in this area which were being used during the colonial time. However, when the responsibility for the maintenance of roads was given to local authorities our county council could not maintain these roads and, therefore, they could not be used. There are about 8,000 people living in the area and these people are not in a position to use vehicles. If somebody falls sick in this area, his relatives have to carry him or her on their heads to the hospital. This is simply because there are no roads in the area for vehicles to use.

There is another area, Gembe Location, where there are about 6,000 inhabitants. This area has no roads at the moment. In this particular area there used to be some roads during the colonial time but when the function of maintaining these roads was given to our county council they could not be maintained because the council had no finances. However, even when the Central Government took over the maintenance of these roads from the county council, nothing was done; up to now nothing has been done. I do not think I am asking for too much on behalf of my people here. I started talking about these roads in 1970 when I came in this House, I talked on them in 1971, 1972, 1973 and I am now, 1974, on the same subject. I have been requesting the Ministry of Works to look into the question of maintaining these roads all this time but nothing has been done although it is well known that no area can develop unless its communication system is good. This being the case, how can the Government expect my area to develop without roads?

Mr. Deputy Speaker, Sir, Rusinga Island has very bad roads and every time I go home when I come back here I must spend a lot of money on car repair. Most of the bus owners in this area have refused to operate on the roads because their vehicles break down all the time they use them on these bad roads. We have been wondering what we did to the Minister for Works so that he cannot listen to our problems.

Sir, there are two Assistant Ministers in the Ministry of Works and the Minister himself but none of them is in this House now to listen to what I have to say on this Motion.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Deputy Speaker, Sir. I have just rung the Minister for Works and he is coming. As for the hon. Member's points, I will be taking notes for the Minister until he comes. Therefore, would the hon. Member continue talking and ignore the fact that the Minister continue talking he will be coming in about ten minutes time?

Mr. Migure: Mr. Deputy Speaker, Sir, the Minister concerned is supposed to be here to work for the good

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of the public. If the Minister feels concerned about the problems facing my people, I do not see why he cannot be here on time.

Mr. Deputy Speaker: Mr. Kitonga's Motion was supposed to come before your Motion. So, in fairness to the Ministry for Works, we can assume that the Minister thought that your Motion would not come up today.

Mr. Migure: Mr. Deputy Speaker, Sir, what I am trying to put across is that I would like the Ministry of Works to construct roads in the areas I have mentioned to them several times. I have mentioned to them that I need roads in Rusinga Island, Gwasi, Gembe and Kaksingri Locations. Now, Sir, they have already surveyed the road and why construction work has not started, I do not know? What we need at the moment is simply a grader to do the road so that murrum can be put on it.

In Nairobi, Sir, there are many roads in a small estate; you wonder why the Government cannot construct a single road through a sub-location in Mbita Constituency. While appreciating the work done by the Government so far, I think it is the duty of every Government Ministry to help all the people in the country. I do not see why Government Ministries such as the Ministry of Works should wait for Members of Parliament to raise such matters when they know the problems existing in all areas. I have asked questions in this House about roads in my area, I have also written letters to the Ministry about the matter, but no progress has been made. I think it is important to remind the Government that no part of the Republic can develop unless there are proper means of communication. Sir, the people in Mbita would like to transport their produce from their *shambas* to market places. Mr. Speaker, Sir, how are they going to do this with such a poor system of communication? My people want simple roads so that they can feel that they are part and parcel of Kenya.

I know that many hon. Members of this House have similar problems in their constituencies. I have travelled in this country and seen that the road network in the rural areas is in very poor condition. However, Sir, there are a few places where the standard of roads is good. The question one is bound to ask is: why should a few areas in the country develop at the expense of others? We all contribute the money that maintains good roads in the country. We are all Kenyans and we would like to see development everywhere in the country.

When you come to the question of bridges on main roads, Mr. Speaker, Sir, you find that the situation is even worse. When rains come my people cannot cross rivers because bridges have been washed away. Why does the Government not construct permanent bridges across rivers that traverse main roads? In order to cross a river during the rainy season you have to wait for five days, until the water of the river comes down. Mr. Deputy Speaker, Sir, Mbita Constituency has a population of 70,000 people and I am, therefore, wondering why the Government cannot provide us with good bridges. During the colonial days these places had good bridges and I cannot see why our Govern-

ment cannot utilize the money we vote for in this House to build these roads and bridges.

Mr. Deputy Speaker: Sir, the problem of roads and bridges is common everywhere in the Republic and I am sure many hon. Members see the need for better roads in the country. Since many hon. Members would like to speak on this Motion, Sir, I do not wish to say more than what I have already said.

With those few remarks, Sir, I beg to move.

Mr. Abdallah: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this Motion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I realize that this is the second Friday when we have had have no immediate Seconder to a Motion. How long are we going to allow this situation? I say this because a number of minutes elapsed before anybody stood up to second the Motion. Sir, for how long should we wait before the Motion is ruled dropped?

Mr. Deputy Speaker: I believe a second or two is not too long a time.

Mr. Abdallah: Mr. Deputy Speaker, Sir, I was saying that I am grateful to you for allowing me to second the Motion. This is an important Motion and, therefore, it should be supported by the House.

Mr. Kiilu: On a point of order, Mr. Deputy Speaker, Sir, I notice that the Assistant Minister in the Vice-President's Office, hon. Shikuku, is sitting next to the Member speaking. I also notice that he keeps on distracting the hon. Member's trend of thought by making funny remarks and I doubt if the hon. Abdallah is going to tell us anything worthwhile. Therefore, could he be requested to move away from where he is?

Mr. Deputy Speaker: I will keep an eye on him.

Mr. Abdallah: Mr. Deputy Speaker, Sir, I was saying that the Motion before the House is very important. One time I visited Mbita and witnessed the problem of roads there. In fact, I had to leave my car far away and walk for many miles before I could get to my destination because the roads in Mbita are in a very bad state. I am wondering how people move around there when it rains. That is why, in fact, Mr. Deputy Speaker, Sir, I am inclined to support and second the Motion.

As the Mover said, Sir, it is important that the Government understands that there can never be any development in an area unless there are good roads. Mr. Deputy Speaker, Sir, roads are important because when people in a given area fall sick, ambulances have to transport them to hospitals they can only travel on roads. At the same time, roads are important in the rural areas because farmers need to transport their produce to the markets in urban areas. Therefore, if there are no good roads in a given area, then we do not expect any progress at all. It is, therefore, absolutely necessary that hon. Members support this Motion.

I come from Mombasa North, Mr. Deputy Speaker, Sir, where there are no good roads especially in places such as Mwakirungi and Maunguja. Sir, these two places are only remembered when taxes are being collected. Now, after Government officers have collected

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taxes from those people, the Government forgets that there are any people living there who would like to have decent roads.

When it rains, Sir, it is impossible for the people living in these areas to go out for at least two weeks because no vehicles can move on the slippery and poor roads. Mr. Deputy Speaker, Sir, when there are accidents in the area, or serious crimes are committed, one cannot get in touch with the police because of the poor means of communication. All these things are lacking due to the poor planning of the Ministry of Works. It is my view that the Ministry of Works should be held responsible for the poor condition of the roads in the country. I feel that Mbita Constituency should be given the first priority when the Ministry of Works embarks on the improvement of the roads in the country.

An hon. Member: Have you ever been to Mbita Constituency?

Mr. Abdallah: Yes, I have been there, Mr. Deputy Speaker, Sir. In fact, I married from there.

Secondly, Mr. Deputy Speaker, Sir—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. Can we ask the hon. Member to declare his interest in this Motion because he says that he is married from that area?

Mr. Abdallah: Mr. Deputy Speaker, Sir, it makes no difference at all whether I have married from there or not because, all the same, I have to defend the place because I am a Member of Parliament. I was elected by the Members of the public to speak for them and this is exactly what I am doing here. Therefore, the question of my hon. colleague asking me to declare my interest in the Motion does not arise at all. I think he should read the Order Paper properly.

Mr. Deputy Speaker, Sir, I think that the Ministry of Works should take immediate steps and help the people of Mbita Constituency who are in difficulties particularly when it is wet. I think they should be given their right share of the *Uhuru* cake. The people of Mbita Constituency see the people in Nairobi driving on tarmac roads, as well as the people of Kisumu and Mombasa towns. I do not see the reason why the people of Mbita cannot also have better roads and the same thing goes for the people of Mwakihunge in Mombasa North. They should have as good roads as those in other parts of the Republic. I think they should have better roads because if it is the question of tax then everybody in the whole of the Republic is paying it. Therefore, there is no question of saying "This is a Mbita man; this is a man from the Coast who pays Sh. 2 whereas a Mbita man pays only ten cents". The Government does not say that a man from Nairobi should pay "so much" in tax and a man from the country-side should pay "so much". There is nothing like that. The tax rate is uniform. Therefore, I feel that since we are taxed at the same rate, we should have the right to demand for the same services in all areas in the country. We should be provided with the same development that the Government provides in other areas of the Republic.

Mr. Deputy Speaker, Sir, I feel that it is time the Government did something for the *wananchi*. I know that the present Parliament is already affected by election fever and it is about to give way to a new parliament. Therefore, the minute we get a chance to speak here, we have to speak the truth. We were elected by the people to come and speak our minds and their minds here on matters concerning the problems of the areas we represent. Mr. Deputy Speaker, Sir, we have spoken here many times and approved very many Motions. Unfortunately, out of about 200 Motions which have been discussed and passed here, only about two or three have been implemented. How about the others? Where are they? We stand here and we are given time to speak but we do not know what happens to the Motions that we pass in this House. We do not know what is wrong with the Government.

Mr. Deputy Speaker, Sir, I recently fought for the workers who have completed, say, 45 years in Government service or in the private sector to be given their retirement benefits instead of being pushed into waiting until they attain the age of 55 years. This was very happily approved in this House but it has not been implemented by the Government. I am sure that this Motion will also disappear or get lost just like the others. This is very bad because I feel that when we bring the problems we have to this House we should be taken seriously. They must be discussed here and a solution found. This is what we mean by democracy. I think whatever we demand here is very important. Therefore, when I stand here and air my views on a certain matter—I think my voice is very expensive and, therefore, it must be compensated for. Therefore, whenever we ask the Government to do something for us, our request must be taken seriously and met where possible.

Mr. Deputy Speaker, Sir, we are asking the Government to construct more roads in Mbita Constituency, Mombasa North and elsewhere throughout the Republic, particularly in Masailand. The Government must construct more roads in assistance to these people. I think the improvement of the road network in these areas should be given priority because the people there also pay tax. We are here to speak the truth because we also pay tax like everybody else in the country. I think the reason why some rural areas are completely forgotten by the Government is simply because the "big shots" are not staying in the rural areas. Most of the "big shots" have migrated to the towns and that is the reason why there is no development in some rural areas.

An hon. Member: No! No!

Mr. Abdallah: Do not interfere with me you young Assistant Minister because I know that what I am saying is true!

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion and second it with all my mind.

(Question proposed)

Mr. Gatuguta: Thank you very much, Mr. Deputy Speaker, Sir, for giving me chance to speak on this

[Mr. Gatuguta]

Motion. However, I sympathize with my friend who has moved this Motion. I do agree with the hon. Member here that the roads in Mbita Constituency are bad and even in some areas of Mbita, there are no roads. However, this is a problem that can be found throughout the Republic. It is not only one particular area in the Republic which is affected by lack of roads. Therefore, in this connexion, Sir, I would like to move an amendment to this Motion so that hon. Members are able to discuss it widely and covering many areas.

Therefore, I would like to move the following amendment:—

THAT, immediately after the words "Mbita Constituency", insert the words "as well as other parts of the Republic"; and then after the word "district" insert the letter "s" so that the word "District" becomes "districts".

Therefore, the Motion as amended will read as follows:—

THAT, in view of the fact that lack of roads in different parts of Mbita Constituency as well as other parts of the Republic has made it impossible for local people in the affected areas to communicate with the rest of the districts, this House urges the Government to provide immediately roads to enable the local people to use vehicles to transport their commodities and for other general purposes.

Mr. Deputy Speaker, Sir, the purpose of this amendment, as I have just said, is to make this Motion wider in scope. I wanted to remove it from a parochial point of view and make it a national problem. Mr. Deputy Speaker, Sir, I think this is a national problem because without proper communication we cannot have development in the country. We know, and I would like to thank the Government for this reason, that a great deal is being done to improve our roads. Nobody can stand in this House and say that the Government has done nothing as far as road development is concerned.

Mr. Deputy Speaker, Sir, this Motion is asking from the Government to put more effort, more money and more manpower in the provision of better roads throughout the country. In some parts of our Republic, there are no roads to communicate with the next district. This is a fact and I would like to give one example with my own District of Kiambu. For instance, from my own constituency around a place called Ndeiya and Karai, one cannot get to the Masailand without having to go all round the Kijabe Road and Kajiado area just to communicate. There is no direct communication. However, communication in this area is very important, Sir, because there are cattle raids and even the police find it difficult to track down the cattle raiders.

The Government, therefore, and especially the Ministry concerned, Sir, should survey the Republic and find out what are the difficulties in the various areas. It is not enough for us to have main roads between Nairobi and Kisumu, Nairobi and Mombasa—big roads and so on everywhere. I think we must also have these other small roads going into the hinterland. It is important to

have also these main or major roads in our Republic but it is also very important to ensure that there is communication between the districts. Communications between various districts will also help various tribes to mingle together and understand one another. This will also help trade between the various districts. Now, without adequate communication, what would happen is that trade would not expand and different districts will not be able to trade with each other. This is very important and, therefore, the Ministry concerned should take action.

Now, Sir, apart from the actual lack of roads communicating the districts, there is also the problem of the existing roads. Some of these roads are impassable during the rainy season, which means that our people are not able to move freely from place to place and this hampers the development of the nation a great deal, Mr. Deputy Speaker, Sir. I would like to urge the Government to give the highest priority to road communications in this country. A lot of money is being wasted with various unnecessary things and the big salaries being given to civil servants to buy expensive cars when the human problems are not being put into account. Ours being a socialist republic, I would urge that these huge unnecessary expenses in Government offices be reduced so that road communications can be improved in this country. The position has even become worse since the Central Government took over the maintenance of roads. When the county councils were maintaining these roads it was possible for them to look into the minor roads and even construct new roads. Now the Government has taken over the road services in the country but some big bosses in the Ministry of Works do not know what is happening to roads in Kikuyu Constituency and various other places. That is why we are having all these problems in the country. It is my very sincere request that these officers go out in the field and meet members of the public and the county councillors and find out what are the road problems in various places. This House has always been voting money for the improvement of roads but you will find that this money is always spent by a few people, either in the offices of the Ministry of Works or contractors.

Mr. Deputy Speaker, I want to point out quite candidly that our roads can be constructed very cheaply by the National Youth Service and other people who are unemployed. Instead of giving contracts to a few rich people, why do we not construct these roads using our own labour force? We have the army which can help us a great deal in achieving this goal. We can also use our unemployed people to achieve the same goal, Mr. Deputy Speaker, Sir. If our roads were constructed cheaply, it would be possible for the Government to widen and improve their services in this respect in the country. Why should we spend so much money on contracts given to Mowlem Construction Company and some other Italian companies? There is a road in my area, Thogoto/Karai/Limuru road, which has not been maintained for the last two years. What is happening in the Ministry of Works? Money is always voted for road construction but nothing is done in this field, Mr. Deputy Speaker, Sir. Therefore, I would like to support this Motion very strongly in the way it has been amended. The Ministry concerned should look into the

[Mr. Gatuguta]

question of providing roads where they do not exist and also improving the existing ones. Roads should at least be made passable in all weathers instead of leaving them in the conditions which are prevailing at present.

Mr. Deputy Speaker, Sir, it is a pity that the Ministry concerned is not represented in this House at the moment. I do not think they will even read HANSARD to know what has been said about their Ministry. In fact, the Minister will reply to the Motion without having read the HANSARD and learnt what hon. Members have said. I think the committee that has been looking into the question of amending our Standing Orders should provide that whenever there is a Motion concerning a certain Ministry, the Minister or his Assistant Ministers concerned should be in this House from the beginning to the end of the debate. We do not want to come here and talk while nobody is listening to what we are talking about. We were told that the Ministry concerned will read what has been said in the HANSARD but I still doubt whether they will do so. Even the officials of this Ministry are not present in the Civil Servants' Bench. You can see for yourself how lightly they are taking this matter. If they were taking a serious view of this matter the Minister concerned could be here and some officials from the Ministry could also be here, Mr. Deputy Speaker, Sir, because they knew this Motion was being discussed today. But they are not in this House because they are not interested in the matter which is being discussed. My main point is to urge the Government to take the question of improvement of roads seriously. I know that in our five-year development plan roads are being given a very high priority, but it is not enough to put these things on a paper. We should not say that roads have been given a high priority in our development plan only to find, five years later, that nothing has been done about them. I would like to see the whole of the Government machinery being used to improve our roads in the Republic.

With those few remarks, I beg to move that amendment.

Mr. ole Marima: Mr. Deputy Speaker, Sir, I—

Mr. Deputy Speaker: Are you seconding that amendment?

Mr. ole Marima: Yes, I am seconding the amendment. Mr. Deputy Speaker, Sir, I am not going to take too long on this issue because the hon. Member for Mbita and the hon. Member for Kikuyu have elaborated the reasons why we should do more work on our roads. I agree that Mbita constituency should be given priority, just like many other places, when it comes to road construction. I think some of the problems the Member for Mbita is experiencing with game scouts in his area come about because of poor road communications. Mr. Deputy Speaker, Sir, we should realize the fact that since independence the most visible development has been on the field of roads. But these have been mainly trunk roads and it is high time we thought of developing our feeder roads. We do not have to travel all the way from Nairobi past Kisumu and then to Uganda without being able to branch off into Kijabe and see what is happening in the Rift Valley proper. We should be able

to branch off at various places to relax with a coke and cake, Mr. Deputy Speaker, Sir. At present it is not easy to branch off the main roads and visit our friends in their homes. We should divert our attention to the construction of feeder roads. We should have feeder roads which are capable to reach our homes and our farms. We should be able to reach our neighbouring districts and our constituencies, Mr. Deputy Speaker, Sir. With good road communication it would be easier for us to reduce some of the tension which exists between various tribes. These tensions are there just because our people are not able to meet and come to know one another but with better communications we can know various people in our neighbouring districts. We can also be able to trade with our neighbours, Mr. Deputy Speaker, Sir. I know very well that very many Motions and questions have been brought to this House concerning district and territorial borders. These complaints come about just because we do not have good roads in the country. When a few people commit crimes we are not able to arrest them quickly because of poor road communications. That is why we accuse various tribes of doing this or that. There can be a bad man among the Masai people or a bad man among the Kisii people but this does not mean that the whole people in those tribes are bad. We do not have a situation where all the Masai people go for the cattle of the Kisii people or all the Turkana go for the cattle of Pokot. It is only a few bad elements in these tribes who commit these crimes. If we had good roads and were able to trace these wrongdoers, then the problem would be minimized.

Mr. Deputy Speaker, Sir, I think it should also be borne in mind that it is not necessary for a bulldozer to go around knocking down trees to make something which is called a road when there are no good bridges along that so-called road. We should not also have roads which are not passable for nine months of the year, particularly when it rains. We should now give the title of the "Minister for Action" to the Minister for Works. We should tarmac some of the inter-district roads Mr. Deputy Speaker, Sir. I know that our soil, whether clay or red Kikuyu soil of the highlands, becomes very sticky when a little shower has poured on it. This makes the roads impassable and you have to leave your car on the main road and walk home even if it is only 50 yards away. I have done this and, in fact, I did it two weeks ago. I may mention to the Minister that there is a road going to my home but serving a central wheat area. This road was classified in 1968 but, as yet, no improvement has been done on it. Last year a D4 bulldozer was brought there and it opened the road for six miles out of the expected 38 miles. That bulldozer was moved, for strange reasons, to Olenguruone. We have planted a lot of wheat this year and we are going to be marooned unless we are saved before the harvest time. We simply will not be able to transport the crop out of that area. We normally harvest when it is raining if the season follows the trend that we have known. The Government has borrowed money to enable *wananchi* to produce the food expected to meet the consumption of this country and yet the crop is going to be wasted, most probably, and my people will not be able to repay back the money borrowed, and they will not have delivered what is expected of them back to the nation simply because there is no road. I am

[Mr. ole Marima]

not blaming the Ministry of Works alone because I also know that the Ministry of Agriculture also provides funds for tea roads, milk roads and so on. Why do we not have roads to serve the main wheat area or the main maize area or beans areas and yet all these are valuable commodities? We cannot drink tea all the time along. We shall need milk, sugar and many other things to be delivered to our places. All these can be delivered if there are good means of communication and, therefore, this matter is most urgent.

This Motion urges the Government to put more efforts to the development of feeder roads. We should maintain them to the standard whereby they would be usable any time of the year.

With these few remarks, I second the amendment.

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

The Minister for Works (Mr. Nyamweya): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to deal with this Motion which, I think, as originally Tabled, was very parochial and lacked the broad outlook of what a national hon. Member of this House should have.

I think the Motion as originally Tabled would have been very parochial and the hon. Member concerned would have received a satisfactory reply by tabling a question whereby, perhaps he could get an answer on what he wants done in Mbita Constituency. I am very grateful that the hon. Member for Kikuyu brought in a broader outlook to this Motion. While I do appreciate that the people in Mbita Constituency, like any other place in the country, are entitled to good roads, I would not like to deal with that question as it is. I would rather like to have a national approach to our problems. It is true that before 1970 the responsibility of most of the feeder roads—and I think this is what is complained about in this Motion—was under the local authorities. Since the Government took over the functions of the local authorities in 1970 my Ministry has endeavoured to do what is possible within the limited resources available to extend roads into rural areas. I have again and again, not only in this Chamber but also in my ministerial trips throughout the Republic, emphasized the fact that it is Government policy to intensify efforts in constructing new roads in rural areas, particularly in agricultural areas. We do appreciate that farmers have to be assisted. You cannot give them loans with a view to increasing their productivity in their various small holdings or farms without, at the same time, planning how the products will be got out of those areas. This is the policy which the Government and my Ministry is pursuing.

During the last three years, in an effort to achieve this, we have constructed a number of roads in every district where they were not existing. We have gone out of our way to see that, markets, schools and other places which had difficulties in communications are looked into. About ten days ago I announced a programme which we will soon be embarking upon, possibly, after 1st July, during the beginning of the next Financial Year, in trying to improve secondary, primary and feeder roads throughout the Republic. I did say

that we have been fortunate to have negotiated some arrangements with the Canadian Government on building some of the feeder roads which are not covered in the World Bank programme. As you know, the roads which we construct under the World Bank programme are known, and these are the major trunk roads throughout the country. In deed, we have done some secondary and minor roads which we consider important and which have been approved by the World Bank and, therefore, finances are available from the World Bank to improve that particular class of roads. On the other hand, we have thousands of kilometres of roads which are not covered under these arrangements. We have areas where we would like to have new roads constructed and this can only be done if we have sufficient funds. We have been able, as I have already indicated, to come into arrangements whereby a number of roads which the hon. Members are interested in throughout the Republic, a number of missing bridges which hon. Members of this House have interest in throughout the Republic can be constructed. I admit that even with this help it is not possible that we shall be able to construct all the missing bridges or we will be able to gravel all the feeder, primary and secondary roads. At least that will be a good beginning in the sense that so long as I am in charge of this Ministry I am going to ensure that the benefits of these financial transactions, which have been arrived at between the Kenya Government and the foreign governments, will be spread throughout the Republic. In the course of this exercise I hope that Mbita Constituency, like any other constituencies in the Republic, will get its share. That is why I welcome the amendment and also, on behalf of Government, accept in full the Motion as amended. I hope the Member for Mbita, who is fairly reasonable, will accept the amendment. He is here as one of the leaders of this nation. He does not lead Mbita Constituency alone but also leads the entire nation.

Mr. Deputy Speaker, Sir, I know there are some problems in South Nyanza in particular. If I may try to satisfy the spirit of the Mover of the original Motion may I tell him that I know that in South Nyanza roads like Homa Bay/Rongo and others are supposed to be bituminized. We have already carried out survey for the construction of a high class road to Rusinga, and another survey has been carried out on the construction of a road to Ndhiwa and Sori, where the hon. Member for Ndhiwa comes from. I am aware that hon. Members from this area have been had pressed by the electorate because of some of the missing bridges like those at Wathoria and Wathong'eri, where I have personally visited. I hope that under the scheme which I have already outlined we will be able to meet partial needs of this area.

Recently we constructed a major road from Kendu Bay to Homa Bay. It is the intention of my Ministry to construct that road through Paponditi and Ahero.

With these arrangements in South Nyanza, hon. Members from that area need only to be patient a little. I realize that with the elections being just around the corner they would like to see some activities going on. However, I hope when we start on these programmes, on 1st July, this year, we will endeavour to see that

[The Minister for Works]

at least some of these activities start in that area if it would help the hon. Members from that area at all.

Mr. Deputy Speaker, Sir, as usual, the hon. Member for Kitui East continues to be extremely local and parochial; whenever he stands to speak he only thinks of Kitui East. If we all did that, then, perhaps, we would not have anybody to take care of the affairs of the nation as a whole. The Member for Kitui East knows that I have been to his area—and many of my colleagues have been there too—not because he has convinced us to go there but because we think that Kitui East people are also entitled to the services which are being rendered by the Government to other areas. It is in this respect that some of the bridges, like the one on Mui River and Ikoho—in fact, I know the geography of the place more than the hon. Member himself.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Minister to say that he knows Kitui East more than the hon. Member who represents the area?

Mr. Deputy Speaker: That is not a point of order, Mr. Mwithaga.

The Minister for Works (Mr. Nyamweya): I am glad to note that the hon. Member concurs with my statement. For instance, about nine months ago, I paid a visit to Makueni and I came to the conclusion that more roads are needed there. When I visited this area I was accompanied by the Member for Makueni, hon. Mulwa. In fact, I was surprised to learn that Makueni Constituency is as large as some districts we have in Kenya. The road network in the area is so appalling that I decided that if at all we are going to do something about the roads in the Republic, areas like Makueni, Kitui, North-Eastern Province should be given priority. There are some areas I am convinced have

had a fair share of the national cake. Some of these are known to some of the hon. Members.

Mr. Deputy Speaker, Sir, one of the problems we encounter when building roads, particularly in agricultural areas, is that it is not possible to gravel some of the roads. However, we have worked out a programme whereby important sections of feeder roads are gravelled every year. Hon. Members are aware of that practice. I am sure that in the near future we shall be in a position to improve some of our roads. There are some areas where it is difficult to gravel roads due to heavy rains. For instance, in some areas feeder roads are impassable at the moment. In such cases what we normally do is to improve such roads during the dry seasons.

Mr. Deputy Speaker, Sir, in concluding my speech I would like to say that I welcome this Motion. I would like to assure the hon. Members that we shall try and do something for the people of Mbita as far as road development is concerned. However, we shall help them bearing in mind that in other areas roads should be improved as well. It is the policy of the Government to improve the feeder roads throughout the country so that we can foster agricultural development in this country.

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

(Question, that the words to be inserted be inserted, put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until Tuesday, 4th June, at 2.30 p.m.

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

Tuesday, 4th June, 1974

The House met at thirty minutes past Two o'clock

[*Mr. Speaker in the Chair*]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Legal Notice No. 91—The Price Control (Beans, Peas, Grams and *Njahi*) (Revocation) Order, 1974.

(*By the Assistant Minister of State, President's Office (Mr. Munyi) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

ORAL ANSWERS TO QUESTIONS

Question No. 237

COMPENSATION OF RETIRED POLICE OFFICER

Mr. Araru asked the Vice-President and Minister for Home Affairs whether Mr. Wario Guyo, ex-police constable No. 2131 would be compensated for injuries received from Shifta war on 15th June, 1966, as a result of which he was retired from the force.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply.

Compensation under the Workmen's Compensation Act which the hon. Member may be referring to is paid by the Ministry of Labour on the doctor's recommendation, depending on the extent of injury done to an employee. In this particular case, the doctor did not recommend that such compensation be paid to Mr. Wario Guyo.

Mr. Araru: Mr. Speaker, Sir, arising from that reply, the fact is that the Assistant Minister has referred to the Workmen's Compensation Act which applies only to workers in civilian services and not to members of armed forces or police force. Would he not agree with me that this man was discharged from the police force as a result of that injury? If he agrees that this was the case, why was this particular person not compensated?

Mr. Shikuku: Mr. Speaker, Sir, I am not objecting to the question of payment of compensation at all. As a matter of fact, if we can get the recommendation from a doctor, even now, that compensation should be paid to him, this will certainly be done through the Ministry of Labour.

Mr. Kahengeri: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, what other way has a workman for appeal if a particular doctor does not recommend the payment of compensation as a result of injury, when he feels he should be paid some compensation?

Mr. Shikuku: That is a very reasonable question, Mr. Speaker. If any worker feels that the doctor who gave a certain recommendation was a little unfair to him, the only way open to him is to get another independent doctor to assess the same injury and make recommendations. Of course, there may be an argu-

ment between the professionals, but it would be a waste of time for me to argue with a professional.

Mr. Migire: Mr. Speaker, Sir, since this particular policeman was an employee of the Government, and since he received the injury in the course of carrying out Government duty, would the Assistant Minister tell the House what sort of payment this ex-policeman received from the Government as a result of the injuries he received?

Mr. Shikuku: Mr. Speaker, Sir, once one gets injured in the course of doing his duty, the first thing is that he is given a P3 Form and he goes to the hospital where the doctor examines him and sees the extent of his injuries. He then makes recommendations for compensation, and once those recommendations are made the Government is bound to pay some compensation to the worker. However, in this particular case, Mr. Speaker, we did not get any such recommendation and I cannot turn myself into a doctor.

Question No. 316

POLICE ADMINISTRATION IN KITUI

Mr. Kitonga asked the Vice-President and Minister for Home Affairs whether he would consider having Eastern Division of Kitui District administered, police wise, from Kitui Town Police Station rather than from Mwingi station where there are a lot of communication difficulties.

Hon. Members: Is it serious this time?

Mr. Kitonga: Yes, it is very serious indeed!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I hope the hon. Member will realize, after four years here, that he should not say how serious his question is because this is really uncalled for.

Nevertheless, Mr. Speaker, I beg to give the following reply.

We are in the process of re-building Mutomo Police Station during the next Development Plan, 1974/78. After its completion we shall re-examine the whole administration set up with a view to finding out the best way of policing the area. The police do not experience serious communication difficulties in carrying out their duties at the moment.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which is quite unfortunate because the Assistant Minister is my friend, is he aware that my question is asking about Kitui's Eastern Division, which is actually known as Mutito Division, whereas his reply is referring to Mutomo Division, which is in the Southern Division of Kitui? Now, Sir, would I be in order to request the Assistant Minister, if he has not received the correct answer to my question, to defer the question until tomorrow because there may be some confusion in his reply?

Mr. Shikuku: Mr. Speaker, Sir, I do not agree with the hon. Member, because whether or not the police station is in the Southern or Northern Division, we in the Ministry talk in terms of strategic places. Now, in this case, we are prepared to put up a police station at Mutomo and to re-examine all the strategic areas.

Mr. Speaker: No, I think there is some confusion somewhere. Mutomo is quite far from Mr. Kitonga's area. Now, he is complaining that their police station is Mwingi, but he would rather have Kitui as their police station because it is nearer and it is easier to communicate with Kitui from his area. However, Mutomo is far, far away from Kitui, as hon. Kitonga says.

Mr. Shikuku: Mr. Speaker, Sir, my geography here is not very good, and I think I will rely on your knowledge of the area having been a Member from that part of the country. Therefore, I will have to check this again and see if there is something that could be done about this matter.

Question No. 168

INCOME TAX FAMILY ALLOWANCE

Mr. Nyaga asked the Minister for Finance and Economic Planning why it is that the maximum income tax relief is for four children only.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

The reason is that a person who is able to claim income tax relief for four children would not pay tax until he earned an income of £720 per annum. In Kenya at the present time, when the average gross family income in the country as a whole is only £260, a family with an income of £720 per annum is much richer than the average, and very much richer than the majority of the families in Kenya. In these circumstances, Mr. Speaker, I think it is a very generous allowance.

Mr. Nyaga: Mr. Speaker, Sir, arising from the Minister's reply, why does the Government not consider the fifth and the sixth child when considering the tax relief?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member is probably being misguided by the reference to the number of children. What I am explaining to him is that the reference to the children is not important. What is important is the point at which a family begins to pay income tax. In this case, if a family has four children or more, the point is £720 per annum. It could well be that one would make an allowance for 40 children but the amount allowed for each child will be proportionately much smaller. Therefore, the number is not what is important but the point of entry into paying income tax.

Mr. Araru: Mr. Speaker, Sir, arising from the Minister's reply, why does the Income Tax Act only require four children to be entered on the tax form while the Minister says that the point of entry is the most important thing?

Mr. Kibaki: Mr. Speaker, Sir, this is merely for the sake of equity. If you have an unmarried person who earns an income similar to that of a married person, obviously, he will not get the allowance and, therefore, he will begin to pay income tax at a much earlier stage. If the hon. Member would like me to discontinue any reference to the number of children on the form, I am perfectly happy to do so.

Mr. Karungaru: Mr. Speaker, Sir, I understand from what the Minister has said that what matters is the

point of entry in the paying of income tax. Would he, therefore, tell us why this particular allowance is based on the salary—the income of a person—because, if a person is earning Sh. 10,000 while another one earns Sh. 5,000 they pay the same amount of income tax while the one earning Sh. 5,000 may have more children? What determines how much allowance is given to a person?

Mr. Kibaki: Mr. Speaker, Sir, I do not know whether the hon. Member fills in the income tax form because, if he does I cannot see how this kind of question arises. In the income tax form one establishes his total income and the allowances which he is entitled to that is marriage allowance and children allowance—and then the taxable income, which is the net after one deducts all the other allowances, is taxed at different rates ranging from Sh. 2 in the pound to Sh. 14 in the pound. Therefore, the person earning Sh. 10,000 would obviously be paying much more income tax than the man earning Sh. 5,000 because, although they will enter the point of entry at the same level, if they were in the same circumstances, the rate of taxation is graduated in a progressive way as the income rises. I do hope, honestly, that the hon. Members fill up these forms — If they did, they would know what is happening.

Rev. Kalume: Mr. Speaker, Sir, the Minister has told the House that four children are regarded as the right number for the family as a matter of equity. What kind of equity is there if two people earn the same salary and yet one has four children and the other one 14 children?

Mr. Kibaki: Mr. Speaker, Sir, there is a confusion in the mind of my hon. friend. Equity has nothing to do with the number of children one has. It has to do with equal taxation for people who have equal income. That is all it is about. It is not a question of equity as between a large family and a small family but equity between tax-payers who are similarly placed in relation to their income. The number of children that the hon. Member wants to have or the number of wives he wants to have is his own personal decision. It has nothing to do with the income tax structure.

Question No. 322

ATTACK ON KIOLO KISOVI BY A BUFFALO

Mr. Wachira asked the Minister for Tourism and Wildlife:—

- (a) whether he is aware that a wild buffalo attacked and killed Mr. Kiolo Kisovi on 27th January, 1974 at Lower Tana between Manyanja Estate and Kabiti trading centres; and
- (b) if he will arrange to compensate for the loss of life; and,
- (c) whether he will direct his game wardens to see to it that these animals are all shot dead for the safety of *wananchi* in this area.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of the incident since nobody has reported the matter to any of our Game Department offices.

[The Minister for Tourism and Wildlife]

(b) Part (b) of the hon. Member's question does not therefore arise. In any case under the existing laws of Kenya the Government is not liable to pay any form of compensation to persons injured by wild animals. The Local authorities may, however, use part of the money given to them by the Ministry as controlled area fees compensation purposes to deserving cases as I have said this many times in this House.

(c) The Government will endeavour, as far as it is practicable, to control game animals and to prevent them from causing injury to *wananchi* and damage to property. It is, however, the policy of the Government to conserve and not to destroy wildlife. The question of shooting all buffalos does not, therefore, arise.

Mr. Wachira: Mr. Speaker, Sir, I regard the Minister, who is a former district commissioner, as a very capable man, but, will he tell this House how his officers came to my place and went with me to the area if his Ministry is not aware unless he is just sleeping here in Nairobi?

Mr. Shako: Mr. Speaker, Sir, of course, I live here in Nairobi. All that I know is that the chief of that area has confirmed that there was no such incident.

Mr. Wachira: Mr. Speaker, Sir, I would like to ask the Minister to contact the district commissioner for that area because we had a meeting in that area with him. In fact, hon. Kiilu was also there. This area is on the boundary of Manyanja and Kabiti. These wild animals are roaming all round. If the Government does not shoot these animals, then we shall take the law in our own hands and see what it will do.

Mr. Shako: Mr. Speaker, Sir, if the hon. Member would like me to confirm with the district commissioner, I will do so. The question of shooting all the buffaloes does not arise. If the hon. Member would like to take the law into his own hands, then we shall let him try.

Mr. Kholkholle: Mr. Speaker, Sir, in one of the Minister's replies, he said that the Government does not pay compensation for such incidents, but county councils are supposed to do so because they are given money for that purpose. Is he aware that when the county councils are given this money they use it for paying their staff and do not pay compensation for those who are eaten by lions and so on? Is he aware of that?

Mr. Shako: Mr. Speaker, Sir, I am not aware.

Question No. 304

PRESIDENT'S VISIT TO ATHI RIVER

Mr. Mwangi-Nzulu, on behalf of Mr. Nthenge, asked the Minister of State, President's when the President is going to address the residents of Athi River as the expected meeting of 15th February, 1974 did not materialize.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

It is not known when His Excellency the President will address the residents of Athi River. The hon. Member, in his question, did refer to the expected

meeting of 15th February, 1974. I would like to inform him that on this date His Excellency the President was not supposed to officially address the people of Athi River. What happened was that it had been arranged that on his way from Mombasa—that was when he had a busy working holiday at the Coast Province—he was to greet the people of Athi River. He was not supposed to address them as such but was merely supposed to say hallow to his people of Athi River.

Mr. Mwangi-Nzulu: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, and in view of the fact that the people of Athi River are very anxious to see His Excellency the President, would the Assistant Minister try to persuade His Excellency the President to visit Machakos District and also to address the people of Athi River when he visits that district?

Mr. Munyi: Mr. Speaker, Sir, I am very happy to hear the hon. Member say that the people of Machakos and Athi River have great love and respect for His Excellency the President. This is a demonstration that the people of Machakos and Athi River do love His Excellency the President, but at this particular time I cannot tell the hon. Member when His Excellency the President is going to visit the area and address his people there.

Question No. 313

FUNCTIONS OF CHAIRMEN OF STATUTORY BOARDS

Mr. Speaker: Mr. Mulwa not here? Let us go to Mr. Yunis Ali's question.

(Question dropped)

Question No. 215

BUILDING OF A PRIMARY SCHOOL IN KIBERA

Mr. Speaker: Mr. Yunis Ali also not here? Let us go to Mr. arap Cheboiwo's question.

(Question dropped)

Question No. 293

CLASSIFICATION OF KIPCHERE/YATIA ROAD

Mr. arap Yego, on behalf of Mr. arap Cheboiwo, asked the Minister for Works when a road from Kipchere via Sibilo to Yatia would be constructed and be classified.

Mr. Speaker: Nobody from the Ministry of Works? Let us go on to Mr. Kiilu's question.

(Question deferred)

Question No. 323

OPENING OF A DISPENSARY IN YATTA

Mr. Mwangi-Nzulu, on behalf of Mr. Kiilu, asked the Minister for Health whether he would consider opening any of the three dispensaries in Kinyaata Location, Yatta Division, since the location has no dispensary.

Mr. Speaker: Have you been authorized by Mr. Kiilu to ask this question on his behalf?

Mr. Mwangi-Nzulu: Yes, Mr. Speaker, Sir. I passed through his area yesterday and he told me that he had

[Mr. Mwengi-Nzelu]

some other commitments today. He therefore asked me to ask this question on his behalf.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

The Ministry of Health will consider opening any of these three dispensaries in Kinyata Location when funds are available.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, arising from that reply given by the Assistant Minister and in view of the fact these people have taken a lot of initiative to put up these three dispensaries on Harambee basis could he tell me when these funds are going to be available, bearing in mind the fact that we are approaching the new Financial Year, 1974/75?

Mr. Jahazi: Mr. Speaker, Sir, next year.

Question No. 220

ERECTION OF ADDITIONAL CLASSROOMS IN TURKANA

Mr. Ejore asked the Minister for Education whether, while thanking the Government for the free primary education extended to Turkana District, his Ministry would consider erecting more classrooms and dormitories since the parents are unable to cope with the demand.

The Assistant Minister for Education (Mr. Mbai): First of all I would like to apologize to the House for not having been here when this question was called out for the first time. However, Mr. Speaker, Sir, I beg to give the following reply.

The Government boarding primary schools programme has benefited Turkana District than any other area in the Republic. Out of the existing 83 boarding primary schools in the country 11 are in Turkana District. The problem, as I see it, is not so much of additional classrooms and dormitories as suggested by the hon. Member but that of encouraging the local people to make maximum use of the facilities already provided.

Mr. Ejore: Mr. Speaker, Sir, while I appreciate what the Government has done for us in this field of education, and bearing in mind the fact that the drought conditions in that district cannot enable the parents in the area to build classrooms on the basis of Harambee, will the Government think twice and consider helping these people build some dormitories? Mr. Speaker, Sir, even if these people contribute money to the maximum of their ability, they cannot even build a simple dispensary. Even if the Assistant Minister visits that place—as he has done in the past—he will find that some children are sleeping in the open and some are sleeping in very dirty dormitories whose floors are not even cemented. Could the Ministry do something about this situation?

Mr. Mbai: Mr. Speaker, Sir, I appreciate the points which have been raised by the hon. Member, and as I indicated in my original reply, my Ministry has done a lot in the way of providing boarding facilities for primary schools in Turkana District. As I have said, we have 11 boarding primary schools in the area. As

far as I know some of the dormitories and schools are not full. Therefore, if the hon. Member has any specific case which deserves attention in this area he should bring it to the Ministry and we will see what we can do about it. At the same time, Mr. Speaker, Sir, I would appeal to the hon. Member to encourage his people to participate in nation-building by doing the little they can in assisting in the construction of these dormitories.

Mr. Mboja: Mr. Speaker, Sir, is the Assistant Minister aware that this very excellent gesture by His Excellency the President to give free primary education, from Std. I to Std. IV appears to be a mockery now if the Ministry is not going to be active enough to ensure that our children go to school especially in the dry areas of this country?

Mr. Mbai: Mr. Speaker, Sir, I would like to categorically deny that statement by the hon. Member, that provision of free primary education appears to be a mockery because it is not. I am sure that many hon. Members in this House will agree with me that the provision of free primary education has benefited a lot of children who could not be in schools now. What is happening is that the demand for more schools has increased but as we go along this is going to be eased out. It must be realized that since this announcement on free primary education came all of a sudden everything could not be expected to run very smoothly from the beginning.

Question No. 311

PAYMENT OF TEACHERS IN MBITA

Mr. Migure asked the Minister for Education—

- (a) how many teachers from Mbita division did not receive their salaries from last November to February, 1974 and what caused all this mess; and,
- (b) how many teachers from the same division missed their salaries on 5th March, 1974 because their names were sent to Kuria.

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

(a) I am aware that in the whole of South Nyanza District, Mbita division included, five teachers missed their salaries in November, two in December, four in January and two in February. These teachers have already been paid.

This situation might have been caused by computer errors and also by the fact that some teachers give incorrect information to the Teachers Service Commission or its agents.

(b) I am not aware of any teachers alleged to have missed their salaries because their names were sent to Kuria.

Mr. Migure: Mr. Speaker, Sir, since the Assistant Minister has told the House that this situation might have been caused by computer errors and the teachers giving wrong information to the Teachers Service Commission or its agents, could he tell the house what these computer errors were and the nature of the wrong information which some of these teachers gave to the Teachers Service Commission or its agents?

Mr. Mbai: Mr. Speaker, Sir, I think the hon. Member was mostly interested in knowing whether or not these teachers were paid their salaries. As soon as these errors were discovered the teachers were paid their salaries. Mr. Speaker, Sir, there is nothing strange in one missing his salary because of a computer error or because of an error by the officer paying him.

The information I have, Mr. Speaker, Sir, is that there might have been a mistake in the information supplied to the computer and that is why they missed their salaries.

Mr. Migure: On a point of order, Mr. Speaker, Sir. My question to the Assistant Minister is very simple. The Assistant Minister has told the House that the situation might have been caused by a mistake in the information supplied to the computer, this wrong information having been supplied by the teachers concerned. What I am asking the Assistant Minister to tell the House is what incorrect information these people might have given, because this is a way of accusing the teachers in my constituency?

Mr. Speaker: Mr. Migure, you could have said that in fewer words than you have done.

Mr. Mbai: Mr. Speaker, Sir, if, for example, the hon. Member gave the wrong name and the wrong address, he will not get his salary at the end of the month. Therefore, what might have happened is that the teachers concerned might have given the wrong names or the wrong Teachers Service Commission numbers, because they are better known by code numbers. If they supplied this information wrongly, then, perhaps this is what caused the delay in paying them.

Mr. Migure: Mr. Speaker, Sir, the Assistant Minister has told the House that he is not aware of any teachers who missed their salaries because their names had been sent to Kuria, while I know that the Assistant Education Officer had come here in Nairobi to try and sort out which names of teachers were sent to Kuria instead of Mbita, can the Assistant Minister assure the House that the teachers in Mbita constituency or in any other part of the country will not miss their salaries at the end of the month?

Mr. Mbai: Mr. Speaker, Sir, we always try to pay the teachers promptly without anybody missing his or her salary. However, I will now assure the hon. Member that the Teachers Service Commission will, in future, do its best to see that this kind of mistakes do not occur.

QUESTIONS BY PRIVATE NOTICE

PAYMENT OF COMPENSATION TO DISPLACED DIANI DWELLERS

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Will the Minister consider immediate payment of compensation for trees and houses which are being demolished during the construction of the new Diani Police Station in Kwale District to enable the people concerned to plan where to go and get new *mashamba*?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, we learned from our office that this question was

actually directed to the Ministry of Lands and Settlement and they would like to have about 48 hours so as to be able to give the reply. So, I guess the reply will be ready by tomorrow.

(Question deferred)

DISAPPEARANCE OF POLICE CONSTABLE GINDOLE OF MOYALE

Mr. Araru: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

- (a) Where is Administrative Police, Abdulrahman Gindole of Moyale town, who disappeared on 30th April, 1974 and has not been seen to date?
- (b) What action has the Government taken to assure his family that he is still alive?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

I wish to state that Abdulrahman Gindole disappeared from his station on Saturday, 4th May, 1974 and has not been seen up to date. His disappearance was immediately reported to the police station at Moyale for further investigation. The Administrative policeman in question left all the Government equipment which had been issued to him in the Administration Police lines before disappearing. This gives the impression that he might have deserted. However, the administration and Kenya Police are actively engaged in trying to trace this administrative policeman.

However, it is not possible for the Government, at the moment, to give any assurance to the family until the investigations in hand are completed.

Mr. Araru: Mr. Speaker, Sir, this man disappeared on 30th April, 1974 and he has been away for one month now. According to my information, this man became mentally disturbed but he was not taken to hospital immediately although the hospital is very near the Administration Police lines. Why was he not taken to hospital immediately?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member is trying to make an allegation here. I am now appealing to the public, through this House, that whoever may know the whereabouts of Mr. Abdulrahman Gindole, should report to the Government or the nearest police station. As I have already assured the hon. Member, investigations are taking place very actively and not even one single stone will be left unturned in search of this *mwananchi*.

Mr. Araru: Mr. Speaker, Sir, since this man was a mental case and this information reached the administration on time, why did the Government wait for so long instead of taking prompt action to take him to the hospital?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member is alleging that the man had mental disturbance. However, as far as our records are concerned, this man has never suffered from any mental disease in his life.

EXTENSION OF RAILWAYS CORPORATION LEASE FOR HOUSES IN MOMBASA

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Power and Communications the following Question by Private Notice:—

[Mr. D. M. Kioko]

Will the Minister urgently tell the House why the East African Railways Corporation has refused to extend their lease with the National Housing Corporation which expires on 30th June, 1974 for houses in Changamwe and, as a result, about 1,000 families have been issued with notices to vacate the houses by 20th June, 1974?

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

The East African Railways Corporation is under no obligation to renew any lease. Nevertheless, leases are not being renewed because of a change in the Corporation's housing policy. The revised policy was as a result of the Omari Salaries and Terms of Services Commission, which recommended, *inter alia*, increases in salaries and house allowances and abolition of the Corporation's free housing policy. This Report was accepted by the Union and the staff of the Corporation and is being implemented accordingly.

Mr. D. M. Kioko: Mr. Speaker, Sir, while agreeing with what the Assistant Minister has told the House, I am wondering whether he could make some arrangements with the National Housing Corporation since these people are going to be with no homes within a short time so that these people could buy the houses on tenant-purchase basis and thus enable them to benefit as well as have somewhere to live in?

Mr. Moss: Mr. Speaker, Sir, that is a logical question. What I do not want is to make my Ministry go against the Omari Commission which interviewed all the employees of the Corporation and they were at liberty to give their views at that time. So, the Ministry is only trying to implement what the commission recommended. However, the suggestion by the hon. Member, can be considered.

Mr. D. M. Kioko: Mr. Speaker, Sir, we are in a very serious position here because these people have been given notice to quit the houses by 20th June. I would like to know from the Assistant Minister whether he is prepared to talk with the Corporation with a view to changing the decision.

Mr. Moss: Mr. Speaker, Sir, these people wanted more money and they got the money. It is up to them to look after themselves. They knew what they were going to do. However, if the hon. Member is seeking some assistance from my Ministry, we are prepared to help.

Mr. Karungaru: Mr. Speaker, Sir, do you not think that the Assistant Minister is deliberately refusing to answer the question asked by the Member for Mombasa West? What arrangements is the Ministry intending to undertake to make sure that these people, who now occupy these houses, are not evicted? I am saying this because these houses are under the Ministry of Housing which sell houses on a tenant-purchase basis. This is the question.

Mr. Moss: That is not a new question because it has already been asked. If these people wanted to purchase these houses on a tenant-purchase basis, the facilities were provided and they are still there. These people know that the procedure for doing this is still there

but they had not come forward to bring their claim until the hon. Member asked the question in this House. Therefore, we have to look into the matter again, and to be able to do this, the hon. Member must keep the ball rolling in view of the urgency of the matter. He should come to us with a view to finding ways and means of solving the problem. However, I would like to inform the hon. Member that the matter is not binding to my Ministry.

Mr. D. M. Kioko: I am not trying to force you to help these people; all we are asking for is your co-operation.

An hon. Member: Will you address the Chair please?

Mr. D. M. Kioko: Mr. Speaker, Sir, all we are asking the Assistant Minister is to try and find ways and means of helping these people. The National Housing Corporation should come to their rescue by making this housing scheme a tenant-purchase housing scheme. What I am trying to find out from the Assistant Minister is: since other employees are still enjoying housing accommodation in Shimani and elsewhere, why does the Ministry not take pains to help these people?

Mr. Moss: Mr. Speaker, I have answered this question. These people are suffering as a result of a situation which they, themselves, have created. The Ministry of Housing is there to help these people, but the hon. Member has not approached the Ministry of Housing for assistance. However, if the hon. Member would like our assistance, I have given him that assurance.

Mr. Speaker: Let us now go back to Mr. Kahengeri's question.

COMPENSATION FOR DESTROYED CROPS IN JUJA

Mr. Kahengeri: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, the following Question by Private Notice:—

- (a) Is the Minister aware that crops belonging to Mr. William Kimani, Mutwe Itimu, and Kamau Itimu, were destroyed by a tractor on 13th May, 1974 at Magagoni Estate in Juja Constituency?
- (b) Will the Minister see to it that the owners of the destroyed crops are fairly compensated?
- (c) Since the farm management is intending to destroy more crops on or about 12th June, 1974, will the Minister intervene in the matter?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I apologize for not being here early enough to answer the question when it was called out. However, Mr. Speaker, Sir, I beg to give the following reply.

The answer to the first part is: No, Sir, and therefore, in view of this reply, parts (b) and (c) of the question do not arise.

Mr. Kahengeri: Mr. Speaker, Sir, I think this is very interesting. I am saying this because when the crop in question was destroyed on the 13th of May, 1974, I personally reported the case to the District Commissioner at Thika, who instructed the Thika Agricultural Officer to go to Magagoni Estate and speak to the owners of the destroyed crops, which he did. Mr. Speaker, Sir, I think it is most unfortunate for the

[Mr. Kahengeri]

Minister for Agriculture to come to this House and tell us that he is not aware of all this! Where are we now, Mr. Speaker?

Mr. Nyagah: Mr. Speaker, Sir, I have told the facts as I know them. In fact, all I know about the hon. Member's question is that more information may still be on the way, but it has not reached my office yet. The answer to his other question regarding where we are is that "we are here in the House"!

Mr. Kahengeri: Mr. Speaker, Sir, the Minister says that he is not aware of the case as indicated in my question. This is the very first thing that he said. Is he really in order to mislead this House while an hon. Member has taken all the trouble to report the case to his officers, who have in turn gone to the field to investigate the matter? Over and above that, Mr. Speaker, Sir, these officers have made a report, and it is surprising to hear the Minister say that they have not made the report available to him.

Mr. Nyagah: Mr. Speaker, Sir, I am not misleading the House, neither do I doubt the hon. Member's information. However, all I have said before this House is that the information that the hon. Member has given to the House has been noted and it may be that more information regarding his question is on the way to my office. However, at the present time this information is not in my possession.

Mr. Speaker: I think what Mr. Kahengeri is asking for—

An hon. Member: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Order! Order! I think what Mr. Kahengeri is trying to find out is how it is that your Ministry's officers and other Government officers who went to investigate the case as alleged by him, did not inform you of what they found. However, when you received this question, the assumption is that the Ministry, and not the officers under the Ministry, should have tried to find out from the field officers whether what the Questioner alleges is true. In other words, we do not think that when Ministries get questions, they just sit and wait for somebody else to do the work for them, even without approaching their own officers in the field.

Mr. Nyagah: Mr. Speaker, with all due respect to the Chair, we all know that Saturday was a public holiday, and I believe that a Question by Private Notice has to be answered within two or three days. There was only Monday and this morning and the information I have given is the correct information as I know it.

Mr. Speaker: Order! I think you probably did not get my point. We know there was a holiday on Saturday but you have not indicated that the Ministry has taken any steps to find out what the hon. Member alleges in his question. The impression you gave is that the Ministry has been waiting to receive information from the field without approaching the officers in the field, which, to me, looks a very strange way of doing it. It would have been different if you said that you have already tried to get information from the field

but without success. However, the impression you created is that the Ministry's headquarters is waiting for the people in the field to send information without being asked to do so.

Mr. Nyagah: Mr. Speaker, Sir, I have said I am not aware of the first part of the hon. Member's question, which, therefore, follows that the second and third part of the question do not arise and there is nothing more I can add.

Mr. Migure: On a point of order, Mr. Speaker, Sir. The Minister has told the House that he is not aware of what the Questioner has alleged. At the same time, Mr. Speaker, he says that he is still waiting for the information to come. Now, Sir, do we understand from the Minister for Agriculture that as soon as the information reaches his office he will come here and make a statement or, rather, reply to the question?

Mr. Nyagah: Mr. Speaker, Sir, what I said is that I do not doubt the hon. Member's information that officers in my Ministry headquarters and in the field have been informed about the case. I went further and said that perhaps more information is on the way. I did not say I have the information, nor did I say that I am going to ask for it.

Mr. Kahengeri: On a point of order, Mr. Speaker.

Mr. Speaker: Order! Order, Mr. Kahengeri!

I think what Mr. Kahengeri wants to find out is whether, on receiving this question the Ministry acted on it. There is no other way by which the people in the field could know this question would be asked here. As for now, of course, they will know about it because it has been asked. They could not have known that earlier so that they could send a reply to the Ministry's headquarters. Mr. Kahengeri wants to know whether there has been any communication between the headquarters and the field.

Mr. Nyagah: Mr. Speaker, Sir, I need notice of that question, and I will reply to it when I have received the information.

Mr. Kahengeri: On a point of order, Mr. Speaker. Normally, when a Minister stands here to answer a question, he tells us that the information he is giving is from his field officers, and we believe that. However, this afternoon the Minister for Agriculture has told us that he is not aware of what he is being asked. Do I take it that the statement "I am not aware" came from the field or he thought of making it himself?

Mr. Speaker: He got no information from the field. Let us leave it at that.

We must go on to the next Order now, but before we do that I would like to inform the House that the Sessional Committee has decided to limit the debate on Sessional Paper No. 5 to four days. That is why you see this Procedural Motion on the Order Paper. Unfortunately, it came after the debate had already been moved, which means that the reference made to the moving of the Motion is irrelevant and it is not necessary at this stage as we have already gone over it. So, I suggest that whoever is going to move the Motion leaves out the words "Moving and" so that the Motion may read, ". . . Mover in replying . . .".

PROCEDURAL MOTION

LIMITATION OF DEBATE: SESSIONAL PAPER NO. 5 OF 1974

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, the debate on the Sessional Paper No. 5 of 1974 be limited to a maximum of four days with not more than 30 minutes for the Mover in replying and 15 minutes for each Member speaking.

Mr. Speaker, Sir, you have already explained the circumstances which prompted this Procedural Motion to be moved.

Mr. Speaker, Sir, if we go at the present rate, whereby speakers have unlimited time, we will not be able to conclude discussion on this paper. That is why we decided to limit the number of days in which it is going to be discussed to four so that we may clear it and go on to discuss the Budget which, as hon. Members are aware, will be moved here very soon. We also decided that each Member speaking will have 15 minutes so that we may have as many Members contributing to the Sessional Paper as possible.

Since the Motion is quite clear, with these few remarks, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Mwamzandi: Mr. Speaker, Sir, Sessional Paper No. 5, the debate of which we intend to limit to four days only, is a very important paper because it involves a lot of public expenditure and on important policy for the entire Government administration. It is not good to decide that four days will be enough in view of the fact that for the last one-and-a-half years there have been bitter complaints from Members on this subject but nothing has been done. I feel that the number of days should not be reduced. We can postpone debate on this Paper and discuss the Budget. After that we can resume debate on this Paper. I am of the opinion that whatever is to be discussed between now and 12th June should be suspended so that we may discuss this Paper. Personally, I do not approve this Sessional Paper because I do not want to act as a rubber stamp. I do not want to endorse the mistakes which have been made by other people. Therefore, I must be given an opportunity to declare that I do not support the Government's attitude on this matter. Mr. Speaker, Sir, you are aware of the expenditures which Government incurred without the approval of this House. So, all Members should be given enough time to give their views.

Mr. Speaker, Sir, there is much more in this Sessional Paper than what is printed here. We have to make reference to the Ndegwa Commission Report, the big volume which has a lot in it. Of course, members of the public do not know what the Sessional Paper No. 5 is all about. They do not know that it is about the Ndegwa Commission. Those of us who have not yet had the chance to speak would like to make it clear that we are now dealing with the Ndegwa Commission Report.

With these few remarks, I beg to oppose this Motion and also propose that we suspend any other business

between now and 12th June so that we may have a chance to debate this Paper fully.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I think the hon. Member is trying to argue as if the whole debate on the Ndegwa Commission has been stopped. We have four days in which to speak and the hon. Member has been given 15 minutes to say whatever he wants to say on Sessional Paper No. 5.

Mr. Speaker, Sir, recently we were given 14 days to discuss the Development Plan but after only six days all the points were exhausted. So, experience has shown that this is not necessary since the House could not spend 14 days debating the Development Plan covering the years between 1974 and 1978; naturally, the Ndegwa Commission Report will take us much less time. I do not see why the hon. Member has forgotten so soon that the programme which lies ahead is packed with business. Of course, Budget is one of the most important businesses which are soon coming, but he should not forget that the future is not so bright for us. The future is bright but as far as the future of the House is concerned, we may be pushed into elections any time after the Budget. Therefore, I do not think the hon. Member should entertain the idea that there is hope of our debating it without a little interruption somewhere. Within these four days we have we should say all we want to say about the Ndegwa Report. Everybody has already accumulated his points because we have been waiting for this report for a long time. If there is anyone who wants to spend his 15 minutes valuably, I think he should condense his points so that four days will be enough; that is up to Thursday. Therefore, I do not think that the matter requires any arguments; we should give it four days as proposed here and then let the hon. Kibaki come on the 12th June, with his Budget Speech and hope for the best about how long we stay here after that.

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

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir. This is a Procedural Motion; we either agree or not agree with the Mover in the proposal. If we made a decision in one way or another—and I hope in favour of the Motion—then we will start debating this very thing the Member for "Swahili" wants to defer.

May the Mover, therefore, be called upon to reply.
(Question that the Mover be now called upon to reply put and agreed to)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I wish to thank the hon. Members— But at least I must say something about hon. Mwamzandi's remarks. First of all, the question of the importance of the document we are going to debate does not arise. We know that it is important and we know that we must debate it. However, to be honest with ourselves, I think we should be mature enough to accept some facts. The other day the Sessional Committee decided that the debate on the Development Plan 1974/78 be debated for 14 days. Mr. Speaker, Sir, you know what

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

happened. This was only debated—to be exact, for six days. On the seventh day the Mover was called upon to reply. When we are given a chance, hon. Members were never in the House. They were not there to debate the Motion and so the Mover had to be called upon to reply. We have already debated this very important Paper, for one day and, therefore some hon. Members have already spoken on it. Here we are giving four days to the hon. Members and in order to enable them to have more Members to speak, we put it 15 minutes for each Member speaking—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. The Assistant Minister tells us that the House is going to be given four days; is he implying that even the day which had been utilized will be included? If not is he not misleading us by saying that the House will debate this Paper for four days when, in fact, one day has been already taken?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, what I was saying is that the House has already started debate on this Motion and has already taken a day. Therefore, if we add today, they will be two days; then tomorrow they will be three and Thursday will be the fourth day. My arithmetic may be wrong but we can at least count our fingers. So it will be for four days and the hon. Members will have had enough time—I hope that there will be quorum in the House—to speak.

The question of the hon. Member saying that we can have another time to debate this after the Budget is very much misleading. An hon. Member as senior as he is, who has been in this Parliament for ten years, should be very careful in what he says. This is his eleventh year and, therefore, he knows very well that immediately we start on the Budget Debate we cannot discuss anything else because Budget Debate is never interrupted. We go on and according to the programme, we should go on until October.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. Normally we dispose of all Budget business in October of every year—

An hon. Member: No! No!

Mr. Mwamzandi: I am right. I have been here for ten years.

Mr. Speaker: Allow Mr. Mwamzandi to make his point.

Mr. Mwamzandi: Does it mean that after disposing of the budget debate we cannot debate the Sessional Paper?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I do not disagree with the hon. Member, but once the Budget Debate has started, we cannot discuss anything else; it is never interrupted. We can only debate Ndegwa's Report after October, which will be too late. We have been asking for this document to be brought before this House. After all, we might not be here then. Therefore, I think it is only logical that we debate this thing while we still

have time. After the budget, we never know, he might be in his village in Kwale while I will be somewhere in Butere. However, what I am saying is that we debate this report which we awaited for a long time so that we go into the Budget Debate without any interruption at all.

Mr. Speaker, Sir, I think the case is very clear and therefore, I beg to move.

(Question put and agreed to)

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. A Procedural Motion like this one is normally moved in relation to matters such as we are discussing now. Are we now going to create a precedence so that in future we are going to adopt the same system? I can see that if we are not careful we shall one day be bulldozed and we will not do the business in this House in accordance with the—

Mr. Speaker: No, no. First of all, there is no Standing Order which says what you are trying to make out. There is nothing like that in our rules. Secondly, I am surprised that a Member of the Sessional Committee should come here and start questioning the decision by the Sessional Committee here when he had the opportunity of doing it in the Committee meeting. Thirdly, this is a Motion which was put before the House and it was for the House to support or to reject it. There was no steam-rolling or bulldozing or doing anything of the kind. That is exactly why the hon. Mwamzandi was able to oppose the Motion openly. And if he had enough support, the Motion would have been quashed and that would have been the end to it. The matter is finished now. It is the Sessional Committee which decides on the order of business and it is the Sessional Committee which decides that there was a need to limit debate on this Sessional Paper and it was for the House to decide. Accordingly, the House has decided that they limit the debate.

MOTION

**SESSIONAL PAPER NO. 5 OF 1974—NDEGWA
COMMISSION REPORT**

THAT, this House notes the Sessional Paper No. 5 of 1974.

*(The Minister for Finance and Economic Planning
(Mr. Kibaki) on 30th May, 1974)*

(Resumption of debate interrupted on 30th May, 1974)

Mr. Wabuge: Mr. Speaker, Sir, I am very thankful to you for giving me this opportunity to say something on Sessional Paper No. 5. In the first place I must declare my position as far as this Paper is concerned and say that I strongly oppose the Motion. Without wasting any time, I would like to say that this Paper should be rejected outright so that we go to another business. That is why I felt that the Motion moved by the Assistant Minister in the Vice-President's Office and Ministry of Home Affairs should be supported.

The reason why I oppose this Paper is that it has introduced corruption in the public sector because it gives opportunity to civil servants to do business and to engage in all spheres of activities in as far as business is concerned. Mr. Speaker, Sir, you know very well

[Mr. Wabuge]

that civil servants should be impartial. However, they can only be impartial if they are not allowed to engage themselves in business. It is, therefore, wrong to allow this Paper to go through in the House. In fact, Sir, we would be tying the hands of the future leaders of this country. I would be committing a big crime to the nation if I supported this Sessional Paper.

Mr. Speaker, Sir, since this paper was introduced, and later on implemented by the Government, there has been a lot of inefficiency in Government offices. Sir, top officials in Government Ministries do not attend to their official duties because they are busy running here and there trying to promote their private interests in the country-side. Do you know what happens when these top officers are away, Mr. Speaker, Sir? Mr. Speaker, Sir, junior officers take advantage of the absence of senior officers and do not attend to the complaints or services of members of the public.

The report creates chaos in Government offices especially in the month of December. Sir, there is a recommendation in the report that if a civil servant does not take all his leave in a given year, then he loses the days at the end of that year. So, during the month of December, Sir, if a member of the public goes to a Government office, he finds there is virtually no officer to attend him because all have gone home on leave. I cannot understand why all should go home on leave during the month of December. This procedure is frustrating the members of the public and, therefore, it is very bad and it is my view that we should reject it outright.

Another disturbing feature of this report, Mr. Speaker, Sir, is that it has created a big gap between the super-scale officers and those below them. What, in fact, has happened is that super-scale officers have been given huge salary increases, free cars with free petrol, free service and free repairs. Our country is poor and, therefore, I do not think we are in a position to provide all these facilities to civil servants.

There is also a lot of discord in the Civil Service because, say, a Form IV male school-leaver is paid differently from a female school-leaver of the same standard. For example, Sir, a boy leaving at Form IV and undertaking a technical training which lasts five years is paid only K£714 per annum whereas a girl, after training in secretarial work for only a year is paid K£936 per annum. This is a serious matter as far as officers of the same standard are concerned. We feel that such a situation is very wrong and must be corrected at once.

When you look at paragraph 22, Mr. Speaker, Sir, you notice that the report is talking about the powers that should be delegated to the Directorate of Personnel Management by the Public Service Commission. This, in my view, is wrong and is one way of interfering with the constitutional powers of the Public Service Commission. We would not like to see the powers of the Commission being delegated to the Directorate of Personnel Management.

In paragraph 23, Sir, the report talks of Directorate of Personnel Management having more say in so far as

the allocation of posts is concerned. I feel that this is a duplication of the functions since these same responsibilities are held by the Public Service Commission. Since we have a constitutional body, namely, the Public Service Commission, I feel that the Directorate of Personnel Management should be abolished completely. I say this because if we have the Public Service Commission, which is an independent body, why should we have the Directorate of Personnel Management whose functions are similar to those of the Commission? As a matter of fact, Mr. Speaker, Sir, since this body was established, it has frustrated civil servants so much that we now have nepotism, and tribalism in the entire Civil Service! Therefore, Sir, we feel that in order to promote contentment in the Civil Service the Directorate of Personnel Management should be abolished completely and its functions transferred to the Public Service Commission.

Now, Sir, coming to paragraph 28, the report, and indeed this Sessional Paper, talks of provincial administration having certain powers. I feel, Sir, that it is high time we did away with the provincial administration. I recall, Mr. Speaker, Sir, that when we were struggling for independence we demanded that the provincial administration be abolished because at that time the Africans of this country had a position of their own known as "the Ministry of African Affairs." We said that the Ministry be abolished and this was done by the Colonial Government. Now, if we have elected Central Government and local authorities, I do not see the reason why we should maintain the colonial pattern whereby we have a provincial administration in this country. During the colonial days, the provincial administration was intended to frustrate *wananchi* since the Colonial Government governed by decree and terror. This, Sir, is why the administration was created and I feel that it is high time this body was abolished in this country. I am sure that the public funds being spent on the provincial administration could be used for developing other essential public projects—it is a big liability on the purse of this nation.

Mr. Speaker, Sir, another thing I see mentioned in the Sessional Paper deals with a body known as "the appointments, postings and promotions committee." You will agree, Sir, that this House has complained time and again about the body referred to here which is usurping the powers and functions of the Public Service Commission. The Public Service Commission is being interfered with so much that the Government has seen it fit to establish this body. It is interesting to observe that the Directorate of Personnel Management, under the Office of the President, is exercising the function which rightly belong to the commission and we feel that this is not good. I therefore feel that appointments, postings and promotions should be done by the Public Service Commission. If we want to do away with tribalism, nepotism and any other forms of favouritism, then we must use the Public Service Commission which is a body that was established by the Kenya Constitution. This means that it draws its powers from the Constitution of Kenya. Unless we do this, Sir, we are not going to promote the feeling of brotherhood in Kenya.

[Mr. Wabuge]

As I said earlier on, if we want to register our objection to the Ndegwa Report, then we must discuss the Sessional Paper briefly and reject it so that whoever was responsible for the decision that it be implemented without the authority of this House will be questioned by the public. Mr. Speaker, Sir, many people in this country are indignant about the Ndegwa Report and I am sure that they will question where the executive arm of Government got authority to implement this nasty report. Mr. Speaker, Sir, if we pass this Motion we shall create a very bad precedent which we shall regret later on. Therefore, Mr. Speaker, Sir, without taking more time of the House I would like to state categorically that I oppose this Motion very strongly. This will make the Government think twice before implementing a report like this one. I fail to understand the reason why the Minister for Finance and Economic Planning brought this Motion to this House realizing very well that everybody in this country is against it. In fact, he knows very well that it is illegal for the Government to implement a report like this one without the approval of this House.

With those few remarks, Mr. Speaker, Sir, I beg to oppose this bloody Motion.

Mr. Speaker: Mr. Wabuge, will you withdraw that remark?

Mr. Wabuge: Mr. Speaker, Sir, I beg to withdraw my last remark.

Mr. Ayah: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to say something on this Motion.

Mr. Speaker, Sir, the first thing I would like to say is that in the name and on behalf of our ancestors and unborn children of this country, this House rejects this Motion. First of all, the arrogance in which this Sessional Paper is written deserves contempt of this House. The report by the Ndegwa Commission, as this House knows, contained in a thick and very detailed book. This report talks about a lot of things. In some cases this report is ridiculous. In the first place I do not know the reason why the Minister for Finance and Economic Planning moved this Motion and not the Minister of State in the President's Office. The summary given in this report shows clearly the contempt the Government has in respect of this House. If you look at some of the paragraphs, you will see that there are some vague references which should have not been included in this report. For instances, among other things, this report talks about the question of civil servants participating in business in this country. The country as a whole deplors and rejects that idea completely. I am not at the moment going to talk about the question of the salaries paid to the civil servants because as far as I am concerned that is the least point in this report. A number of hon. Members have complained that the senior civil servants are already earning fat salaries. However, as far as I am concerned, that is irrelevant. I feel that civil servants should be paid adequately so long as this country can afford to do that. However, I am not trying to suggest that they are being paid adequately at the moment.

Mr. Speaker, Sir, this country, at the present stage of development, a part from paying civil servants huge salaries and providing them with free Government cars should not allow civil servants to indulge in business. The morality of this matter, Mr. Speaker, Sir, should be questioned. For instance, in case of a district commissioner in a given area happens to be the chairman of a committee which distributes businesses to members of the public, can one tell me whether or not we should expect fairness from such a man when we know that he is also interested in acquiring some of the businesses which he is supposed to give to the members of the public? I think it is asking too much from an ordinary mortal man to expect him to ignore his personal interest. I would have liked to hear the Minister talk about that point, but, unfortunately, he ignored it completely. What we are doing now is to demoralize the people of this country. That is the reason why I would like to appeal to my hon. colleagues to reject this report completely. Mr. Speaker, Sir, personally I feel that the civil servants should be allowed to carry out their work without unnecessary hindrance. In the first place, I feel that they should be paid adequately; but we should make sure that they do not indulge in business. There is no reason why, apart from providing some civil servants with free cars, they should be allowed to indulge in business. It is just the other day when I asked the Minister for Finance and Economic Planning how he determines the amount of petrol consumed by the Government cars which are used by Permanent Secretaries in a given year. I was surprised to learn that the Minister has no way of determining how much petrol such cars use in a given year. Nobody is in a position to know whether some of the petrol was consumed when a given Permanent Secretary was driving from his home to a night club or to his bar. If, as the Minister says, this country has limited funds, why does the Government allow some officers to use public funds in any manner they like? I think this is immoral. Mr. Speaker, Sir, because it puts a lot of temptation to our public servants.

Mr. Speaker, Sir, as you can see, this report talks about the question of using the provincial administration to develop this country. That is welcome, if it is possible. The people working in the provincial administration and in other Government departments are not appointed on merit. If we want our civil servants to execute their duties efficiently, then we must make sure that they are appointed on merit alone. Unfortunately, most of the Government officers are not appointed on merit. I am not convinced that some of the Government officers working in some of the Government departments are appointed on merit alone and, as such, they are not capable of developing this country in the manner we would like. In any case some of the civil servants working in the provincial administration have become very big-headed. Some of them are very ignorant, to such extent that they do not know what they are supposed to do. I even tend to think that they do not know what this country needs in terms of development. That is the reason why some of us who happen to be members of district and provincial development committees in our respective areas are facing a lot of prob-

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lems with some of these people. That is the reason why I feel that this House has the duty to reject this report completely.

Mr. Speaker, Sir, having said that, I would now like to talk about the Directorate of Personnel Management. Mr. Speaker, Sir, some of the people who work in this department are very arrogant. Some of them are fond of using intellectual words to describe themselves. The first thing we should ask ourselves is, "How are these people appointed"? Mr. Speaker, Sir, as far as I am concerned this department is a failure. I further feel that in order that we can strengthen the Public Service Commission we should do away, in the first place, with the Posting Committee in the Office of the President which is manned by people who are very tribal in their dealings with the members of the public. The Directorate of Personnel Management is the source of nepotism and tribalism in Kenya. That is the reason why I would like to remind the Minister concerned that we shall be failing in our duties if we do not reject this report.

For instance, Mr. Speaker, Sir, according to this report the Ministry of Information and Broadcasting is supposed to inform, educate and entertain the members of the public. As far as I am concerned the Minister for Information and Broadcasting, would be correctly referred to as the "Minister for Misinformation". This Ministry has failed in its work dismally. For the last seven years, since television services were introduced, I have seen several press conferences being shown over the television every other two weeks. Now, what kind of a programme is this? Who wants to be informed twice by the same man about the same thing and especially when it is only about three weeks old? Yet, in Mombasa, I am told, they did it even more than once. This is very serious and bad. Now, Mr. Speaker, Sir, several months ago—I think a year ago we were told that the Ministry of Information and Broadcasting was going to go what they called "local". Now, what they call "local"—perhaps the word "local" is even the wrong word; probably the word "parochial" is a little less local than the word they use. Mr. Speaker, Sir, the Ministry of Information and Broadcasting brings some childish, meaningless programmes on the television. Now, Sir, somebody said here the other day that they did not want certain programmes shown on the television because they did not want to show violence. However, who are the mentally handicapped people who watch the television who, on seeing a gun on the television, would the next day go and shoot everything around? I do not think there is anybody like that. I am sure that the men and women who watch television in this country are at least 15 years old. Those people who can afford to buy or rent television sets are mentally mature people. Therefore, who are these people in the Voice of Kenya who feel that they know what will influence us and what will not influence us? We are told in this report, Sir, that the Voice of Kenya and the Ministry of Information and Broadcasting should be strengthened. Now, if they are going to be strengthened to do just what they have been doing, then, somebody somewhere must reject what is being suggested in this Motion. Therefore, I

take this opportunity to reject what is being suggested in this Motion because I feel that somebody somewhere must be able to say so.

Now, the next point I would like to raise, Mr. Speaker, Sir, is that the Minister talks about the Public Accounts Committee. Now, I am not going to blame the Minister for this and I am not going to blame the commission for it either. However, I would like to say that we have been talking about the Public Accounts Committee and of giving it its teeth, as the Member for Butere said it, but, when are we going to do it? Why are we fond of making *maneno*, as the hon. Member for Butere said? Why do we always talk about what we think sounds very good, especially when we, ourselves, are involved? Why do we not strengthen the "teeth", so to speak, of this committee and make quite sure that in future this committee has the responsibility and not only in law but in fact so that it can streamline the expenditure of our public funds?

Now, Mr. Speaker, Sir, one general point which must be made: we have been complaining, and a point must be made that this report was made in 1971. We hear that because of certain executive privileges and functions certain facts of this report were implemented and that it was not necessary to bring this report to this House. Now, Sir, why is it now being brought to this House? What is the reason for bringing this report to this House now especially when the Minister has so arrogantly just asked the House "merely to note"? He wants us to "note" the Sessional Paper No. 5. Mr. Speaker, Sir, what is the implication of this House noting this report? Will it mean that we will have approved all what has been going on? Does it mean that we approve of civil servants' engaging in business? Does it mean that we approve of these freelance use of cars, petrol and other things? Or is the Minister telling us that we should correct or criticize these things and merely sit down and say that we have "noted"? I would like the hon. Members to think twice before "noting" this report because if we "noted", then we would be agreeing to the following things that have been very badly done. One, I do not agree that there is anybody who has got the authority to incur the public expenditure without having got the authority of this House. I know that the Minister will stand up and say that we approved this in the Budget of this or that year—however, we did it just merely by "noting" and that is— He is so used to our "noting" these things that he thinks that we are going to "note" them again. No! I think this is wrong. Secondly, Sir, I am completely opposed to demoralizing our people by asking them to be corrupt. We are criticizing our civil servants for being corrupt but we are putting corruption right into their hands. How do you expect, say, a provincial police officer or a district police officer to look after people and detect corruption while he, himself, is subjected to all the conditions which result into corruption? For instance, you expect him to be a transport manager; you expect him to be a shopkeeper, you expect him to be a bar owner and yet he is supposed to arrest people who keep their bars and restaurants open beyond the time allowed in law! Now, how do you expect him to do that kind of thing? Therefore, will the Minister

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tell us, when he comes to reply the kind of people he expects to be in the Civil Service? Does he expect angels or just mere mortals, because if he expects them to be just mere mortal, then, he is not being honest by suggesting that we should note this paper? I suggest that we should not "note" it. We would allow—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir. I moved this Motion in this House in accordance with our Standing Orders and practice—is the hon. Member in order to say that I did not move it with all honesty and sincerity and with the belief that the Motion was a proper matter for passing by this House? Is he in order to suggest that?

Mr. Speaker: He is expressing his opinion!

Mr. Ayah: Mr. Speaker, Sir, it is because the Minister says that he was honest and it is because the Minister says that he was sincere—well, that is the tragedy of the whole matter. The Minister himself is known by this House to be a sincere and honest man and, therefore, one wonders as to the reason why he chose this subject on which one cannot be honest, to present to this House. Now, why did he choose to be honest about it when this is not possible?

With those few remarks, Mr. Speaker, Sir, I beg to reject the Motion.

Mr. Mwicigi: Thank you very much, Mr. Speaker, Sir. I thought it was a very good idea to bring this Motion to the House now although the House has been waiting for it for a long, long time. I find it unfortunate that there are only four days to debate it, but we accept the circumstances because of the Budget.

Mr. Speaker, Sir, I have a few observations to make on this Motion. The first one is about the Civil Service promotion system whereby seniority and ability are considered first. Now, for instance, if somebody joined the Civil Service many years ago and has nothing to offer, just because of his seniority he might be made the head of a department. This is done without first considering ability, seniority and merit at the same time. I think this is one thing that must be considered first and it was not properly covered by this Sessional Paper.

Mr. Speaker, Sir, the main issue which is hurting most of the hon. Members of this House is where the report says that a civil servant can engage himself in business. This is because it has been our normal practice to follow the British model, which does not allow civil servants to deal or participate in business. However, it is all right for the Members of Parliament and Ministers to engage themselves in business. However, what I found a bit nasty is when the Assistant Ministers and Ministers divert from the law which bars them from being directors of companies because I know that some Assistant Ministers and Ministers are directors or can be directors of some companies. This is also another breach of the law. Now, if we are going to allow Assistant Ministers and Ministers to be directors of some companies or to do some things which they are not themselves allowed to do, why should we

prevent the civil servants from engaging in the same business or activity?

Mr. Speaker, Sir, let us not sanctify hypocrisy by having two laws for the same citizens whereby some are allowed to participate in business and others are not. It is very unfortunate that elections are coming and some civil servants are expressing or showing interest in them—I think it is and it would be wrong to use this Sessional Paper to fight the civil servants. I am sure that there are more than 100,000 civil servants in Kenya, who are maintaining the running machinery of the Government and a lot of them are doing a very good job. Therefore, we must support them; if it is all right for the hon. Members of this House to participate in business, then, why should we prevent the civil servants from doing the same thing? There is no reason. Mr. Speaker, Sir, this is hypocrisy, and it is important to stress that point.

Furthermore, Mr. Speaker, much of the work that is done by these people deserves credit. Now, when it comes to giving these civil servants cars—in fact, we find chairmen of various statutory boards driving Mercedes Benz cars, and these people, in fact, come under the control of the Permanent Secretaries. Now, if that is considered all right—

Mr. Njiru: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to compare directors of private companies with civil servants who are serving a Government of the people?

Mr. Speaker: There is nothing wrong in comparing them. You may not agree that it is a good comparison, but he is making his point.

Mr. Mwicigi: I will seek your constant support and protection, Mr. Speaker, when I am finishing my points. However, I will ask my hon. friend from Kirinyaga to be a little more attentive because he was perhaps sleeping and he has just woken up.

Hon. Members: Hear! Hear! He was sleeping!

Mr. Mwicigi: Mr. Speaker, Sir, these people are doing a lot and, in fact, when we pass any policy here we leave it to the Civil Service machinery to implement it. Now, Sir, some of these people watch what Members of Parliament do and, in fact, they would also like to participate in business. Therefore, who says we cannot change the British mode of doing things? Who says we must follow exactly what the British people do? This is an African country and there is room for flexibility. Therefore, if that flexibility is helpful—

Mr. Karungaru: A point of information!

Mr. Mwicigi: No, I do not need your information, hon. Karungaru. We do not have to bow to the British mode of doing things. Now, if you insist—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. The Member who is speaking is trying to compare the British model of Civil Service to that one of Kenya. Now, I wonder whether he is not actually misleading the House because in England Ministers and Assistant Ministers do not participate in business whereas here the whole thing is a rigmarole because Ministers and Assistant Ministers actually participate in business, and

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now they are trying to open this loophole for other people?

Mr. Speaker: No, I think you did not follow what Mr. Mwicigi was saying. He was confirming exactly what you are saying, in a different way. He is saying he does not see why civil servants should be stopped from doing business; first of all, because he thinks if others can do it, then there is no reason why they cannot also do it; and he also says you do not have to copy what happens in Britain. Therefore, you are not disagreeing.

Let us have fewer of these points of order now.

Mr. Mwicigi: Thank you, Mr. Speaker. Now, when it is said here that civil servants are getting more corrupt because they are close to businesses and they are grabbing those businesses for themselves, who is actually closer to such businesses, is it a Minister or a civil servant? Let us not be hypocritical; let us tell the truth. You find that Ministers and Assistant Ministers are closer to these businesses. Maybe, the top civil servants are closer to these businesses than the Backbenchers, and if this was the assertion of the Members, then I would agree.

Mr. Speaker, Sir, I want to emphasize one point here today, that there are very many important decisions and papers to be implemented by the civil servants, but which are not being implemented.

An hon. Member: Why?

Mr. Mwicigi: It is because of the same reason that we do not have many Members here now. They are elsewhere.

Mr. Speaker, Sir, it is important to implement any paper or policy which deals with the question of unemployment in the country. There are heaps and heaps of papers, some locally produced while others are a result of research by the United Nations, which have not yet been implemented. Why is this so, Mr. Speaker?

Mr. Speaker, Sir, there will be a shortage of food in this country whereas we know that there are some papers which, if implemented, could assist a great deal to cut down on the shortages.

Hon. Members: Why are they not implemented?

Mr. Mwicigi: There is the problem of Ministers, Assistant Ministers and civil servants over these issues. Why do they not agree to work and eliminate unemployment in the country? Why do they not work together and agree to do something to decrease the problem of food shortages in the country? We discussed last month, Mr. Speaker, the Tana River basin; a paper was brought here and passed; but how much has now been done to implement what we passed here? Has there been any follow-up? We talk of shortages here—are there any papers that are prepared to curb the shortage of grain and other foodstuffs in the country? If there are some that are prepared, why are they not implemented? I think the Ministers and civil servants work together, and therefore, the Ministers should have the guts to tell the civil servants, "We want this as a top priority", and I am sure it will be done. How-

ever, if the Ministers have the guts to come here and complain—why do they not complain to the civil servants because that is actually what they are supposed to do? Mr. Speaker, Sir, that is quite important. However, as for the question of participation in business, it should be prohibited to the politicians, that is Ministers and Assistant Ministers as also to the civil servants. However, if we are going to say that some can participate in business and others cannot, then there will be an element of discrimination in such a move. This is what I personally would call "sanctified hypocrisy".

Mr. Speaker, Sir, I would consider the civil servants as the "silent majority" because they cannot come here to defend themselves. Let us just extract the truth from this Sessional Paper No. 5. I said it came late and, in fact, it is true it came very late, and when the Minister is answering he should tell us why it took so long to process it and bring it to this House. If the Sessional Paper does not pass through while it has been implemented, what will happen? Mr. Speaker, Sir, I feel that Africa does not have to follow anybody's trend or mode of government. We can follow our own mode of Government. Therefore, if we feel that it is right for civil servants to participate in business, then they should participate in business just as Ministers and Assistant Ministers are doing. However, there must be laws and rules to regulate this, Mr. Speaker.

Hon. Members: Oh, no, no!

Mr. Mwicigi: I am expressing my views here, Mr. Speaker, because I thought that this was the right thing for me to do, and I do not need to be interrupted in order to change my way of thinking. I stand here to support this Bill, Mr. Speaker—

Hon. Members: It is not a Bill!

Mr. Mwicigi: I stand here to support the Motion, and I support it because of my conviction and not because one or two people think I am saying this to please anybody. I am speaking my mind, Mr. Speaker, and I do not see why we should discriminate against the civil servants. I do not see why, Sir, a Minister, who is closer to business than the civil servant, should be allowed to participate in business whereas the civil servant cannot be allowed to do the same.

Mr. Speaker, Sir, with those few remarks, I beg to support.

Mr. Munyasia: Thank you, Mr. Speaker, for having allowed me to say a few things about this Sessional Paper. Mr. Speaker, Sir, it is unfortunate that the Member for Kandara supported the Motion—it is the first time he has ever spoken in such a manner during his time in this Parliament. However, I would say that his remarks are out of date.

Now, Mr. Speaker, this Sessional Paper has been brought here at the wrong time and, in fact, it is out of date. It is about four years since the Sessional Paper was prepared. Now, since it has just been brought here to be noted, we should reject it totally so that the dignity of this House can be maintained. We respect the Minister for Finance and Economic Planning because he is honest and sincere. Today we are questioning the Minister's sincerity and honesty. He brought

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this Sessional Paper in this House when the hon. Members do not need it. Most of the points in the paper were implemented without the authority of this House. Why, then, should the paper be brought here? Are we going to be made a laughing stock? The House should stand firm and make sure that it registers its objections to this Sessional Paper.

Mr. Speaker, Sir, the hon. Member talked about the equality of hon. Members and civil servants. Was the hon. Member once a civil servant? I think so and, therefore, that is why I say it is unfortunate because we know the line of a civil servant and the line of a politician. A politician is here to present the needs of the masses but the civil servant is there to implement what the House legislates. If the hon. Member is saying that what we pass in this House should not be implemented and at the same time calling the civil servants legislators, then, I say that his remarks are out of date. The civil servants must implement what the House legislates.

Mr. Mwicigi: On a point of order, Mr. Speaker, Sir. The hon. Member says I have combined the powers of the executive and the legislature. Is he therefore not praising me in this House more than what he actually intends?

Mr. Munyasia: Mr. Speaker, Sir, you all heard what the hon. Member said. In fact, the HANSARD can prove me right because those were his words.

Mr. Speaker, Sir, I will now leave the Member for Kandara alone and straightaway go to the Sessional Paper itself.

Although the hon. Member said that civil servants should be allowed to go into businesses and that we should not copy what the Colonial Government did, this House, being mature, knows the dangers in allowing civil servants to go into businesses. If they were allowed to do so, this country will be in chaos. We have seen them doing it and, therefore, we know what would happen. Many of them have been corrupted, they have allocated businesses to themselves and they have denied the local people businesses. You will find that most of the businesses in this Republic have been swallowed by these people. They use their offices to grab businesses. This is a fact that no hon. Member can deny it. Is this the way that we are going to have this country administered? We must tell the world the truth before things get out of hand.

Mr. Speaker, Sir, Members of Parliament have talked about civil servants using luxury cars. This is a fact and nobody can deny it. Hon. Members have seen civil servants using the luxury cars to send their children to school and taking them back home, using these cars to go to night clubs and also using them in supervising their businesses. Which hon. Member can challenge me and say that this does not happen? Were these cars bought for this purpose? The answer is no. Therefore, if this is what the Minister for Finance and Economic Planning wants us to note, then I will say that this Sessional Paper was brought at the wrong time. The House must make sure that public funds are

well utilized. When a civil servant's wife wants to go to the hospital, the civil servant tells the driver, who is also a civil servant, to take her to that place. Here the public is being robbed in many ways because the Government employs a driver, who is paid by the Government to carry another civil servant, and this civil servant sits at the back of the car to be taken wherever he wants. This driver is also used in taking children to school and also driving the senior officer's wife around when she is shopping. You can now see how the public is being robbed by the civil servants. One day this will be questioned and we, the Members of Parliament, shall be responsible because we have refused to mention this. There will be no question that I, as Munyasia, was not in because I am a Member of Parliament now. All the hon. Members of Parliament today will be questioned when the time comes. We cannot allow such a practice to continue while our people are going hungry, and unemployed.

Some hon. Member made a remark here but if he is a politician he knows about what I am talking about and, therefore, he should not utter such a remark. We are now trying to prevent the occurrence of such an incident.

Mr. Speaker, Sir, I said that the Members of Parliament must register their objection because, as the hon. Member for Kisumu Rural said, we have one body known as the Public Service Commission which is created to employ civil servants and yet, under this Sessional Paper, there is another little government or department which was created to erode the powers of this commission. What is the purpose of such a body? What will be the work of the Public Service Commission? That is the crux of the matter. This will create tribalism, nepotism and so on. If this is allowed, then, things will get out of hand.

Mr. Speaker, Sir, the Assistant Minister of State in the President's Office the other day confirmed that one civil servant had written letters to friends and companies asking for financial support. He told us that he will tell the House what disciplinary action the Government intends to take against this civil servant. This is not the only person that is involved. There are many civil servants who are doing the same thing. They are using their offices to circulate letters; if they did not hold such offices they would not have circulated the letters. Therefore, we should not allow our civil servants to use public offices to undermine the position of the sitting Members. They go as far as threatening some companies that if they do not contribute, say, Sh. 10,000 for election campaign when they become Members of Parliament they will deal with them. We know how they do it. They tell the companies "either you give me this or you quit". These officers are very boastful, Mr. Speaker, Sir. They tell the private firms, "You know I am near the top and I am feared. If you do not give me what I want I think your days are numbered." We do not want our people to be threatened by these officers. If they want to become politicians they should tender their resignations and declare their intentions of standing in the next elections. The door is wide open for everybody who wants to stand in the elections, Mr. Speaker, Sir, but these officers should not

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hold their campaigns in the public offices. Mr. Speaker, Sir, I do not want to tire the House but I would like to appeal to my colleagues to register their objection to this Sessional Paper No. 5 right now and let the paper be thrown in the deepest part of our seas where it will never emerge to the surface again.

With these few remarks, I beg to object to this Sessional Paper.

Mr. Karungaru: Mr. Speaker, Sir, it appears as if we are just being asked to approve the sins which have already been committed by some people when we were not consulted at the time when those sins were committed. We should not behave like Jesus and die for the sins which have been committed by some other people. We are not going to accept this principle at all. For the information of the House this report was implemented, without the consent of the House, on 26th May, 1974. This information is contained in the Sessional Paper which we are possessing at the moment. Now, what are we being asked to approve or to note? Are we noting a negative or an affirmative? We want to be told what we are noting and why we should note it.

Mr. Speaker, Sir, according to our Constitution no public funds are supposed to be utilized without the approval of this House but in this particular case it was found fit for these particular recommendations to be implemented. As far as I am concerned I have a feeling that this was an unnecessary bureaucracy. If this was the intention of this report we only hope that those who have this very vague notion in using very wrong premises in their arguments, and who could not even see beyond their own noses, I am only sorry to say that when the time comes for those who committed those sins to be punished I should be exonerated, together with this House, leaving these people who approved this report to share their blame. I am saying this because I have never seen a man who is capable of serving two masters at the same time. He either accepts to serve one master and oppose the other one. But in this case we are being told that the civil servants can serve two masters. We are being told that they can serve the Government and at the same time serve their business interests. As far as I am concerned, I think this is a wrong argument. I am still questioning the intelligence of those who thought it fit to approve the implementation of this report. I have witnessed cases where public officers can be selfish in their course of work. For example, if I am a district commissioner today and I am sitting in a traditional liquor licensing board, or any other kind of licensing board, and I have interests in such a business I do not see how I can be unbiased when I am performing my duties. This is so because I happen to be a member of the human race which means that I am subject to make mistakes. Now since I have been allowed to sit in such a board where I am giving authority for the issuing of certain licences to some people there is a possibility of being selfish and instead of allowing the business community to get these licences I may heap all these licences in my possession with a view to utilizing them later. I have also

in mind this case of import and export licences. Today we are importing very many cars to this country. We use our foreign exchange reserves to buy cars but they are not utilized in this country. They are always exported to Uganda by our people here and we do not get any foreign exchange for this country. Who are the people responsible for the exportation of these cars? They are the people who are using the Government telephones for their business deals because they have interests in such business dealings. If this is the case why should we be told that this country does not even have money to maintain the people who are unable to cater for themselves? First of all I would like to sound my total rejection to this particular report. Even if I go to the grave even my ghost will still continue to haunt the people who have found it fit to employ the system of corruption to a view to finally corrupting this country in order to spoil the future of our young generation. I am now talking on a matter of conviction and principle and nobody can change this principle. If I do not want to be a slave I would not like to be a master at the same time. This is one of the reasons why I say that it is entirely wrong for any government which is worthy its name or for any member of the Civil Service, any Minister, Assistant Minister or Member of Parliament worthy their names to support a report like this one when we have millions of unemployed people in this country. This is just because of the malpractices, nepotism, tribalism and corruption which are surrounding our institutions today.

An hon. Member: That is election fever!

Mr. Karungaru: Mr. Speaker, Sir, an hon. Member is telling that it is election fever. For what purpose is this election fever? We know pretty well that we have been demanding for the publication of this report. Why was it not brought to this House two years ago so that it could not be connected with the elections? After all what are elections for? Are we going to be elected to come to this House and witness things going wrong so that we may look good? I would not choose to become one of those people who are elected to this House only to come and champion the cause of a few people who want to continue being rich while the majority of the people in this nation, people who should be helped in order to get something in our society, become poorer everyday.

Mr. Speaker, Sir, I have taken trouble to find out why this report was not tabled in this House on time. There was a very vague reason behind this delay. I have discovered that it was not brought here on time because its authors wanted to implement it so that by the time they bring it to this House its presentation would be with evil intentions of committing us to it. This is a very unwise decision taken by some people who thought themselves to be wise. But according to my opinion whoever did this was more unwise than the hon. Members here because it will go down in the history of this country that something queer happened and that the Constitution of this country was overlooked because of conflicting interests on the part of some people who were interested in getting money from the Government by unscrupulous methods.

[Mr. Karungaru]

Mr. Speaker, Sir, if you look at this report, you can see how discriminatory it is. You will note in the report that even the professionals, especially those in our university, and who have been there for a longer time than the administrators, were not considered by this particular commission, because it was only serving its interests. Unfortunately, the commission was headed by a person who is himself an administrator. Perhaps that is one of the reasons why he behaved like a horse wearing blinkers and was only guided by the idea of making more and more money for himself.

Mr. Speaker, Sir, I am not against the increase of the salaries of the civil servants but I am against the system whereby the Government has allowed the civil servants to participate in businesses, which are supposed to be carried out by businessmen who are not civil servants so that they can be able to earn their livelihood. This is the crux of the matter. Why did this happen? Did it happen because we did not have anybody with brains in the Civil Service or in the Cabinet to point out to the rest that this was wrong?

Mr. Speaker, Sir, I have a feeling that perhaps this matter was done by the Members of the Cabinet. This is my feeling and I think my feeling is not very far from the truth. We have seen time and again the Minister for Finance being made a scapegoat in that some things are done without his knowledge and he is only told to come and announce them here. This is very wrong in an institution such as this, which is democratic. If what we have is a democratic institution, on a matter like this, this is where the House can order a referendum to see whether or not the entire nation is for this kind of recommendation. If this is done, Sir, I am sure the answer would be in the negative. The members of the public would not support this idea. They cannot support the idea of the Government buying a car for one individual at the cost of Sh. 200,000. This has happened because of this particular report. This has never happened before. Such an expensive car is bought with public money for one man, with only one soul, two arms and two legs. He is not an extraordinary person but a normal human being. I do not know whether by driving that particular car such a person will have double souls. If you allow this to go on then you are allowing corruption to take place.

Mr. Speaker, Sir, we have also heard that our own produce is being exported to other countries and also that our imported goods are being exported to other countries without earning us any return in the form of foreign exchange. We feel sick when we hear such things. We are sick with all these things and we want the people concerned to test the acceptability of this Sessional Paper by a referendum and they will be surprised to see that the members of the public are really angry because most of them are going with empty bellies and nobody realizes that they are suffering. Mr. Speaker, Sir, although you may hear some people saying that there is nothing wrong with the present system, they do not mean it. Perhaps they want to say this to receive favours from certain quarters. Most of the people in the country do not receive the

services which the Government is supposed to offer them. The reason why they do not receive these services is because the civil servants are not in their offices most of the time, they are busy running their private businesses. These civil servants are busy running their farms, their bars, their shops and to make the matter worse they even go into the small businesses like selling *muratina* beer and some have even small shops in River Road. Sometimes you can see a Government vehicle parked outside a small shop in River Road and you will wonder what it is doing there. At that time the civil servant is inside his shop, perhaps busy inspecting books of accounts or doing some other things. These things are happening because it has been approved by their fellow colleagues, the Ministers. I am sure these things are not done by the Minister for Finance and Economic Planning alone. I am blaming all the Cabinet Ministers because they are the ones who fail to advise Mzee that some things are very wrong in this country so that some of them can be corrected. Instead, they go there and keep quiet as though there is nothing wrong going on in the country. When Mzee sees them quiet, he takes for granted that everything in the country is moving on well. They never tell him that today no one can be employed unless he corrupts somebody.

With these few remarks, Mr. Speaker, Sir, I beg to reject the whole thing in total.

Mr. Mboja: Mr. Speaker, Sir, I stand to oppose this Motion because of these unfair practices that are going on in this country. For the last ten years we have found out that we have given too much freedom to the top civil servants in this country. I do not blame all of them but I think it is fair to say that most of the civil servants at the top have enriched themselves unfairly. They have too much freedom to do whatever they like with the public money and time. I think we have allowed them to continue doing this for too long now. If somebody has done wrong, I think it is unfair for us to stand here and praise him for whatever bad things he has done. If we do that, then civil servants will finish us completely. They are destroying this country and if we do not change the system as soon as possible, I am afraid these are the same people who will be very unhappy in very near future.

Mr. Speaker, Sir, I am now urging this nation to stop the civil servants from carrying out the practices they are now carrying out. They should be stopped from participating in business completely. They must also be stopped from tampering with the land which belongs to *wananchi* because, in their positions, they are able to go anywhere and grab land. Since they are now actually doing this, if we allow them to go on for too long, I am afraid they will be very miserable in the very near future.

Mr. Speaker, Sir, civil servants in our area have supported the few landlords at the Coast. They sometimes co-operate with these landlords and grab land from the poor *wananchi*, who have sometimes planted mango trees or cashewnuts or coconut trees on that land and have been living there for many, many years. They chase away these poor people and take their trees

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by force without even paying any form of compensation. They take them for free. We have seen this happening, we have witnessed this and we are most miserable. Mr. Speaker, Sir, we see these things taking place, but the civil servants always side with the Arab landlords. The same civil servants contribute a lot of money to take to His Excellency the President and tell him, "We are good friends". Why do they not give this money to the poor *wananchi* at the Coast. Mr. Speaker, Sir, the people at the Coast have lagged behind for several years and our brothers—the Arabs—have known how to enslave them for several years. However, they cannot think of assisting the poor people down at the Coast by putting up schools for them. Today, Mr. Speaker, Sir, many children at the Coast learn under mango trees. Why do these Arabs not at least copy the British who, although they enslaved us in some way, left us some schools where our children can learn. I would like to tell these Arabs that we are not going to keep quiet for ever because we are now tired. I would like to take this opportunity to appeal to my fellow Members of Parliament from the Coast not to be taken blindly by these Arabs. I am saying this because we are fed up.

Mr. Speaker, Sir, we would like this Government which is led by a black man to understand what we are saying about the sufferings of our people at the Coast and in the country at large. We would like to see those who suffered for the Independence of this country being able to say, "we have all the say in our country". However, we cannot allow a few landlords to harass the majority of our poor people.

Mr. Speaker: Order, Mr. Mboja! That really is not relevant to the Motion and, therefore, landlords should not be brought into the debate.

Mr. Mboja: Mr. Speaker, Sir, I am saying this because it is the civil servants who directed a certain group of people to take some money to His Excellency the President. I only hope that His Excellency will direct the money back to the Coast to help the poor people.

Mr. Speaker, Sir, I would like to touch on another point regarding the civil servants. Today, Sir, the civil servants are competing with the poor businessmen in running some of the most small businesses in towns. Sometimes, these civil servants just grab these businesses from the poor people who have no more say in the matter, and as a result the unfortunate traders are left without any work to do. This is a very bitter pill to swallow, Mr. Speaker, Sir. Mr. Speaker, if we cannot speak for our poor people in this House, who else in the country will speak for them?

Mr. Speaker, Sir, with these very few remarks, I strongly oppose the Motion.

Mr. Mwamzandi: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few words on this Motion. Mr. Speaker, Sir, I would like to show my stand on this Motion. Here, Mr. Speaker, we are being asked to note Sessional Paper No. 5 which is derived from the Ndegwa Commission Report. If the Members of Parliament including Ministers are realistic enough,

I am sure they already have in their minds, what way to take. As far as I am concerned, I must be very frank by saying that I am not going to support this Motion. Mr. Speaker, Sir, our opposition to this Motion is also collaborated by the attitude shown by the two Assistant Ministers for Finance and Economic Planning, namely, Mr. Balala and Mr. Cheron. Mr. Speaker, Sir, when this Motion was called out last week, these two Assistant Ministers refused to stand to move it. I took the trouble to interview these two Assistant Ministers and one of them told me that this is one of the most unfortunate Motions in the life history of this Parliament. I sympathize with the position.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Speaker, Sir, I think the hon. Member on the Floor has made a very serious allegation by saying that one of the two Assistant Ministers who was supposed to move this Motion told me that this Motion is one of the most unfortunate Motions to be moved in this House. Can he substantiate who told him that?

Mr. Mwamzandi: Mr. Speaker, I was able to talk to Mr. Cheron who told me that he had earlier on learnt a lesson when he was asked to answer a question in this House regarding this same Ndegwa Report. All the others refused to come to answer the question in the House, but he volunteered to answer it, and he told me that he was not prepared to move the Motion. I took the trouble to find out this information. In any case, I would like to show my firm stand in this Motion. This is very—

Mr. ole Marima: On a point of order, Mr. Speaker, Sir, do you not think this is really an assassination of character by one hon. Member to another? Mr. Speaker, Sir, you will remember that soon after we came from our last recess, the House had to adjourn after a week or two because the Minister for Finance and Economic Planning was going to Europe just before we came to discuss the Development Plan and the Ndegwa Commission Report. The Minister did not want any of the two Motions to be moved by any of his Assistant Ministers and therefore, we had to wait for him to come back. Is it not therefore, an assassination of character directed to hon. Cheron by hon. Mwamzandi?

Mr. Speaker: It is quite true that the Minister for Finance and Economic Planning asked for the business of the House to be put off for some time because he was attending a conference outside Kenya as Mr. ole Marima said. However, Mr. Mwamzandi says that he was able to talk to Mr. Cheron who told him what he has just told us. He has said it openly and, obviously, Mr. Cheron will hear what he has said. He cannot then say that he did not tell Mr. Mwamzandi that, and, until he says he did not, we cannot say that anything is being alleged against him falsely until he himself tells us so. I do not think there is any assassination of any kind at this stage.

Mr. Mwamzandi: It is true, as you say it, Mr. Speaker, that there is no assassination of any kind here because Mr. Cheron told me he had answered a question regarding the Ndegwa Report in this House and he noticed

[Mr. Mwamzandi]

that hon. Members were not in favour of the report. However, I must sympathize with the Minister for Finance for the position he holds as the Minister for Finance. I am saying this because he has become very unpopular in this country just because he at times has to act on certain policies which are against the wishes of the people in the country and in Parliament as a whole. He is completely unpopular these days and I am saying this—

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Speaker, Sir, for how long really are we going to accept this type of accusation? Is it really in order to accuse the Minister for Finance of being insincere while we know he is doing his duty?

Mr. Speaker: No, I do not think there is any question of insincerity here. Mr. Mwamzandi just said that the Minister has at times to do things which are unpopular. That is all he said. He did not say that the Minister is insincere.

Mr. Mwamzandi: Thank you very much, Mr. Speaker, Sir, for your ruling. I think the Assistant Minister is worried. He thinks that by bringing so many points of order, he will be saved from his present problems. I would like to inform him that these types of points of order will not help him at all. He is worried about— Mr. Speaker, Sir, I was saying that I sympathize with the Minister for the position he holds as Minister for Finance. I am saying this because I know he is vested with responsibilities which I think are very difficult. If I were the Minister for Finance, I would really hesitate about bringing the Ndegwa Report to this House. I think it is high time we showed the Government that we cannot tolerate to see the Constitution being ignored. The Constitution of Kenya clearly says that the public funds cannot be spent without the approval of this House and then a certain group of people just gang up and go to the President to confuse him. However, some people gang up and go to confuse His Excellency the President to give them permission to spend money before this House approves it. I am against this, Mr. Speaker. It is unfortunate to the civil servants that we have to teach them to adhere to the Constitution of this country.

I am also of the opinion that since civil servants do not understand the Constitution they should be given lectures at the Kenya Institute of Administration at Kabete so that they may know for certain that making use of public funds without the approval of this House is illegal. I will only support this Paper when the Minister for Finance and Economic Planning, and some civil servants come out openly and apologize to the country for this mistake. But, I am sure they are so big-headed that they cannot apologize.

I also know for certain, Mr. Speaker, that whether we accept or reject this Sessional Paper nothing will happen. There have been so many instances whereby the supremacy of Parliament has been eroded and nothing has happened. We had an occasion during the last Parliament whereby the supremacy of Parliament was eroded but nothing happened. I am quite sure that even if we reject the Ndegwa Commission there will be no

question of refunds being made by those who spent the money because a lot of money is involved. I remember that some civil servants sold their leave. The situation was made worse by the fact that civil servants were allowed to go into business. That is why when we sometimes go into certain offices we do not find some officers present. We are told that such officers are out on business. You will find that those who have acquired businesses in towns where they do not work make official programmes in such a way that they visit those areas where they have their businesses. This practice must be stopped immediately.

You will find in other countries in Africa any civil servant found taking interest in business, trying to use his position either to acquire it for himself or for his wife, or anybody else, he is sacked immediately. Things are different in Kenya. A person in power will always acquire more by using his position.

The other bad thing about the Ndegwa Commission was that it was composed of big people only. There was not an office messenger in the Commission, nor was there anybody picked from the street. It was composed of very important people only. So, whatever recommendations they made were entirely in their favour. Clerical officers and other junior people achieved nothing from this Commission. Those women who work for the big bosses, and messengers were not considered at all. In fact, the Commission recommended good things for those who were already getting a lot. They recommended all profitable things for themselves.

With these few remarks, Mr. Speaker, I am sorry to say, I oppose this Paper.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Speaker.

The truth will always remain to be the truth, both in darkness and in light. It may be covered for some time, but it is bound to come up. It is the most dangerous weapon a human being can use. It can kill.

Having said this, I would like to say that the composition of the Ndegwa Commission was made up of people as the hon. Member has just said, who live in what we call ivory tower. These people are nothing more than the fact that they came from rich or poor families and acquired positions whereby they became completely detached from other people below them. In actual fact, the Ndegwa Commission only profited the super-scale and the lower super-scale groups. It was one of the business of the Commission to consider the people who were below that. I do not mind to what positions a person is promoted, but what I mind about very much is the money which he is paid, because it happens to come from my pocket and the pockets of the poor people. You will recall those days when our people were to be harassed and arrested for having not paid the graduated personal tax, and they were supposed to pay it so that the big fish may use it. Let it be noted that it is true that the big fish eat the small fish. However, the big fish seems to forget that when it does so the small fish goes into it and lives inside its carcass and feeds on it. So, let it be on record for the big fish to know that one day when they will be dead or too old to move they will be eaten by the

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

small fish. It is written in the Bible that one day Joseph dreamt that he saw some fat cows being eaten by thin ones. Well, those in the dream were only a few, but in Kenya there will be very many hungry, lean or thin—whatever words you want to use—cows eating very few fat cows.

We who are contributing to this discussion, said from the very beginning that the Ndegwa Report was not even in the interests of the civil servants themselves, apart from the super-scale and the lower super-scale chaps. To make things worse, this House is asked to note the Ndegwa Commission Report despite the fact that even the workers of National Assembly were ignored by this commission. All the same they want us to note it!

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

I would like to say clearly that everybody should be given an opportunity to enjoy the fruits of this independence. We do not do that by approving or noting a paper like this one when many people have nothing to eat. That is where my quarrel is. If you look at this Paper which has been summarized by the Minister for Finance and Economic Planning you will find that when we talk of public funds—Hon. Ndolo Ayah asked the Minister for Finance and Economic Planning to explain how he accounts for these cars which go round taking women for shopping here and there, children to school and gentlemen to night clubs. I do not mind if they pay for it. Personally, whenever I go to a night club or go anywhere else I pay for the petrol which I use. However, it is very bad if I should be asked to pay for petrol which is used by somebody to go to a night club or to see his girl friend. That is where it hurts! Therefore, if anybody wants me to support this: somebody to go to the night club, his wife to go shopping in a "GK" vehicle—The sad thing, Mr. Deputy Speaker, is that these people who are enjoying these privileges were those who were leaking the boots of the colonialists. They are those who were reporting, "Shikuku has been here; he has had a meeting . . ." and I was being chased by the police while organizing for *Uhuru*. Mzee has told us that we should forgive but not forget; that is the most important thing. I call upon His Excellency to know that he has such a wonderful heart, but his children like us may not have the same heart. At least we have agreed to forgive, but not to forget. Most of the people who are enjoying the fruits of independence were fighting against us. But anyway, we have forgiven them; let us not go on giving them more and more when the hungry people are going hungry and poorer. We know Mzee wants us to forgive but not to forget. But let Mzee also know that we get hurt when we see the very people—We do not want to pay back evil. However, when we see the same ones being given privileges even to go to the extent of exhibiting themselves—They were on top of us in the colonial days and up to now they are still on top of us; and he expects us to say Hallelujah! I must say here now that even Jesus the Son of God got angry one day

and He whipped people in church. If the Son of God could whip people in the church what about Shikuku the son of Oyondi? If Jesus got angry, we also get angry when we see these things. It is stated in this report that we must thank the Chairman of the Commission; Mr. Deputy Speaker, Sir, may I say that I have no thanks. It will go down in the history of this country that these people are the ones who messed up this country; and woe to their souls for they shall not find their way to the Kingdom of Heaven.

Mr. Deputy Speaker, Sir, if I may draw your attention to page 2 of this document, and I quote:—

"10. The Commission's proposal that the Government should consider requiring all public servants to make a complete statement of their private interests, is a wise one, and is accepted."

How many people have been asked to show how much they have got? It is only *maneno* here, but what goes on is When you go on further you will find that in this very recommendation, you will find that there is discrimination even in the salary scale: For example, you will find somebody with a Bachelor of Science, Veterinary (Medicine) from Czechoslovakia and another one with the same qualification but from Russia having different scales depending on the name of the person and where he comes from!

An hon. Member: Where do you get that?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): If you read this report you will find it; and the Member for Butere does his homework. You will find a holder of "Ph.D" being paid a scale of a Bachelor of Art because he happened to come from a different corner of this country while the other one happened to come from the right corner and so a "Ph. D" and "B.A." are paid the same salary. Let nobody ask me to substantiate because the hon. Member for Butere knows what he is talking about. It is complete fallacy and it creates a lot of frustration. Therefore, we in this country must leave the sins to be where they are, as one of the hon. Members said. Those who committed them should pay for them. Me, Shikuku, to pay for them? No, I will pay for my own sins, but not these ones! You will also find that we asked for this report time and again to be debated and it was not brought. When we are told to support, I agree to support, but to support something which is wrong is not good because if I do not pay for my sins, my sons will pay for it. I do know that I am a Member for Butere and if I am consulted I shall make sure that I support what I know but not what I do not know. I have said this and somebody has to kill me over it, but I will keep saying it.

In this report you will find that the groupings of the scale is different. Those who passed this report or those who accepted this report, I am sure they were misled. Then must we commit the same mistake after seeing that it is a mistake? I say no. So let it be known to them that they passed it for those that have enjoyed the money they had drawn like water; the leave they had overstayed and drew a lot of money—if they do not pay for it, their children will pay for it. It is also stated in the report there should be a difference between

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

a private sector and Government sector; this is on page 3. We have said this time and again that we should have the same sort of scales so that we do not have people running from Government service to private sector. However, this should be dependent on the money we have. There is no use paying people a lot of money when there is a lot of people without anything. Even these posts of Ministers and Assistant Ministers, I think, are too many and should be abolished so that the poor can get the money we are earning here as Assistant Ministers. Some of them never sit or stay in this House and still they are earning public money. Let them not say that we are only against civil servants. Civil servants are earning a lot of money; they are also exploiting *wananchi*; they are also grabbing everything even the number of Assistant Ministers and Ministers should be reduced. Even the size of this House should be reduced because we are too many hon. Members here and there is always no quorum. The size of this House should be made of 80 or 42 Members so as to save money to help the poor people in this Republic. A lot of money is being wasted here. Hon. Members are being paid, Ministers are never in the House and they are being paid; Assistant Ministers are never in and are being paid. These should be reduced to cut down the expenses. The civil servants should not think that we are only against them but we are telling them that they are exploiting *wananchi* but one day, a day among the days to come, they will pay for it very dearly. Whatever they have grabbed they will never go with it to Hell or Heaven, when they will be leaving either naked or with very few clothes on them.

With these few remarks, I beg to totally reject to note!

Mr. Marwa: I rise not to note this Sessional Paper No. 5 of 1974. The reason why I refuse to note is because it means giving a means of grabbing. Now and then we have spoken in this House objecting that we should not allow a few people to have everything while other people do not have anything. One thing which is being suggested in this report is that we should note that a few people should have everything while others have nothing. Therefore, Sir, I refuse to note this Sessional Paper. It has been said in this country that there is corruption as a result of disappearances of essential commodities such as rice and maize. However, those who ought to curb the disappearance of these items are interested parties. We do not, therefore, have anybody to listen to our complaints. This has come about as a result of the Ndegwa Report, in that it has allowed civil servants to own private businesses. If, say, you are the Commissioner of Police, Mr. Deputy Speaker, Sir, and you are transporting maize or rice out of this country, Sir, a person in such a position can use his very well-known vehicle and nobody will question or intercept it. That is how some of these items are disappearing. This is why, Sir, I refuse to approve this Sessional Paper.

I dare say, here, Mr. Deputy Speaker, Sir, that this report allows grabbing and "robbery". Every now and then we have been suggesting in this House that there

should be a policy by our Government whereby one man will have only one job. However, in this report it said that a man should be a civil servant, a director of private business, and a member of a statutory board at the same time. I believe this is one of the reasons why we do not have many of our people in jobs in the country. I, for one, cannot approve something that is going to deprive our people of the right to have a job and own a business. I refuse to note, therefore, that this report should allow civil servants to rob our people of their rights in society.

As the hon. Shikuku said, Mr. Deputy Speaker, Sir, it is my view that the report is creating classes of people in this country. It approves of the existence of high cost schools which are being attended by children of people who have already grabbed more land, property, shops and earned more money from Government. It follows that children of people who have no land, shops, and property will have to attend poor schools where there are no chairs, books, and teachers. I can see, Sir, a creation of two classes of people in this country. Therefore, I also refuse to approve of this Sessional Paper. The report allows a section of our society to dominate the entire Republic. As a matter of fact, Sir, this report allows people to use their positions to obtain loans in millions of shillings. On the contrary, Sir, a poor farmer cannot be given a loan to develop his *shamba* unless he shows to the lending institution, a sound bank account. How do you, Sir, expect such a person to engage himself in business? Our Government should know that our people would like to be assisted in obtaining loans instead of giving loans to already wealthy people in Kenya. I am sure that these highly placed individuals created these harsh conditions so that they dish the money earmarked for loans amongst themselves.

I refuse to be part and parcel of Sessional Paper No. 5 of 1974, Mr. Deputy Speaker, Sir. Therefore, Sir, with those few remarks, I beg to oppose the Motion.

QUORUM

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, we are now discussing a matter of great public interest especially since it concerns public finance, and since we do not have any Cabinet Minister in the Chamber—we only have few Assistant Ministers—and noting further that we do not have a quorum in the House, would I be in order to request that the Chair makes a ruling as to whether or not the House should continue with this undesirable situation of lack of quorum?

Mr. Deputy Speaker: Yes, we have no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: We now have a quorum.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir, since it is being said by members of the public that *wabunge* do not attend the proceedings of this House whereas Back-benchers are usually here in large numbers, would I be in order to ask the Press to state clearly that it is only Ministers who were

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absent and not Back-benchers? We would not like to be blamed for nothing.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to shout like that in this House?

Mr. Deputy Speaker: He is out of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, since it appears that the hon. Member for Kitui East is in very bad mood, am I not in order to suggest that he should be asked to leave the Chamber so that he can have time to cool down?

Mr. Kahengeri: Mr. Deputy Speaker, Sir, in the first place I would like to state that I am going to oppose this Motion completely. Mr. Deputy Speaker, Sir, if I had the powers I would make sure that this report is removed from the national archives. This report has put this country into a very unfortunate position. In the first place the execution arm of the Government has given the rights and opportunities to compete with the same people they are supposed to help. Mr. Deputy Speaker, Sir, if you go to River Road, you will be surprised that the shops along that street are owned by Permanent Secretaries, other senior civil servants, Assistant Ministers and Ministers. What justification do these people have to do that in an independent country?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to insinuate that some Assistant Ministers and Ministers own shops in River Road?

Mr. Deputy Speaker: He is out of order to do that unless he can substantiate what he is saying.

Mr. Kahengeri: Mr. Deputy Speaker, Sir, the piece of information I am giving to the House has been passed over to me by someone outside this House. Mr. Deputy Speaker, Sir, since we have been entrusted by the members of the public to run this country, we must do that honestly and without malice. This country today is in a very doubtful position. For instance, the ordinary man who is trading for example at Thika does not know what is happening in this country. For instance, when let us say, three non-citizen traders are issued with quit notices, their businesses are given to big shots such as district officers or Permanent Secretaries. This is what is happening in this country today, and something must be done quickly to rectify the position. For instance, let us say, I want to import certain goods from say, Hong Kong, when I go to see one executive officer in the Ministry of Commerce and Industry and he happens to own a shop along Government Road, he asks me to give him a list of the things I intend to import and then he will tell me to come back tomorrow. On the following day when you report to his office, he tells you that he has not been able to process the application because he has been very busy on other assignments. Do you know what kept that man busy? He was busy ordering goods for his shop. This

is what is happening in this country today. Is this the way we are going to run this country, Mr. Deputy Speaker, Sir? In my opinion we are running this country in the interests of a few people. That is the reason why I would like to take this opportunity to appeal to His Excellency the President to rectify that position. On a number of occasions, Mr. Deputy Speaker, Sir, we have passed Motions in this House to empower the Minister for Finance and Economic Planning to borrow money from foreign financial institutions to enable us to buy shops from foreigners. Unfortunately, it has come to notice that people who are charged with the duty of giving out these loans today are owning a number of shops in Nairobi and a number of farms, let us say in Eldoret. On top of that such people have a lot of money in liquid money to buy stocks for their shops. I am informed that all the money we borrow from foreign countries is given to about five people in this country. Why should the Government forget the other 11,000,000 helpless Kenyans? Why are we going to mortgage this country only because we want to help let us say 20 people? If this is the case, Mr. Deputy Speaker, Sir, why should the Government go to such places like Juja, Butere and Mathare Valley to ask people to pay taxes which will be used to repay a loan which was given to, let us say, a Permanent Secretary or a provincial commissioner? This is not the way we should run this country. There is no reason why we should govern this country at the expense of the majority. This is why I feel that something should be done about this problem. However, some of the Ministers in this House tend to turn a deaf ear to the problems *wananchi* are facing. This is one of the reasons why people of this country rose in arms against the colonialists. The colonialists used to own big cars, several buildings and farms in this country. Why should the Government forget the majority of our people? Since God gave us a good country, we have the right to use whatever we find in Kenya. Mr. Deputy Speaker, Sir, these people will continue eating whatever is grown in Kenya until they die. Therefore, if the Assistant Ministers, Ministers and people in high positions in the Government want these people to continue with stability, peace and love, then let other people also equally have something to eat. This is a political demand of our country today. We have cases where we have people still living in the emergency villages. We also have cases where an individual or individuals and particularly people who have been elected and charged with the duties of helping the poor people of this country—and yet these people are owning between 40,000 and 50,000 acres of land each. Shame on them! Now, what justice is this? What do they think they are doing to the nation today? Therefore, I would like to call upon those in position to help the poor. I am not particularly against what they are getting. However, I am even satisfied with the little pay that I am getting from Parliament. However, I am against those who eat to their full and then they have to throw the remaining food away. We have our own people who are really going hungry. They are really starving. For instance, for the information of those hon. Members who do not know, let them go to

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the River Road and then cross the Nairobi River. They will meet their own people sleeping out in the open air. Yet, these are the people one is proud of representing and yet they are sleeping underneath the trees without even a single shilling to buy what we call a "chip's lunch". However, one still is hoping to keep all those acres of land to himself and then hoping one day to keep these people there as servants! Shame!

Mr. Deputy Speaker, Sir, each one of us in this country is a condition to the other's existence. If somebody has not realized that by now then, he will be taught when time comes. I have seen, for example, a clause in page two where it says, "The Government agrees with the Commission's recommendations regarding requiring all public servants to adhere strictly to a Code of Ethics—" and so on and forth. We have done this and anybody can follow whatever code of regulations one wants to follow; and follow it up to where one wants to follow it but, the vast majority of these people today must get their food. If they do not get their food then, no matter what kind of code of regulations we shall be following, it will be useless. Mr. Deputy Speaker, Sir, in the other part they say that all the civil servants are required to declare their interests. If some of these people declared their private interests today, you calculate all the private interests there is today. I am sure that if one calculated then, he might find out that there is something in the region of Sh. 20,000 to Sh. 30,000 income per day which is not taxed and these people have not been asked to declare their private interests. I would like to challenge anybody, Sir, on this that if it is not true then, let these people register their properties now and when they declare them, we shall see what they have. We know that some of them owned tracts of land before we drove out the Europeans. Some of them, Sir, had nothing but if you see them today, they go roaming in the streets saying that, "Oh, let the politicians talk. We can buy them out".

Mr. Deputy Speaker, Sir, with those few remarks, I beg to strongly object this Motion.

Mr. Kitonga: Mr. Deputy Speaker, Sir, first of all, thank you very much for giving me this opportunity to air my views on this Motion. However, I am very sad indeed. I am sure that most of the hon. Members are in the same mood.

Mr. Deputy Speaker, Sir, it is very serious and bad to see that while we are debating the Ndegwa Report in the House today, it is just like flogging a dead horse. If we are debating the Ndegwa Report today, Sir, it is just like flogging a dead horse because the report has already been implemented without the authority of this House. This is very serious and dangerous too. I think we have made history in this House by doing something like this because this has never happened before in the history of this House. A report which has already been implemented, money has already been spent; chairs and other things have been bought with this money and yet, today, after a period of two years, I think, this report is brought to this House to be debated on. What for? What reasons has the Minister for Finance and Economic Planning got to offer for this delay? This is very bad and it is quite misleading to the House. There-

fore, I would like to ask the Minister concerned that if he considered withdrawing this Motion then, that would be very good. I am sure that he can see the result after debating this Motion. There will be nothing good to come out of it because this has never happened in the history of this country.

We have been speaking and mentioning the names of the civil servants but, I wish to differ and make a definition of a civil servant whom I am referring to. Mr. Deputy Speaker, Sir, we have three classes of civil servants and I want to speak about one class of them and not all the three of them. For instance, we have the super-scale officers or the highest class of civil servants and we have the intermediate class or the junior officers and we have the lower class, the subordinate staff. However, I am trying to differentiate the civil servants whom I am referring to from the others. I am referring only to the super-scale officers in the Civil Service and not the others. We know that the super-scale officers and Ministers are equal; they get more or less the same pay. Therefore, I think when we are referring to the other two classes of the civil servants, we are attacking them for nothing because they are still getting the same pay and they are getting the same treatment and, therefore, they are dissatisfied with the way the senior or the super-scale officers are handling them. Now, you will find people in Government hospitals working as casual labourers, and I do not know who has introduced this system. For instance, you may find some people being employed in the Ministry of Natural Resources, maybe to work in forests and after only one week, they are dismissed, and another batch of casual labourers are again employed. This also happens in some factories, where you may get as many as 60 people being employed and after only one week, they are dismissed, and immediately, different people altogether are employed. Now, what is the meaning of this, Mr. Deputy Speaker? Why should people be employed for one week only after which you dismiss them and then employ different people? This has, in fact, spread from the private sector into the Government. Now, this can be blamed on the people I call super-scale civil servants and not on all civil servants because they are the people who are responsible for Government policy. They are the people who can rectify anything that is going wrong anywhere.

Mr. Deputy Speaker, Sir, I will mention something different now, and which is quite surprising. In the Ndegwa Report, you will find a section dealing with district magistrates. Now, before the Ndegwa Report was compiled, district magistrates used to start with a salary of £708 per annum. Now, when the Ndegwa Report was published, it was recommended that they should start with a new salary of £936 per annum. However, Mr. Deputy Speaker, Sir, you will be surprised to hear that up to now, this has not yet been implemented whereas it is contained in this report. Instead, Mr. Deputy Speaker, Sir, the salaries of these people were reduced, so that they now start with a salary of £690 per annum. Now, this is not what is contained in the report, because it says they should start with a salary of £936 per annum. Now, what is the Government policy on this matter? In fact, there seems to be some kind of selection because anything that was for the

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benefit of the “big fish” has been implemented whereas certain things that affect intermediate officers, for instance, the third-class magistrates, have been ignored. Therefore, the Ndegwa Report contains certain things which appear to be fit for some people and not fit for others.

Now, Mr. Deputy Speaker, Sir, we are trying to create classes in this country, and this is quite poisonous. I am grateful that the Minister knows that and, in fact, I wish he could remain alive for a long time and learn a lesson. Mr. Deputy Speaker, Sir, I am serious about this because I know something serious will happen. In fact, I wish to warn all the Members who are in the House now, even the Ministers, although here in Kenya they take it for granted that the term Member applies to anybody who is not a Minister, that we ought to watch things in future. If we go wrong somewhere, those who will be alive at that time, when maybe, the mistake will be corrected, will be dealt with at that time, no matter what he will be, because after all, he will be responsible for what might have happened. Therefore, Mr. Deputy Speaker, Sir, I wish to ask all the hon. Members with a good heart to reject this Motion totally.

Hon. Members: Hear! Hear!

Mr. Kitonga: Now, if I could have some water here with me, I would have washed my hands according to African traditions, to the effect that in future, you should not call me to your court because I am not committed to the Ndegwa Report.

Hon. Members: Hear! Hear!

Mr. Kitonga: I am not committed to the Ndegwa Report, and I will even say, God help me, because I am not committed to it in any way. I am hopeful that when the time of trial comes for the mistakes we have done, I will be excused, Oh my God! Mr. Deputy Speaker, Sir, I am really scared of that time, and I can even swear now that I am not committed to this Report at all.

An hon. Member: Can you swear with this pen?

Mr. Kitonga: No, take it away, it is yours and not mine! I am not committed to this report; I swear!

An hon. Member: I am trying to help you!

Mr. Kitonga: No, do not help me because I know you will be in trouble when that time comes!

Hon. Members: Hear! Hear!

Mr. Kitonga: Mr. Deputy Speaker, Sir, when we leave this House today, we should go and think again over this matter.

An hon. Member: *Lete ile kitu yangu!*

Mr. Kitonga: No, you should not say, “Give me that *kitu yangu*”, here. *Kitu yangu* is very bad Swahili.

Hon. Members: What is *kitu yangu*?

Mr. Kitonga: I am sorry, do not ask me what it means. I am sorry, Mr. Deputy Speaker, Sir, but the Assistant Minister here had said he has given me *kitu yangu* and grammatically this is very bad language down at Mombasa.

Hon. Members: Hear! Hear!

Mr. Kitonga: This is a very serious matter, and I wish the hon. Members did not interrupt me.

Mr. Mulwa: On a point of order, Mr. Deputy Speaker, the hon. Member who is now speaking seems to have a special understanding of what they are talking about with the Assistant Minister over there, which we did not quite understand. Could we be told what *kitu yangu* means as well?

Mr. Deputy Speaker: No, let him continue with his speech.

Hon. Members: We do not need to know it!

Mr. Kitonga: Mr. Deputy Speaker, Sir, the hon. Member should not disturb me because you very well know that the people of Nyanza have said time and again that *Kiswahili nagongana* because of lack of good Swahili knowledge and therefore, when he said *kitu yangu*, I am sure he did not know what it means. However, I am sure, Sir, that you know what it means.

However, Mr. Deputy Speaker, before I sit down, I wish to say that if the Government would take this Sessional Paper and tear it completely, and make sure that perhaps there will be a new “Kitonga report” perhaps, which will, in fact, benefit the citizens of this country, I will support it. However, I cannot support this particular Sessional Paper, Mr. Deputy Speaker.

With these few remarks, Mr. Deputy Speaker, I beg to reject this Sessional Paper completely.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): I would like to begin by saying that one of the good things that the colonial administration handed over to us was a good Civil Service. This is one of the few legacies that the Colonial Government gave to us. Unfortunately for us, when Ndegwa with his fellow commissioners prepared and produced this report, they demolished the very structure that was serving this country faithfully and efficiently. The Ndegwa Report was a new point of departure from the normal Civil Service that we are used to in this country and elsewhere. The only comparison that I can think of and which is similar to what Ndegwa prescribed for this country is the American Civil Service. We are a poor country and America is very rich and yet he seems to have copied from the American Civil Service where civil servants do certain things which have very dangerous consequences. I cannot think of anything better than considering the Ndegwa Report, as it stands, as a kind of cancer which is systematically destroying this country. Ndegwa Report has three or four very negative aspects.

The Ndegwa Report has a salary structure that only took care of the chaps at the top. The report did not consider all the civil servants as people serving the same Government and the same people. I, for one, would not like to condemn civil servants wholesale. Most of the civil servants have come out of this report very badly. They did not receive their proportionate share. I think it was most unfortunate that Ndegwa who had been a Permanent Secretary was made the head of the commission and he seems to have gone out of his way to glorify the position of being a Permanent Secretary. It is the Permanent Secretaries and a few top civil servants who have benefited from this and most of the civil servants have received very little increase. I would have preferred

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that before my friend and colleague, the Minister for Finance and Economic Planning brought this Sessional Paper for us to note, we, as a Government should have discussed it and come out with adjustments so that all the civil servants can benefit.

Secondly, Mr. Deputy Speaker, Sir, we have reached a point where we must freeze the salaries at the top. We must freeze the high salaries so that we can allow the small people to come up. This has happened not very far from us. A neighbouring country has frozen the salaries at the top and if we are going to have the kind of inflation that we have and we continue widening the gap between the rich and the poor we are going to live in a very sad country indeed.

The second point which has already been referred to is the use of public vehicles by a few top civil servants. To appreciate the seriousness of this case it is important to note that not even a Government Minister, not even the hon. the Vice-President of this country and not even the President of this country has this unlimited use of public funds in filling petrol and repairing Government vehicles which are used exclusively by a few public civil servants. These cars can go anywhere in the Republic and can be used at any time. The top civil servants do not know that there is an increase in the price of petrol because it does not cost them a thing. They can smash the vehicles and they will be repaired at public expense. What kind of society are we creating where a few top civil servants use public vehicles for whatever they want at public expense and nobody says anything.

Mr. Deputy Speaker, Sir, I believe that time has come that when the Minister for Finance and Economic Planning comes to reply, he should say that this thing should stop and that if we have copied this because it happens in the statutory boards—the general managers of statutory boards, the executive chairman of the boards use Government vehicles and the Permanent Secretaries who use Government vehicles will be restricted to using these vehicles only on official duties and that, once these duties are over at 4.30 p.m., they, like the rest of us, will take their own cars and that if the civil servants want to visit their homes or their farms, they will have to buy petrol like all of us do and drive their private cars and not Government cars.

Mr. Deputy Speaker, Sir, short of that we would be destroying our country and we would be creating a very false parallel. I do not see why there should be an argument that because it happens in the private sector then it should happen in Government. We have the power even to restrict, to impose the restrictions of salaries of the private sector. In any case the people working for the Government must consider themselves as offering some assistance to the community and that they should not ask for everything that is done in the private sector. Therefore, as far as I am concerned, unless this is changed I do not think that this Sessional Paper is worth noting.

Mr. Deputy Speaker, Sir, there is another aspect that I would like to refer to as a result of the Ndegwa Commission. Most of the civil servants are really frustrated over promotion. The Ndegwa Report said that the dead

woods should be removed. As we know the dead wood is still very much there. The dead Permanent Secretaries are still there. The dead top officials are still very much there. Because of the powers given to the so-called posting committee, because of the powers given to the Director of Personnel junior officers are being promoted. Junior officers who are probably connected are being promoted over their seniors to top positions. We are therefore, systematically, destroying the morale of our Civil Service. For God's sake, if we are going to be a country that we deserve to be we must go back to the old code of regulations and we must go back to where seniority counted. We cannot allow a system where somebody who is known to the Head of the Civil Service and where somebody who is known to the Director of Personnel is promoted over his senior and his senior has to be shunted to another Ministry at the same level so that you have an officer jumping two stages to become a Permanent Secretary while the Deputy Permanent Secretary is shunted horizontally so that he can give way. This is not good for our Civil Service and this is not good for the country and we must stop it.

Mr. Deputy Speaker, Sir, many hon. Members have referred to the question of our friends in the Civil Service engaging themselves in business. I think it is a mistake for us to condemn civil servants wholesale. Most of the civil servants do not benefit from this provision. This provision benefits only the very top few. The question of going into private business enables the top few civil servants who have the power to manipulate to get businesses for themselves and for their friends and what is worse they use Government offices, Government telephones and vehicles for conducting these businesses. It is here where it is extremely sad and we must try our very best to rectify the situation.

Mr. Deputy Speaker, Sir, I am not one of those who try to run away from responsibility. We as a House are not a party to the implementation of the Ndegwa Report. It is therefore important that the message should go out of this House loud and clear that the Kenya Parliament rejects the Ndegwa Report and that we reject it because we think that it is unfair to most of the civil servants.

Secondly, we reject it because it has introduced a new morality. It has introduced corruption, brotherization and evil in our Public Service. Because of this I would like to appeal to my friend, the hon. Minister for Finance and Economic Planning who has taken a lot of responsibility for defending all of us to think seriously about this report. However, Mr. Deputy Speaker, Sir, some sins of commission are extremely serious. The "Ndegwa Commission" has committed some of those sins. I think the only way by which we can rectify the situation is to reject this report and hope that the powers that be will have a second look at it and we can ask our Civil Service to revert to the old system that we inherited from the Colonial Government.

With those few remarks, I beg to reject the report.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I will try to be very brief on this report.

Mr. Migire: Declare your position on the matter!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, the hon. Member for Mbita should know that I speak my mind and that I do not need to declare my mind because he will know my stand on this report in the course of my speech.

Mr. Deputy Speaker, Sir, I think the "Ndegwa Commission", as described by various hon. Members tried its best to do what it did. I must thank them for staying for about two years wasting their times to produce something useless. I should in fact have thought that the Minister for Finance and Economic Planning should have been good enough to tell the commissioners, "gentlemen, this is an unacceptable report". But instead of doing that he uses the word "Note" in this Sessional Paper. Now, Mr. Deputy Speaker, Sir, when you are given this word "Note" you do not know whether you are supposed to accept or reject the report. You are supposed to only note the report probably in your notebook. I think this is a challenge that our brains are useless. Therefore, the alternative to noting something is just to say "No". Another hon. Member, in the course of his speech, said that the Minister objected to the use of the word "reject" on this report because it would be giving a negative response to the Motion. This being the case the best thing to do is to vote "No" to tell the people responsible for this report that we do not want it. They can implement it anywhere they like but they should not implement it by saying that they also took it to the House. This is a very serious matter. The brains of Hola, the brains of Bahati, the brains of Kitutu West and the brains of Butere are being used to note something which is useless. This is undermining the intelligence of some of us. Having made that general statement I would like to refer myself to some of the things which are contained in this report.

Mr. Deputy Speaker, Sir, we are being taken for a ride by this report. This is because the "Ndegwa Commission" says that the civil servants should not engage themselves in politics. But they are already politicians and there is no code of regulations which they are following, Mr. Deputy Speaker, Sir. For example, the minute you begin leading delegations to the President you cease to be a civil servant. But we have seen delegations being led by district officers, chiefs, provincial commissioners and by some other officers to the President. You cannot tell me that when you lead such a delegation you are not going to speak politics there. You cannot tell me that when you say "do not vote for this or that candidate" you are not talking politics. The "Ndegwa Commission Report" is convincing us that the civil servants have never and will never be allowed to venture into politics. But in the same report they have been allowed some little freedom which enables them to practice politics. Therefore you do not need to come and tell us in this House to accept a report like this one and to ask us to note it. The brains of Hola will be failing in their duty if they accept such a report. If they so wish they can wait for another man from Hola but the present one is not going to accept such a report.

Mr. Deputy Speaker, Sir, in this report they say that the car loan scheme for officers in the Civil Service should be increased from £700 to £900 which means Sh. 18,000. Mr. Deputy Speaker, Sir, this means a civil servant in the middle cadre will never own a car. But what they have done, the commissioners, is to allow the top men to have a free car while they are telling the men at the bottom to go on their own feet day in, day out. Where is the justification within the same Civil Service? How can there be justification when you give somebody money to buy a Mercedes Benz 350 or 250 to be running about in it when a person earning £700 or £900 or even £1,400 is told to buy his own car with his own money. Such officers are only eligible for a loan of £900, Mr. Deputy Speaker, Sir. This is to tell these officers to buy vehicles that will collapse 20 miles from Nairobi here. Where will they get money to repair those vehicles when they break down. We are really killing the same essence of time by allowing the top officers to enjoy the fruits of this country while at the same time they tell us that they are doing justice to their own friends who are in the lower salary scales. I do not think they are doing any justice to those officers.

Mr. Deputy Speaker, Sir, the same commission committed a serious mistake in another field. If you take the top executives in the Government how many of them are professionals? They are very few, Mr. Deputy Speaker, Sir. But what have they done to the professionals of this country like engineers, technicians and doctors? These professionals get very low salaries, Mr. Deputy Speaker, Sir. What does a provincial commissioner do to warrant a salary of £3,276 in comparison to a doctor? The provincial commissioner cannot live without a doctor while a doctor will live very comfortably without a provincial commissioner. The provincial commissioner is not an educationist to handle the education system in this country, he is not a trade officer to deal with loans in this country. He is nothing in actual fact because his duty is only to co-ordinate some little work of certain Government officers.

An hon. Member: While wearing a London bus conductor's uniform!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I am being told that his uniform looks like the one which is worn by conductors of London buses. Hon. Members have taken a great offence about this report but I think that description of the provincial commissioners uniforms is a matching description. Mr. Deputy Speaker, Sir, what I was saying is that this commission ignored the professional people in the Civil Service, as a result of which most of the professionals have decided to run away from the Government service. For example, in my own Ministry we had a number of engineers but they have all ran away because the money which they were getting there was very little. Whenever they complain they are always told that the Ndegwa Commission added them Sh. 21.50. What can you buy with Sh. 21.50 except a small breakfast in the morning? But the people at the top got a very high increase in their salaries. They used to get £2,080 but this was increased to £3,276. Some others moved from £1,866 to £2,334. They were getting an increase in the region of £300 when the man at the bottom only got Sh. 21.50 as an increase.

[The Assistant Minister for Information and Broadcasting]

These officers have no alternative but to leave the Civil Service. It is because of this reason that we shall in future be forced to recruit more expatriates from overseas to work in this country.

An hon. Member: That is what the commissioners had in mind!

The Assistant Minister for Information and Broadcasting (Mr. Kase): If that is what they had in mind then it is a very unfortunate thing for them to do. Why should we bring expatriates in this country whom we shall be forced to pay a lot of money? We should run away from the idea of recruiting more expatriates in this country. I think the Minister for Finance and Economic Planning should withdraw this document completely. Mr. Deputy Speaker, Sir, in certain sections I am told—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it possible to withdraw such a document? I think by withdrawing it we shall not have time to debate it so we shall not be doing ourselves any good by just withdrawing.

Mr. Deputy Speaker: (Inaudible).

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, in certain sections this report says that the Government is going to give consideration to certain aspects of the report. But this report was laid on the Table of this House three years ago.

Mr. Deputy Speaker, Sir, although this commission gave considerable increases in allowances given to top civil servants, they did not take the trouble of increasing the bicycle allowances for the small civil servants from Sh. 400 to Sh. 600. I think this is most unfortunate. Therefore, Mr. Deputy Speaker, Sir, I think our friends in the Civil Service at the top have been very unfair.

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir, we were told that the Sessional Committee had accepted this Motion to go for four days. Now, according to what we heard on the first day and what we have heard on the second day, today, it means that every Member speaking is against it and they are not interested in noting it. If the Motion will be allowed to run for the next two days, it means that Members will only be repeating their condemnation of this Motion and this means spending the time of this House unwisely. I was wondering whether the question should not be put now so that we reject it and go on to some other business tomorrow.

Mr. Deputy Speaker: You cannot put the question without the reply. The Minister has to reply to the Motion first before we can put the question.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, the hon. Member should know that the Mover must reply first before the question is put. I do not know if the Mover can reply now because there is no time to do that.

Mr. Deputy Speaker, Sir, I was coming on to talk about the Local Government Service Commission. I completely reject that we should have a commission

employing people here in Nairobi and then take them to Hola to run the Hola County Council. I am not happy with this idea. You can get the local people, train them and then make them more efficient but I do not agree with the idea of importing people from other areas to work in my county council. I am told the reason this decision has been taken is that the local authority executives find it difficult to deal with councillors. That is not the problem. The executives in the local authorities want to make as much money as what is happening in the Civil Service. What is wrong in other gentlemen making money? Therefore, they must conspire with their friends. If some people are busy grabbing, I do not see the reason why they should stop others. If you want to stop one, let us stop all. However, I personally refuse the idea of being told that we are incapable of training somebody from Moyale to run Marsabit County Council. We should never do this and I am hoping that the Minister for Local Government will bring a Bill to amend this and if he does, he should know that the views of the hon. Members in this House are very negative. It was rejected some time ago and I am sure the same thing might happen.

Mr. Deputy Speaker, Sir, I would like to end by just requesting those in the Civil Service not to think that we are totally against them, but what we are against is one point, that a certain group of officers within our own Government have agreed to be too greedy and we would like them to be brought lower than what they are now so that the bottom gentleman can be brought up.

Mr. Deputy Speaker, Sir, we were told by the Minister for Finance and Economic Planning that the civil servants earning less than £1,212 had their salaries increased because of the high cost of living. What did the top civil servants do immediately? Previously, I am told, the Government vehicles used by these gentlemen were allowed to run only 1,500 miles per month, but immediately the Minister for Finance announced the increase of salaries to the small civil servants, the top civil servants gave themselves unlimited mileage. This is the way they covered themselves up. Therefore, the lower group of Civil Service must know that this commission has been totally unfair to them. If you take the lowest paid civil servants, their salaries were increased from Sh. 180 to Sh. 200, an increase of Sh. 20 only. Do you think, Mr. Deputy Speaker, Sir, that an increase of Sh. 20 has helped this gentleman? So, my only suggestion is to reject this report and find some neutral gentleman who can progressively look at this country with its wealth and head another commission. The Minister for Finance talks of expenditure in this country going too high. Has he ever worked out for us in this House how much a Government vehicle, used on private purposes, is spending every month? If he does that, I am sure he will be convinced that we are trying to be very unfair to the same Government which we support.

Mr. Deputy Speaker, Sir, efficiency in the Civil Service leaves a lot to be desired. I have said it here before and I want to say it again that at 4.30 p.m. the same Government executives use these Government vehicles for going to bars. I am saying this with no regret because I know a number of vehicles I have

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seen outside bars. If this is exactly what the Ndegwa Commission is giving a chance to these people to do then this country is ruined.

With these few remarks I, personally, with the voice of the people of Hola reject this Motion.

Mr. Mulwa: On a point of order, Mr. Deputy Speaker, Sir, can we now call upon the Mover to reply so that we get a chance of rejecting it and move on to some other business?

(Question that the Mover be now called upon to reply put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, I am very grateful for the contributions by the hon. Members on this Motion. However, the Motion that was moved earlier on today allows the Mover 30 minutes in replying. This is a fact which this House did pass earlier on. So, the hon. Member for Kitale West must allow the Mover to have his 30 minutes and then he can please himself.

Mr. Deputy Speaker, Sir, many hon. Members have made many significant contributions to the debate on the Ndegwa Commission. Let me make two points very clear although I did so when I moved the Motion. It is not true to say that we have illegally or wrongly implemented the remuneration aspect of this report. That is not true. Just this year we did a review between the Government and the Civil Servants Union which resulted in what the Member for Hola was saying, an increase of 25 per cent for the lowest paid civil servants. That kind of review is done on a continuing basis regarding salaries and it is implemented on a continuing basis as between employer and employee. These are points one should set on one side regardless of what one thinks about the total report and all other policy recommendations. This is one point of proper behaviour on the part of the Government which must be put beyond dispute.

MOTION FOR THE ADJOURNMENT

CLOSURE OF RAILWAY LEVEL CROSSING AT KIKUYU

Mr. Deputy Speaker: Will a Minister please move that the House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Works (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I rise to raise a matter concerning the railway level crossing at Kikuyu due to the unsatisfactory reply that I received to my question concerning the same matter, by the Minister concerned, namely the Minister for Works. Mr. Deputy Speaker, Sir, this may look a very minor case, but I would like to assure the House that it is a very serious matter. Sir, communication in the world is one of the most important aspect of national development and this is why the Government is spending a lot

of money to build good roads for us and at the same time providing telephone and other forms of communications. Therefore, when we are planning for these things, we must take into account the human aspect in so far as human beings are concerned. Mr. Deputy Speaker, it is true that the Government builds roads to convenient people and also to accelerate development.

Mr. Deputy Speaker, Sir, those hon. Members who have been to Kikuyu Town or who may have studied at Alliance High School, know the geography of this area very well. We are grateful that the Government has built a new road for us because this road is being very useful to us indeed. However, the old road, definitely has something to contribute towards the development of Kikuyu Township. I am saying this because with the opening of the new road, the old was closed at the railway level crossing. What this means is that the people living on the Karai side of Kikuyu Division cannot come directly to Kikuyu town and they have to go round for two or three more miles than they used to do before the closing of the old road, before they can come to town. This has caused a lot of inconveniences to the people living around Karai area. It is common knowledge that travelling for a distance of three or four miles is not an easy thing, particularly to people who own vehicles. What this means is that many people are discouraged from coming to Kikuyu Township for trade or for some other business.

Therefore, Mr. Deputy Speaker, Sir, I do not see any reason why this road should be closed thereby creating a lot of inconvenience to the people. The closing of this road also means that people are not able to report any cases of stock-theft or other crimes, to the police station at Kikuyu Town immediately because they have to travel for extra three or four miles to reach the town. People at Kikuyu Division have no telephone and by the time a person reaches the police station, the criminals have disappeared because of the extra distance they have to cover.

Mr. Deputy Speaker, at the same time the Divisional Headquarters is at Kikuyu Township and therefore, whenever a person wants to contact the administration, he cannot go directly to the Divisional Headquarters without covering an extra three or four miles. Mr. Deputy Speaker, the township also contains a market place which means therefore, women going to the market have to cover an extra four miles to reach the market. Now, Sir, my question here is: what was the purpose of closing the road. For what reasons was the road closed? There is no reason why people cannot use both the old and the new road if they want to. Therefore, could the Minister tell me why he decided to close this road.

Mr. Deputy Speaker, when the Minister was replying to my question, he told me that one of the reasons for closing this road is to safeguard the lives of people using it while at the same time, the railway crosses the road. However, I would sincerely like to say that this is not the case because this railway crossing level has been there for very many years since the Kenya-Uganda Railway was built. Since the life history of

[Mr. Gatuguta]

this place, I have never heard of any accident caused by train crossing at this point. If there had been several cases of such a kind then we would conclude that the spot is dangerous. However, there has never been any accident there. So, I wish to ask the Minister concerned to consider the question of re-opening the level crossing very seriously for the convenience of the people. As I said earlier, whatever we do we must consider the human aspect first.

It is being said that because a new railway bridge has been built across the new road it is not necessary to have the level crossing. There is no harm, Mr. Deputy Speaker, in having the level crossing. In fact, the public do not use the new railway's bridge which has been built because it was built for the train. Our attention should be directed to the place whereby our people are being inconvenienced. Of course, we, in Kikuyu, are very grateful to the Minister for having constructed that road, but, we should not inconvenience our people because of certain technicalities. I am sure Government does not want to spend money in employing a guard to put barriers on the road to stop vehicles from crossing the railway line when a train is passing just because they have already spent a lot of money in constructing the bridge. In fact, we do not need the guards. There are other places where vehicles move quite safely without being directed by guards. This being a purely humanitarian question, I hope the Minister will help us. There should be no negative attitude whereby Ministers say that this and that should be done in this and that way. If you consider this humanitarian problem, then whatever good Government does the people do not appreciate it because of the inconveniences they are being subjected to. I would like the Minister to consider this matter very seriously and then let us know whether they are going to re-open the road immediately so that the business in Kikuyu may continue thriving properly. At the moment the closing of this road is discouraging the people from going to the township. This means, therefore, that Kikuyu Township may not develop as well as it has been developing.

With these few remarks, I beg to move.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like to second this Motion. I hope the Minister will bear with me when I say that the hon. Member for Kikuyu has a case because the level crossing has been in existence before the newly constructed road was built. In fact, it was there before the Minister was born. I understand the Minister was educated around that area. Maybe, he was at Kikuyu Town one time during his school days. I think he knows the area which the hon. Member is talking about and he still recalls what used to happen in those days when there was no civilization. Since the Minister is now civilized I am sure he does not think that the Member for Kikuyu is asking for too much from him.

The Minister for Works is very logical, reasonable and quite approachable. We also know that he is a Minister who is very considerate and therefore, I think he is going to use his wisdom to see to it that he does something about these people.

Mr. Deputy Speaker, Sir, it will be a great shame if Government which is expected to take care of human beings in this country turns up to be against the same principle. I do not mean that this Government is doing that, what I mean is that the whole thing is at the discretion of the Minister who supports the rule of law. Since these people of Kikuyu also support the rule of law, it is only fair that he continues dealing with this case on that basis. He should forget the demerit which has been brought about by those people who introduced it during the time of planning. It is not the hon. Member for Kikuyu who has to blame for this; the blame should be put where it belongs. In this particular respect, the blame is on the Minister. This is because it is the people from his Ministry who did survey and construct the road bearing in mind that there was a place known as Kikuyu Town whereby people due to nature of social and economic circumstances are on one way or another bound to meet there for business purposes.

Mr. Deputy Speaker, Sir, we know very well that if this place is not going to be opened for people to use, that particular area is going to suffer economically. It is on this very reasonable request that we hope the Minister is also with us. I say so because I understand that he is a representative of the people and therefore, he cannot think in a different way other than in the same way we, representatives of the people in this House, would otherwise think. We are urging the Minister on a fundamental principle, humanitarian principle which is provided for in the Kenya Constitution. These people who used to go to the town now find it difficult to do so.

Mr. Deputy Speaker, Sir, I know that the hon. Member for Kikuyu never brings anything in this House which has no bearing with his constituents. I also know that the Minister for Works is popularly known as a Minister for "construction". I know that he is constructive and he must go by his usual humanitarian principles. I am trying in fact, Sir, to sooth the Minister so that he accepts the genuine request of the hon. Member for Kikuyu.

When this question was being answered, Sir, I was in this House and witnessed the Member for Kikuyu being given unsatisfactory reply. It is in this respect that I support the hon. Member for Kikuyu. I hope that the Minister will take this matter seriously as a Minister who is known to be considerate.

It is my view that we should take seriously the lives of people living around railway crossing. These people are open to attacks by gangsters between Karai and Kikuyu Township. Sir, you might have taken beer or *karugu* and when crossing over the railway crossing, Sir, demagogues set on you with *pangas* and other dangerous weapons. For this reason, Sir, I feel that lives of innocent people are being exposed to gangsterism and therefore I highly commend this Motion to the House so that the Minister can do something about it. I do not see why people in that area should not have accessible route from Kikuyu Township to Karai.

With those few remarks, Sir, I beg to second the Motion.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, thank you for this opportunity. Sir, I will be quite brief.

I have listened to the views of the hon. Mover and his Seconder has contended to support. I am taken by surprise because if it were not that we are approaching elections, I would have thought otherwise. Nevertheless, Sir, the hon. Member for Kikuyu is entitled to be heard by his people.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, do you allow that insinuation by the hon. Member speaking? Do you not agree with me that his remark concerning elections does not arise here? We would like people in that area to be provided with Government services.

The Minister for Works (Mr. Nyamweya): Mr. Deputy Speaker, Sir, if the hon. Member for Embakasi was patient enough he would have heard me say that I am going to accept his Motion. However, such is the kind of impatience that does not help. Mr. Deputy Speaker, Sir, I believe that every hon. Member of this House is entitled to be heard in silence. I am sure that the hon. Member for Embakasi will agree with me that my people in Nyaribari would also like me to say something on their behalf in this House. I am sure that the hon. Member for Embakasi can also help me in one way or the other.

However, for the information of the House the hon. Member and I have talked over this matter at length. Right now, I am in possession of a number of letters from the same hon. Member. This is a matter I hope to settle in the next few weeks. I think it is very unfair or premature for me to commit myself at this stage before I have looked into this matter carefully. This matter does not concern me alone, because this is something I will have to consult the Minister for Power and Communications. There is a possibility of me acceding to the request by the hon. Member for Kikuyu, although the argument which has been put forward this afternoon by the hon. Member was not very convincing at all. The duty of those people who design roads is to make sure that they minimize risks on such roads. This is one of the reasons why this railway level crossing was closed down because it was considered to be dangerous to human life. These are aspects which concern me most. I would also like to state that my Ministry has no serious objection to this Motion. I am also certain that the East African Railways Corporation will not object to this request. However, before any thing is done, we have to be satisfied that whatever is going to be done is going to be done in such a way that we shall be able to minimize risks at this particular spot.

We know that any road or railway line which is constructed is done to be used by *wananchi* and that is the reason why we are not taking this matter lightly, Mr. Deputy Speaker, Sir. Although a railway cross level is a useful thing, in some cases it can be dangerous if it is not done in the proper way. This is the aspect which we shall have to look into later on, but due to urgency of the matter realizing that the elections are just by the corner—however, I am going to accommodate the hon.

Member's request by promising him the necessary support in respect of this matter.

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

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, in the first place let me say that I am grateful to the hon. Minister for giving an indication that this matter is going to be looked into. However, I feel that the Minister has no right to imply that I would not have raised this matter if the General Elections were not going to be held soon. Is the hon. Minister in order to allege such a thing when he knows that on several occasions I have raised similar issues which are genuine?

Mr. Y. Ali: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak in this very important Motion. Following the Minister's reply to the question raised here sometime, I would like to say that when this question was asked in this House, I was present in the House. However, what has now come from the Minister as a reply to this question is that it is not the Minister or his Ministry but it is the railways authority who have adopted a very negative attitude for quite some time now as far as railway crossings are concerned in this country. For instance, at Kibera Station, we have had a railway level crossing that was closed sometime despite our strong protest against the move. Now, on this Kikuyu road, I think while the Minister or the railway authorities are pointing one finger to somebody else, or to the Kikuyu people, they must realize that they are pointing themselves with three other fingers at the same time. We are now talking of something that was in existence because there was a railway level crossing for many, many years at that particular spot. Therefore, I do not see any reason why the railways authority cannot allow the people of Kikuyu to continue using that same railway level crossing that they have been using for many years. I do not see any point of increasing the rate of accidents or endangering the lives of the poor people at Kikuyu. That level crossing at Kikuyu has been there for many, many decades; in fact, 50 years ago it was there. Therefore, I fully support this Motion and urge the Minister to tell the railways authority that there is no reason whatsoever for closing this crossing because by closing this level crossing, it means that they are putting the people of Kikuyu into hardships. I understand that all this has been done on humanitarian grounds. The railway level crossings are for the human beings and, therefore, as the Minister has put it they are there for safety reasons. However, this level crossing has been there at Kikuyu for the last 50 years and, therefore, the question of safety does not arise.

Mr. Deputy Speaker, Sir, we appreciate what the Minister and his Ministry have done in opening new roads in that area but that should not be the excuse of closing down the railway level crossing at Kikuyu because this has put very many people into hardships. This has also given the thugs and the hooligans a weapon to hit hard the people of Karai.

[Mr. Y. Ali]

Finally, Mr. Deputy Speaker, Sir, I would like also to remind the Minister that when he says that the hon. Member is trying to do this because the elections are just around the corner, I think that is very bad. Does it mean that because elections are just around the corner that we, all hon. Members in this House, should not raise any questions on problems affecting our people? Does it mean that we should keep quiet? Does it mean that when we come into this House we should keep mum until the time is over and then we go home simply because the elections are just around the corner? Mr. Deputy Speaker, Sir, if that is the Minister's contention then, I would like to ask him as a Minister of this Government to advise His Excellency the President to recess the House now or tomorrow so that we go

out for elections and come back with fresh mandate from the people so that when we speak then we shall be speaking with full mandate of our people. I do not want us to be harassed or pushed about by this question of elections and the rest of them. Mr. Deputy Speaker, Sir, we are not afraid of elections just like we are not afraid of death because any human being must pass away at one time or another.

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

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 5th June, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 5th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

NOTICE OF MOTION

EXPANSION OF UNIVERSITY OF NAIROBI

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

THAT, noting the number of students who are likely to miss university entry, and the fact that the University Campus and the Halls of residents are congested, this House urges the Government to expand the University to include Kenya Science Teachers College and the Egerton College.

ORAL ANSWERS TO QUESTIONS

Question No. 305

APPOINTMENT OF PROBATION OFFICERS

Mr. Nthenge asked the Vice-President and Minister for Home Affairs why it is that 20 probation officers who complete their course at the Kenya Institute of Administration, Kabete, in December, 1972, have not been properly appointed.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply.

The officers referred to by the hon. Member have now been properly appointed in the right grades by the Public Service Commission. It is understandable, Mr. Speaker, that the hon. Member was much concerned with the delay, but this has been put right.

Mr. Nthenge: Mr. Speaker, Sir, would the Assistant Minister tell the House what caused this delay?

Mr. Shikuku: Mr. Speaker, Sir, after these officers completed their training at the Kenya Institute of Administration, they were posted to the field earning a salary of Job Group D which is meant for trainees. This matter was brought to our attention and we made a request to the Public Service Commission in order to have them placed in the proper grade which is Job Group F. The Public Service Commission agreed to place these officers in this grade and at the same time agreed to back-date the appointment to January, 1973, in their letter 227/5/11 dated 3rd April, 1974. Mr. Speaker, some of the things that the Public Service Commission ought to have known were not drawn to their attention and, therefore, it took quite some time to have this situation corrected. However, the officers concerned did not lose any money at all because the appointment was back-dated to January, 1973 while they had completed their course in December, 1972.

Mr. Mboja: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, could he tell this House when these officers received the letter back-dating their appointment to January, 1973?

Mr. Shikuku: Mr. Speaker, Sir, this letter, whose reference is 227/5/11, was dated 3rd April, 1974.

Mr. Nthenge: Mr. Speaker, Sir, would the Assistant Minister agree with me that it is improper for any institution to ignore the Public Service Commission which is responsible for employing the civil servants? The Assistant Minister, in fact, has not told us why there was such a long delay in placing these officers in their proper grade.

Mr. Shikuku: Mr. Speaker, Sir, I do not know why the hon. Member does not understand what I am saying. I have said that the appointment was done by the Public Service Commission and they are the people who graded these officers and, therefore, the Public Service Commission was not ignored as he alleges.

Question No. 324

REPAIR OF KATANGI DAM

Mr. Kiilu asked the Minister for Agriculture when his Ministry is going to repair the Katangi Dam in Kinyaata Location which has been damaged by heavy rains.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

The repair and maintenance of Katangi Dam has been the responsibility of the County Council of Machakos and not my Ministry and I would like to suggest that the hon. Member takes up the matter with the Machakos County Council Authorities.

Mr. Kiilu: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, does he want to tell us that his Ministry cannot consider offering any type of assistance towards the repair of this Dam?

Mr. Khaoya: Not quite, Mr. Speaker, Sir, but on many occasions we have explained in this House that priorities for such projects should come from the local authorities or the district development committees and every hon. Member of this House is a Member of such committees.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that county council has no funds to enable it to undertake the repair of this dam, would the Assistant Minister give an undertaking in this House that his Ministry is going to assist it in this work?

Mr. Khaoya: Mr. Speaker, Sir, we are carrying out survey in the area with a view to finding out how best we can help the situation in the area and we envisage the construction of five dams between now and the end of next year and Katangi will be one of the areas to be surveyed. If it is found that Katangi is one of the most suitable places as far as the construction of dams is concerned, we shall definitely issue the necessary funds.

Mr. Kiilu: Mr. Speaker, Sir, could the Assistant Minister tell the House whether or not he is aware that we had recommended in the district development committee that some money should be sent to this area because it was hard hit by the recent drought?

Mr. Khaoya: I agree, Sir, that we have recorded that in the 1972/73 fiscal year the Machakos District Development Committee allocated some Sh. 10,000 for this work and I would like to inform the hon. Member that I am going to find out how this money was spent.

Question No. 329

GROWING OF GROUNDNUTS IN BUSIA

Mr. Ebu asked the Minister for Agriculture whether the Government is behind the current groundnuts campaign that has been quietly taking place in some parts of Busia North Constituency following its announcement that the co-operative unions in the district should get ready to take over the operation of the two cotton ginneries in the area.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

I wish to make it crystal clear to the hon. Member for Busia North that the Government intention is to promote the production of all crops wherever they are found viable. In the case of groundnuts in Busia, it is not intended that its promotion should be done at the expense of cotton and, therefore, any on-going campaigns by my extension staff and others must not be viewed as having any ill intentions against the promotion of increased cotton production in the area including the proposed take-over of ginneries. For this reason, it is expected that the people of Busia will support the efforts of the Government in the promotion of increased production of cotton and groundnuts and other crops in the area.

Mr. Ebu: Mr. Speaker, Sir, while I agree with the Assistant Minister that the growing of groundnuts is a very welcome idea since it will enhance the production of oil which we have had to import from Uganda and other places up to now, is the Assistant Minister right in implying that his Ministry has been behind the groundnut growing campaign in Busia North Constituency when it is quite clear that a certain Asian whose ginnery is just about to be taken over by Africans is trying to sabotage the take-over by introducing the growing of groundnuts in the areas which have been growing cotton for a long time?

Mr. Khaoya: Mr. Speaker, Sir, I take that as an unfounded fear. Messrs Kenya Peanuts Limited are the processors of groundnuts and they are based at Kisumu. They have a limited number of staff, and we help them in advising farmers as to how best to grow groundnuts, including the availability of seed. We always welcome anybody who can assist the efforts of the Government. For instance, recently, when some farms were available for the growing of sunflower and so on, efforts by individuals, private companies and other groups were very much welcome. After all, we are the people to benefit out of these efforts. Hon. Members have been hearing on the radio, almost every evening, a broadcast on how much a bag of groundnuts is going to cost. In fact, a figure of Sh. 158 per bag has been quoted. What is wrong if our farmers are going to get such money? After all, we are the people who are going to grow the crop.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell this House how the Government is going to help groundnut growers in Busia District since they have already failed to help the cotton growers in that they have withdrawn manpower and the cotton experiment team from there?

Mr. Khaoya: Mr. Speaker, Sir, my Ministry is not as pessimistic as the hon. Member; he has painted a very gloomy picture with regard to the area. In our view the people of Busia are doing an excellent job in producing cotton. They have had all the necessary support from our Ministry. The officers who were employed by the Cotton Seed and Lint Board were removed from there but we took them to our Ministry and they have continued to do the same work. Once more, I would like to thank the people of Busia for their persistent efforts in growing cotton. Should they find it difficult, or should they require Government services, let them report to us and we shall be there at their service.

I would also like to appeal to the people of Busia through hon. Members once more that cotton and groundnuts can be very lucrative cash crops, and, therefore, they should fall heavily on growing them. Any efforts to encourage this will be very welcome to my Ministry.

Mr. Ebu: Mr. Speaker, Sir, if it is true, as the Assistant Minister claims, that the Government is behind the production of this commodity, why was it that when I contacted his field staff at Busia they seemed not to be aware of that particular exercise?

Mr. Khaoya: It is interesting to hear that our officers were not aware of that. I do not want to believe the hon. Member on that one.

Question No. 294

SHAREHOLDING IN KENATCO TRANSPORT COMPANY

Mr. arap Cheboiwo asked the Minister for Commerce and Industry—

- (a) what percentage of shares the Government holds in KENATCO; and
- (b) whether there has been a meeting of the shareholders including those who contributed Sh. 100 a long time ago.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, I beg to give the following reply.

(a) Government owns 90 per cent shares of the total share capital in KENATCO Transport Company Limited through the Industrial and Commercial Development Corporation.

(b) Annual general meetings of the shareholders are held as laid down in the Company Act. In the case of the Kenya National Transport Co-operative Society and its members, their shareholding is held in trust by the Ministry of Co-operatives and Social Services and the Permanent Secretary for that Ministry attends meetings on behalf of the co-operative.

Mr. arap Cheboiwo: Mr. Speaker, Sir, the reply to part (a) of the question, that Government owns 90 per cent of the shares, is quite clear. However, the reply to part (b) was not clear. Can the Assistant Minister elaborate on that?

Mr. Wood: Mr. Speaker, Sir, what the House should know about this company is that at the time Government took over its management it was agreed by

[The Assistant Minister for Commerce and Industry] the parties concerned, that is the co-operative society and the Government, that Government form a new company by the name of KENATCO in which Government would acquire 90 per cent of the share-holding leaving the balance to the co-operative society. It was also agreed that the Ministry of Co-operatives and Social Services would look after the interests of the co-operative society in the new company. Accordingly, the Permanent Secretary for the Ministry of Co-operatives and Social Services was appointed the director of the new company. Therefore, a shareholders' meeting is held annually by representatives of the Industrial and Commercial Development Corporation and the Permanent Secretary. No one else is required to attend.

At the time of the take-over the assets of the co-operative were not enough to enable it to physically acquire the 10 per cent of the required share capital. The co-operative society had also huge debts which were passed on to the new company with the result that in the KENATCO books the co-operative society owes KENATCO about £25,000.

During the last three years KENATCO has been making profit, but this has been offsetting debts accumulated during the initial years of its operation. It is likely, however, that dividends may be declared this year. Should this be done, then the co-operative society may be called upon to meet its indebtedness to the company.

It is also known that the co-operative members have not been meeting for many years and their legal existence is, therefore, questionable.

Mr. Kanja: Mr. Speaker, Sir, while I appreciate the lengthy answer given by the Assistant Minister, why should he ignore the fact that the whole exercise was the brainchild of the poor people? Now, since the Government thought it fit to join that small group, why is it that they have not helped them to benefit from the expanded KENATCO yet they are the people who actually started the whole exercise?

Mr. Wood: Mr. Speaker, Sir, in my answers I have pointed out that the Government, by taking over KENATCO or the co-operative society, had no intention of exploiting the people who were the original founders of the society but to salvage them for the simple reason that because of the economic circumstances they were not able to pay the initial 10 per cent payment which was required at that time. Therefore, the Government came in to help the co-operative society to be what it is now.

Mr. Amayo: Arising from the Assistant Minister's reply, is it constitutional that the directors should meet and the shareholders are ignored in such meetings?

Mr. Wood: With all due respect to the hon. Member one thing we must understand is that Government has not neglected the original founder of the society; but in forming the KENATCO from the co-operative that it was originally, the Government had to take some steps so that the Company itself might be viable of which the state has justified itself now. In this case, it was in order for the Government to have intervened

through the Industrial and Commercial Development Corporation and to have brought the situation to what it is now. The members, as I said earlier on, have not been denied the meeting; it is up to the co-operative as such to call such meetings and inform the Permanent Secretary to the Ministry of Co-operatives and Social Services and the representatives of the Industrial and Commercial Development Corporation to attend. However, unfortunately, this meeting has not been called.

Mr. Nthenge: Does the Assistant Minister not accept that it is time the shareholders of the co-operative—the people who contributed Sh. 100 and so on—were informed of the position as of now? If so, will he ask the Ministry concerned to order that meetings be held so that shareholders are kept informed?

Mr. Wood: Mr. Speaker, Sir, I am glad to tell this House that as it was put forward by the hon. Nthenge, this matter is in hand now. As I said in the last part of my answer, KENATCO has been making a profit and within this period of this year they may declare dividends; and in that case they will have to call the original members of the company and tell them exactly what has transpired.

Question No. 216

ZEBRA CROSSING ON KARANJA ROAD

Mr. Y. Ali asked the Minister for Local Government whether, in view of the fast-moving cars on Karanja Road, the council will provide a zebra crossing and bumps near the primary school as a matter of great urgency.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

Because of the danger to the moving vehicles themselves, it is not advisable to provide bumps on public streets. The Nairobi City Council, however, will be providing a zebra crossing or a special school crossing on Karanja road. It is considered that a special school crossing would be preferred as the school would then be obliged to employ a warden to guide and control the school children while crossing the road.

Mr. Y. Ali: Since the matter was brought to the attention of the Nairobi City Council about a year ago and no action has been taken, would the Assistant Minister tell us when the City Council will provide a warden or a zebra crossing on that dangerous road?

Mr. Ogutu: Mr. Speaker, Sir, I will give directives to the Nairobi City Council to mark a zebra crossing immediately. As far as the recruitment of a warden is concerned, I will have to consult them and find out if they have any money to spare for that purpose.

Question No. 327

TEACHERS CONTRIBUTIONS TO NATIONAL SOCIAL SECURITY FUND

Mr. Marete asked the Minister for Labour:—

- (a) whether he was aware that untrained teachers had been contributing to the National Social Security Fund until September, 1973 when the deductions were discontinued; and

[Mr. Marete]

(b) whether they would be refunded the money which had been deducted by then.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

(a) All untrained male teachers are eligible to become members of the National Social Security Fund as are all civil servants serving on temporary terms.

(b) Certainly, my Ministry has not stopped any contributions from these teachers and as far as I am aware, they are still contributors.

The question of refund to the teachers from the National Social Security Fund does not, therefore, arise.

Mr. Marete: Arising from the answer by the Assistant Minister, since all untrained teachers are on temporary terms, and now some of them have been sent away from their jobs, when are they going to be refunded their money?

Mr. Kibisu: The rules of the National Social Security Fund provide that withdrawal from the fund for any reason is impossible until the contributor is 55 years of age.

Mr. Karungaru: Arising from that reply and bearing in mind that these teachers have dependants whom they would like to support and they are perhaps still unemployed, would the Assistant Minister consider helping them outside this law which the Ministry had enacted without knowing its cause and effects? Now the Assistant Minister has seen the effects.

Mr. Kibisu: Mr. Speaker, I sympathize with the emotional sentiments of the hon. Member for Embakasi. However, the rules of the "game" are that one is not qualified to withdraw from the fund until maturing age.

Mr. Marete: I clearly understand the answer by the Assistant Minister. However, the question is: if you send me away from your job, so that I am not employed by you any more, why should you keep my money while I need it?

Mr. Kibisu: I will keep it and save it for you until you are no longer fit to work; that is up to when you are at the age of 55.

Question 169

ALL-WEATHER ROADS TO MACHAKOS AND KITUI

Mr. Nyaga asked the Minister for Works when there will be all-weather roads between provincial headquarters and Machakos and Kitui.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

The hon. Member, surely, must know that one would get to Machakos, from Embu, quicker if he travelled via Nairobi on a first class bitumen road. Also, the Ministry is currently re-constructing the Machako/Kitui road, part to bitumen and part to all-weather gravel standard. A great deal of betterment work has been carried on on the direct Embu/Kangondi/Kitui road. Between Tana River/Kangondi and Kitui, a completely reconstructed all-weather road has been completed with

a number of high-level bridges to replace drifts which hitherto were not passable during rainy days. With this information I am sure the hon. Member will appreciate the good work that has been done and which is still in progress.

Mr. Nyaga: While thanking the Assistant Minister for the work done on Embu/Kitui road, would the Government consider having a similar road directly connecting Embu and Machakos instead of the one through Nairobi which doubles the distance?

Mr. Kuguru: Mr. Speaker, Sir, as I have said, reconstruction of these roads is being carried out. We are not limited to one part of the country; we are considering the betterment of roads all over Kenya.

Mr. Mutunga: Thank you, Mr. Speaker, Sir. Arising from the Assistant Minister's reply, where he mentioned the reconstruction of a road between Machakos and Kitui and said that part of it would be bituminized and the other part to be put to all-weather standard, would he tell us which part will not be bituminized and what is the reason for that?

Mr. Kuguru: Mr. Speaker, Sir, it depends on ingredients. It is our experience that if you only graded a road, it is damaged by rain within no time. What we do, and this is because of lack of sufficient funds, Sir, is bituminize the steep portions of the road.

Question No. 221

LODWAR CEMETERY

Mr. Ejore asked the Minister for Health whether he is aware that Lodwar cemetery is in the centre of the town and it is unfenced, as a result of which corpses are scattered all over the place by hyenas and dogs at night; and that the Ministry should advise for a better site in conformity with the provisions of the Public Health Act.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

The maintenance and upkeep of the cemetery is the responsibility of the Turkana Local Authority and not the Ministry of Health. However, the local authority has been asked to have the present cemetery fenced, and if nothing happens, it is suggested that the hon. Member takes up the matter with the Minister for Local Government.

The Ministry of Health is not aware that corpses at Lodwar Cemetery are being dug out from the graves by hyenas and dogs.

Mr. Speaker, Sir, we have been informed that a new site for a cemetery will be incorporated in the new plan for Lodwar Township.

Mr. Ejore: Arising from the Assistant Minister's reply, especially where he says that the Ministry is not aware that corpses are eaten by hyenas and dogs, is he aware that the cemetery is only five yards from the main road? In fact, the doctor, medical technician and other *wananchi* pass along the main road and see corpses exposed in graves. Is he aware of this?

Mr. Jahazi: Mr. Speaker, Sir, if we were to think about the question a little seriously, we may be inclined

[The Assistant Minister for Health]

to feel that it is a little exaggerated. When the hon. Member says that corpses are scattered all over the place, does it mean that people in that area die in hundreds every day? Well, had he said that one or two corpses have been exposed, then this would have looked normal. If a mannerless hyena dug out a corpse some time back, then I think the remedy would be to fence the cemetery. Nevertheless, that is not our responsibility. From the Floor of this House, Mr. Speaker, Sir, I am sure that the Ministry of Local Government is hearing what we are saying now.

Mr. Murgor: According to the laws of this country, Sir, dead bodies must be buried. Are we being made to understand that in Turkana these laws do not apply and as a result dead bodies are just left lying on the ground where they are eaten by hyenas and dogs? Is the law not applicable in that area?

Mr. Jahazi: Mr. Speaker, Sir, I think there is no law forcing people to bury dead bodies. The other day, Sir, the hon. Attorney-General suggested that dead bodies should be left in the open to be eaten by hyenas.

Mr. Murgor: On a point of order, Mr. Speaker, Sir. Is the hon. Member not misleading the House by saying that there is no law whereas we know that under the Chiefs Authority Act chiefs have to ensure that the dead are buried? Is he not misleading the House when we know that there is a law in our Statute Books, namely, Chapter 128, sub-section 10 (f)?

Hon. Members: Hear! Hear!

Mr. Jahazi: I am grateful to the hon. Member for that information. He is knowledgeable in these matters because he has been an administrator. However, I think his supplementary question has very little to do with the main question. The hon. Questioner is not complaining that dead bodies are not buried, but that hyenas dig them out. I think the remedy is to fence the place. However, I have already said that the cemetery is being moved from the present site to somewhere else. I hope that the new cemetery will be fenced to prevent hyenas from digging out dead bodies.

Mr. Ejore: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that the question is a little exaggerated, is he aware that graves are not deep enough? The graves are not dug to a depth of, say, more than three feet. In fact, the graves are only one and a half feet deep and this makes it easy for hyenas to dig out the dead bodies. Is he aware of that, Mr. Speaker, Sir? If a corpse was buried yesterday and the following morning, the grave is empty, where would you say the corpse went?

Mr. Jahazi: Mr. Speaker, Sir, I do not know where the corpses go. However, the hon. Member is telling the House that Turkana do not dig graves deep enough, but merely dig shallow graves whereby hyenas find it easy to scoope out the soil and remove the bodies. However, if they dug, say, seven feet or ten feet deep, hyenas would not get to the bodies.

Question No. 317

EXPANSION OF KITUI HOSPITAL MATERNITY WARD

Mr. Kitonga asked the Minister for Health:—

(a) when his Ministry is going to expand the Kitui District Hospital maternity ward to accommodate the increased number of expectant mothers; and

(b) why it is that patients suspected of suffering from Tuberculosis are mixed with other patients in the hospital.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

(a) The expansion of the Kitui District Hospital maternity ward is included in the 1974/75 Financial Year, subject to availability of funds.

(b) Sir, plans under way of an up-to-date isolation ward for communicable diseases at Kitui District Hospital. Instructions have been issued to Kitui Hospital to the effect that they should revert to the old system which separated Tuberculosis cases from the rest.

Mr. Kitonga: Arising from the Assistant Minister's reply, would he specifically tell the House the plan which is under way.

Mr. Jahazi: Mr. Speaker, Sir, plans here means preparations for the next financial year when we shall start constructing what I have described here.

Mr. Tsuma: Arising from part (b) of the Assistant Minister's reply, could he tell the House whether there is a separate ward to accommodate Tuberculosis cases?

Mr. Jahazi: As a matter of fact, Sir, this has already been carried out. It has been done in the following manner: Sir, male patients have occupied the former male surgical ward and the surgical cases put together with medical cases. The female tuberculosis patients have occupied the former female surgical ward and the female surgical cases have moved to female medical ward.

Dr. Munene: Arising from that reply, does he mean to tell us that it is only recently that tuberculosis cases were separated from other cases?

Mr. Jahazi: Yes, Sir.

Mr. Speaker: Let us go back to Mr. Araru's question.

Question No. 238

DISMISSAL OF PRISON WARDEN

Mr. Araru asked the Vice-President and Minister for Home Affairs why Miss Kairo Bagaja of the Government of Kenya Prison, Marsabit, was dismissed from the service after working for more than seven years on temporary terms.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to give the following reply:—

The Questioner seems to imply that Miss Kairo Bagaja rendered service for more than seven years. Sir, I wish to correct this impression and say that, in fact, the service rendered was three years. Miss Bagaja used to be employed on periods of few months when there was need to supervise women in remand or convicts and she could be laid off as and when the situation warranted it.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

Mr. Speaker, Sir, when it was discovered that there were no more women prisoners at Marsabit Prison, and in view of the fact that Miss Bagaja was serving the Government on temporary basis, it was found necessary to terminate her services. If this lady is interested in serving again in the Prisons Department she can apply to the Commissioner of Prisons for consideration. It is possible that if she applies for re-admission into the Prisons Department her application will be considered favourably due to her good record with the Prisons Department.

Mr. Araru: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, that this lady served with the Prisons Department for three years, will he tell the House why she was not employed on permanent basis when a vacancy arose, taking into account the fact that she had applied for that to the Commissioner of Prisons? In fact, I am in possession of copies of a number of her letters she sent to the Commissioner of Prisons asking him to employ her on permanent basis, most of which were not replied to. I do not know the reason why the Government insisted that Miss Bagaja was not academically qualified to be employed on permanent basis realizing that at the moment there are very many Nandi illiterate and old women serving in the Prisons Department.

Mr. Shikuku: Mr. Speaker, Sir, for the information of the hon. Member I did a lot of research and discovered that this lady was employed on temporary basis in 1967. When she was employed she was supposed to look after only one woman prisoner. After that female prisoner was released—after serving a jail term of two months—Miss Bagaja was relieved of her duties forthwith. In 1968 Miss Bagaja was re-employed and served until 1970. When this lady was advised by her senior officer to apply for training, as I can see from a document I am holding, she declined to do so. However, due to her good record with the Prisons Department, if this lady applies for employment with the Prisons Department her application will receive a favourable consideration.

Mr. Kadir: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, that Miss Bagaja's service with the Prisons Department was excellent, why did the Government not absorb her into permanent employment when a vacancy arose?

Mr. Shikuku: Mr. Speaker, Sir, the services of Miss Bagaja was required because at that time we did not have enough prison staff to man the prison services in that area. However, in 1970 there were more women convicts and that is the reason why we found it necessary to retain Miss Bagaja for further two years. In 1972 a vacancy arose in the Prisons Department and that is the reason why we decided to employ a qualified prison warderess on permanent basis. Miss Bagaja will not be forgotten for the good services she rendered to the Prisons Department. She served with the Prisons Department for a couple of months until May, 1972 when we dispensed with her services. In her place we

employed a qualified woman who is currently doing the work she was doing when she was serving us.

Mr. Araru: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, that Miss Bagaja was asked by her senior officer to apply for training but she declined to do so, will he assure me that if I bring her to his office she will be employed immediately?

Mr. Shikuku: Mr. Speaker, Sir, as I have just said, the Government has nothing against Miss Bagaja and, in fact, we are grateful to her for the services she has rendered despite the fact that she had had no formal training. I have said that if she applies to the Commissioner of Prisons for re-employment her application will receive a favourable consideration. However, I should remind the hon. Member that in the Prisons Department we have more female staff than prisoners. However, if we get more prisoners, then there is no reason why Miss Bagaja cannot be re-employed in the Government Service.

Question No. 326

ISSUE OF TITLE-DEEDS AT OLOLONGA

Mr. Speaker: Mr. ole Nampaso is not in? We shall leave his question until the end then.

Next question.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

SEIZURE OF GOODS—M.V. CAPTAIN STELIOSUS

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Due to speculations and unhealthy feelings about the ship *M.V. Captain Steliosus* held by our Kenya Navy vessels at Lamu will he urgently disclose to the House:—

(a) What goods other than charcoal were found on the ship?

(b) Who paid the expenses incurred during delays and all the operations?

(c) What is estimated to be the charges involved?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I beg to reply:—

(a) Apart from charcoal nothing else was found on the ship.

(b) Messrs. Bryson, Inamdar and Bowyer paid the expenses the ship incurred.

(c) The amount of money involved was KSh. 785,255.

Mr. D. M. Kioko: Mr. Speaker, Sir, since the Kenya Navy must have been alerted about the movements of the ship in question on definite grounds, will the Assistant Minister tell the House what goods were suspected to be in the ship? I am made to understand that the ship was suspected of carrying *cannabis sativa*, elephant tusks and what-have-you. Was any of those items found in the ship after the check?

Mr. Shikuku: When the Government is alerted that there is a ship which is carrying charcoal and other

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

illegal goods, it is the duty of the police to check. This is provided for under Section 26 (a) of the Penal Code. Fortunately, after the police checked nothing was found.

Mr. Araru: Mr. Speaker, Sir, will the Assistant Minister tell the House who issued the licence to the ship owners to enable them to trade in the sale of charcoal?

Mr. Shikuku: Mr. Speaker, Sir, that is a different question and, as you know, my Ministry does not issue trade licences.

Mr. Abubakar-Madhubuti: Mr. Speaker, Sir, will the Assistant Minister tell the House why the Kenya Navy did not stop the ship in question at Mombasa bearing in mind that the owner of the ship had asked the Provincial Administration to order the police to check it while at Mombasa because there was a rumour going around that it was carrying illegal goods?

Mr. Shikuku: Mr. Speaker, Sir, police do not act according to what they are told by the members of the public but according to established regulations. Does the hon. Member expect the police to act according to the advice of the owner of the ship realizing that it is possible for such a person to play a trick?

Mr. Abubakar-Madhubuti: Mr. Speaker, Sir, since this ship was brought to Mombasa under a police escort, will the Assistant Minister tell the House why the advocates appointed by the ship-owner paid the expenses incurred by the ship while being checked by police at Mombasa Port? In my view the Government should have met the expenses.

Mr. Shikuku: As I have said the police, under Section 26 of the Penal Code, are free to check any ship, aircraft or anything which moves if it is suspected of carrying illegal commodities. However, this Section does not say that the police should meet such expenses. When the Government asked the firm of advocates referred to in the question to meet these expenses they did not do that immediately, and, as a result the charges increased considerably.

Mr. D. M. Kioko: Mr. Speaker, Sir, since nothing was found as far as the suspected goods were concerned, is it not true that the police must have found the same goods which were off-shore where the ship was lying before it set sail? Can the Assistant Minister deny this allegation?

Mr. Shikuku: Mr. Speaker, Sir, if the hon. Member knew that the goods which were suspected to be carried by the ship were off-shore, then he should have told the police. The police were searching the ship; they were not searching what was off-shore.

Dr. Munene: Mr. Speaker, Sir, if the Assistant Minister says that there was concrete information on what the police was going to search, would he tell us or enlighten the House because we have already been told by the Questioner that there was this and that in the ship? Would the Assistant Minister tell us what the police were looking for other than charcoal?

Mr. Shikuku: Mr. Speaker, Sir, the question of "concrete" does not arise now. The word 'concrete' came

from the mouth of the hon. Kioko. I am sure that hon. Members are aware that with me I speak and close my mouth. That word was uttered by hon. Kioko. I did not use the word 'concrete'. However, at any rate, among the goods which were suspected was charcoal. The hon. Questioner had mentioned about them: he had talked about game trophies, ivory and all sorts of things which were alleged to have been carried by the ship but they were never found.

ARMED FORCES KURIA RECRUITMENT CENTRE

Mr. Marwa: Mr. Speaker, Sir, I beg to ask the Minister for Defence the following Question by Private Notice:—

- (a) Would the Minister tell this House why Kuria was not included in the Kenya Army and Air Force recruitment programme for June, 1974?
- (b) Will the Minister consider to include Kehancha Division (Kuria) in the programme of recruitment?

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Kuria was not included in the recruitment programme for June, 1974. I have instructed the recruitment teams to visit Migori on 6th June, 1974 to recruit young men from there including the Kuria.

I have occasionally said in this House that recruitment exercise is very expensive and we recruit at the district headquarters or any other place considered conveniently central for recruitment purposes.

(b) I will not, therefore, include Kehancha Division in the programme.

Mr. Marwa: Mr. Speaker, Sir, is the Minister aware that Migori was included in the last year's programme for recruitment and, in fact, when my people went there they were not recruited but, instead, people from Kisii were recruited in place of Kuria because the place mentioned by the Minister is not at all near our Divisional Headquarters? Is he aware of this? Although it is intended that Kuria be recruited at this place, no Kuria was recruited because other people were brought in by their relatives and friends. What is he going to do about this unfortunate state of affairs?

Mr. Gichuru: Mr. Speaker, Sir, if the hon. Member himself wants to be recruited, I am sure that if he comes to the place I have mentioned he will have a very good chance of being selected.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is the senior hon. Member, who is also the Minister for Defence, in order to leave the issue or, rather, to side-step the issue, and referring to the hon. Member as if he was the one interested in the job whereas he is a Member of Parliament and is only asking the question on behalf of the people he represents? Is he in order to suggest that?

Mr. Speaker: No! Mr. Marwa was speaking on behalf of his people and not on his own behalf!

Mr. Gichuru: Mr. Speaker, Sir, I included everybody in this answer. Therefore, I see no objection to the answer which I have given to this question.

Mr. Marwa: Mr. Speaker, Sir, arising from that funny reply by the Minister, I did not ask that I be included in the question; in fact, I did not and I do not want to be recruited. However, what I was asking the Minister is that since in this area there are people of different tribes and he has said that the intention of having a centre at Migori is to include Kuria in the recruitment programme—now, my question now is: why can he not take this recruitment team to Kehancha Division so that the people of Kuria can also enjoy the facility of being recruited? I am not worried about myself because I am already employed and I am working for the Government.

Mr. Gichuru: Mr. Speaker, Sir, well, if the hon. Member feels that I have included him in the wrong place, then I beg to apologize. However, the point is that we cannot recruit in every village in this country. We have to find a central place, so that we do not spend a lot of money in paying for the transport otherwise my Ministry will get into trouble with the authority that takes care of public money. What happens is that when these young men come for interviews, if they are taken on they are refunded their travelling expenses.

I am afraid that there is nothing that I can do here and now to alter the system that operates now.

Mr. Kadir: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the system of recruitment which is used at the moment is very much against some people or certain tribes because, for instance, the proposed centres in my area are Isiolo, Marsabit, Wajir, Garissa and Moyale; the distances involved are so great that the people cannot reach the recruiting team? Even if they went, I am sure that they would not be allowed by the chiefs because those who attend these interviews are identified by the chiefs and they have to be indigenous people of that locality. Therefore, will the Minister revise this method?

Mr. Gichuru: Mr. Speaker, Sir, I get my advice from the Administration in the area. These are the people who are better informed and who know better what is required. Therefore, I accept their advice and I cannot object to what they tell me because they are better informed than myself.

TERMINATION OF SERVICES—CITY COUNCIL EMPLOYEES

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

- (a) Is the Minister aware that the City Council of Nairobi terminated the services of 90 casual labour employees recently in the Department of Engineering without paying any benefits to them?
- (b) What is the Ministry doing to avert such inhuman treatment of old persons since they have children to bring up?

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that some casual workers have been laid off by the Nairobi City Council. Now, these employees were employed on various housing projects and as soon as the work on these projects ended, they

were automatically laid off. These employees are engaged on temporary terms as long as the work on a particular project continues.

(b) Therefore, I do not consider that the termination of their services when work on the projects is finished as inhuman.

Mr. Karungaru: Mr. Speaker, Sir, first of all, would the Minister consider going out and finding out the truth for himself in order to satisfy himself whether these people have any benefits which was due to them and which they have not been paid by the city council?

Mr. Osogo: I will do that for the interest of the hon. Member.

Mr. Karungaru: Mr. Speaker, Sir, while I appreciate what the City Council of Nairobi has done, because it has already taken back a few of them into different departments, would he also make sure that he follows up this case in order to make sure that these people are not going to be employed under the terms of casual labourers, since they have already worked with the council for eight years, because to continue employing them under such terms is just like asking for their deaths?

Mr. Osogo: No, that request is not acceptable, Mr. Speaker, because these people are taken on and off as work increases in the city council. They have not been continuously working for eight years as casual labourers, but they have been working on and off.

Mr. Karungaru: Mr. Speaker, Sir, it is not true to say that these people have not been working continuously, month after month and year after year, for eight years. They have been working for eight continuous years with the council. Would the Minister, therefore, undertake to check this matter, because these people have always appeared on the payroll for the last eight years?

Mr. Osogo: Mr. Speaker, Sir, I do not agree that is true.

Mr. Kanja: Mr. Speaker, Sir, the issue here is the Minister is known for his humanitarian approach, and particularly where old people and children are concerned. Therefore, would he exercise the same mercy to these poor people who live in the city, instead of allowing them to become destitutes and beggars?

Mr. Osogo: If I had the money to do that, Mr. Speaker, I would be the first person to do it. However, the City Council of Nairobi, as everybody in this House knows, has no money. It is only the other day when I was answering a question in connexion with the allowances of councillors, when I said I had refused to approve the allowances because of the lack of money in the City Council of Nairobi. Therefore, the City Council of Nairobi cannot go on employing people when it has no money to pay them. In fact, other workers of the City Council of Nairobi will be laid off tomorrow when we complete the Mid-Chania Water Scheme, that is those who were employed on temporary terms. Therefore, this is a continuous exercise of laying them off when work is not available. However, when work is available, they are brought back to work.

Mr. Mutunga: Mr. Speaker, Sir, would the Minister make sure that those people who have been working for the City Council of Nairobi for quite some time are not laid off in preference to those who come later on. In other words, I mean that somebody who has been working there for eight years should be given more consideration than those who come there to do the same work but who have not worked for the council for such a long time.

Mr. Osogo: No, Mr. Speaker, the hon. Member will agree with me that everybody wants to eat. Therefore, those that have eaten should eat a little, so that those who are new will also get something to eat.

Hon. Members: Hear! Hear!

Mr. Speaker: Next question, Mr. Okudo.

DISPLAY OF BODY OF ABNORMAL CHILD IN BUSIA

Mr. Okudo: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice:—

Could the Minister explain to the House what led the Medical Officer of Health, Busia District, to display the dead body of a four-legged, four-handed and three-eared child to the public?

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

(a) It is true that the hospital staff allowed the public to go into the mortuary to see the body.

(b) There was no bad motive in allowing the public to see the body.

(c) The Ministry will take steps to warn hospital staff not to do so in a big way if some people take offence.

Mr. Okudo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House what really causes these fugitive structures to these odd creatures, is it because of the pill that has been introduced in the country or what really causes these things to happen?

Mr. Jahazi: Mr. Speaker, Sir, it is God who causes these things, and I am not his representative here.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that this act did not only hurt the feelings of the parents of this particular child, but also the whole population of Busia, who very much resented and got annoyed over this, and therefore, he should not take the matter lightly, when he warns this particular officer, so that in future, he does not repeat this stupid type of thing again?

Mr. Jahazi: Mr. Speaker, Sir, it is not very often that such a miracle happens, and therefore, I join the hon. Member in saying that if it hurt the feelings of certain people, we will not do it again. However, the birth of such a child, Mr. Speaker, could be one in a million, and when this particular child was born, there was some curiosity with the people wanting to see this miracle. Now, Sir, some people were allowed in the mortuary to see this child, but it was not put out for a public show. Therefore, Sir, we should really not try to hide the misfortune of the parents whom God blessed with a child of this nature and try to put a lot of blame

on the hospital staff. It was unfortunate that the child was born in this nature, and we really can do nothing about it. Even if we tried to hide the body, there would have been a hue and cry to the effect that we are trying to hide something. Therefore, you can see that these things balance in the end, there are those who would have liked to see the child and there are those who felt offended by this action. However, on the whole, Mr. Speaker, we will try to make it as a little discreet as possible in future. However, I do not think this will happen in another 100 years, Mr. Speaker.

Dr. Munene: Mr. Speaker, Sir, while I do not oppose the exposure of a baby of that nature, is it not beneficial to the medical authorities to educate the public that this was quite necessary, and for that matter, to ask for permission from parents of such a child before it is displayed to the public because it does not really matter what offence is taken by other people, so that if they consent, they they can go ahead, just as they would perhaps consent to the removal of the cornea or any other organ?

Mr. Jahazi: Mr. Speaker, Sir, that is perfectly all right. I think this was done after the consent was given, but we would not like to put the whole matter here in the House. The Ministry of Health is dealing with the parents as it has been doing from the very beginning, and I would request hon. Members to let the case rest there.

MINISTERIAL STATEMENT

REBUILDING MUTOMO POLICE STATION

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I stand on a point of order in connexion with yesterday's reply to Question No. 316 asked by the hon. Kitonga about the police stations in his area. I did promise to the House that I would check the matter and bring the report to the House, and this is what I have to say, Mr. Speaker.

I wish to apologize to the House for the reply I gave on Question No. 316, in which I had mentioned that the re-building of Mutomo Police Station, which is indeed, further to the south of Kitui as being the solution to the lack of proper communication in the area. The facts of the matter are as follows, Mr. Speaker:—

I wish to inform the House that the following locations, Mutito, Zombe, Endau, Mui and Nuu of the Eastern Division of Kitui are at the moment being administered from Kitui Police Station. However, we are now in the process of looking into the whole administrative set-up police-wise, in order to find the best way of administering the whole area.

Mr. Kitonga: Mr. Speaker, Sir, I say thank you very much to the Assistant Minister, for this reply.

Hon. Members: Hear! Hear!

POINTS OF ORDER

CORRECTION OF PRESS REPORT ON MEMBER'S SPEECH

Mr. Ayah: On a point of order, Mr. Speaker, arising from yesterday's debate, I notice in the *Daily Nation*

[Mr. Ayah]

that I am reported to have said in this House that some civil servants have under-developed brains. Now, Sir, apart from the fact, as you know, that I am not a psychiatrist—and I would not make such a statement in this House anyway—I would like to say that this kind of statement made by a newspaper reporter in this House tends to create ill feeling where it does not exist. I do not know why the *Daily Nation* should have taken some imaginary statement, which I never made, and I am supported by the HANSARD here, and then attributed it to me. I never made any such statement, and I feel it is personally repulsive that the *Daily Nation* should put such words into my mouth. I would like, if you please, Sir, to ask the *Daily Nation* not only to apologize, but to correct this very bad report.

Mr. Speaker: I hope they will do that.

WRONG NAME IN PARLIAMENTARY PRESS REPORTS

Mr. Mboja: On a point of order, Mr. Speaker, Sir. Hon. Morice Mboja is well known but of the last two months the newspapers have called me Mr. F. Mbonja. I advised the Clerk of this House to correct this.

Mr. Speaker: Are you talking about a report in the Press or something else? If your name is Morice Mboja, just say so and the Press will hear you.

Mr. Mboja: I would, therefore, Mr. Speaker, Sir, ask the *Nation* not to call me F. Mbonja again.

PERSONAL STATEMENT**REBUTTAL OF ALLEGATION AGAINST ASSISTANT
MINISTERS IN MEMBER'S SPEECH**

The Assistant Minister for Finance and Economic Planning (Mr. arap Cherono): On a point of order, Mr. Speaker, Sir. I rise to say something in connexion with a statement which was made here yesterday. During the course of yesterday's debate one hon. Member made some very irresponsible remarks about me and my colleague, hon. Sheikh Balala. He is purported to have said that I and hon. Balala refused to move a Motion in connexion with Sessional Paper No. 5 of 1974 because, first, we did not approve of the contents of the Sessional Paper and secondly, that I personally made remarks to him against this particular Sessional Paper.

In that connexion, I have two remarks to make.

First, whether a Bill or a Motion in this House, if presented on behalf of the Government, is popular or not, it is not up to me, having in mind the collective responsibility, to come here and say that I do not agree with it. In fact, I do not accept that.

Hon. Members will recollect that some time back, about a year ago, there was a Bill which I was ultimately forced to withdraw—the Pensions Amendment Bill. This Bill was very unpopular and as a duty I had to move it in this House. Therefore, it would not be correct to allege that I ran away from my responsibility by refusing to move a Bill or a Motion in this House merely because it was unpopular.

In my Ministry we have our own internal arrangements between the Minister and my colleague, hon.

Balala, as to who moves a certain Bill or a Motion on behalf of the Minister. In this particular case it happened that our senior colleague was to move it and this he did. Therefore, the fact that I did not move it or hon. Balala did not do it on that particular occasion does not mean I refused to deal with it.

The last point that I would like to make on the remarks, that I am supposed to have made is that definitely, Sessional Paper No. 5, of 1974 covers a lot of subjects. It covers 23 chapters on different subjects. I do not know of any hon. Member of this House who agrees in total with all the subjects which were covered by this particular report. Therefore, I do not know what the hon. Member was talking about and I do not recollect having discussed anything on this particular Report with him. Therefore, since the hon. Member was not specific enough to tell us what I refused to agree with, I wish to point out to the House that I completely disown that statement and I would like to point out that it was quite irresponsible of him to have made such a statement in this House.

MOTION**SESSIONAL PAPER NO. 5 OF 1974: NDEGWA
COMMISSION REPORT**

THAT, this House notes the Sessional Paper No. 5 of 1974.

*(The Minister for Finance and Economic Planning
(Mr. Kibaki) on 30th May, 1974)*

(Resumption of debate interrupted on 4th June, 1974)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, when the House adjourned yesterday, I had just had two minutes replying to the Motion "that this House notes the Sessional Paper No. 5 of 1974". I had said, and I would like to say it again, that there is nothing wrong in the executive arm of the Government of this Republic to review from time to time the salary scales, the terms of remuneration, of the 100,000 civil servants that are employed in this country. Only earlier on this year there was a review between the Government and the trade union representing the civil servants on the wages and salaries of those below £1,200 per year. Increments of more than 25 per cent were agreed in many of these grades. That review, apparently, is not regarded as having been wrong by any of the hon. Members who have spoken; but the review which was attached to this general report is being said to have been done wrongly. I have to correct that impression and say that it is not right to make that allegation or assertion. Every Government, as any employer everywhere in the world, has a right or a duty to review the terms of employment of those it employs from time to time. I want to say that every propriety was followed.

Mr. Seroney: On a point of order, Mr. Speaker, Sir. The hon. Member says that he hopes my point of order is genuine; but he will have to judge it himself. If you remember, Mr. Speaker, Sir, we had a similar argument as that advanced by the Minister over the question of gratuity paid to the Ministers in the last Parliament. It was then ruled by the Chair that where a large sum

[Mr. Seroney]

of money is involved the Government cannot just go ahead and spend it without the express approval of the House. Has the position changed or is that still the ruling of this House?

Mr. Speaker: There was no reference to gratuity here. The point here is that the civil servants had their salaries increased. Hon. Kibaki's argument is that it is normal practice and it requires no reference to Parliament.

Mr. Seroney: Mr. Speaker, Sir, the argument of the Government was that the terms and conditions of service of Ministers was the prerogative of the executive arm and, therefore, the terms do not have to be brought to this House. I remember that the House did not agree with that particular ruling. Is it not the same argument that the executive arm can incur a large public expenditure without coming to this House to seek its approval?

The Minister for Finance and Economic Planning

(Mr. Kibaki): Mr. Speaker, Sir, the hon. Member is trying to have a chance to make two speeches. He spoke and we heard him. What is important is this: the distinction is well known to the hon. Member for Tinderet because he is among those who are well versed with our Constitution and Standing Orders. The position is that we are not talking about sums of money. Every year the normal increments of salaries of civil servants who amount to about 100,000 people is more than £5 million. Therefore, when we come to talk about large sums, we must know that these increments are reviewed from time to time between the Directorate of Personnel and the trade union representing the civil servants. It is not subject to approval through specific Motion in this Parliament.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. Arising from the statement which the Minister has just made, is he forgetting that we are specifically dealing with the Ndegwa Commission Report and not the annual review of the salaries of civil servants? This is a valid point in this argument, Mr. Speaker, Sir.

Mr. Speaker: He is dealing with one aspect of the report. He did not say that the report contains only salaries but he was dealing with that particular aspect of the report.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Could we get guidance from the Chair regarding this matter. We are now being informed by the Minister for Finance and Economic Planning that the normal yearly increments of salaries to civil servants is a common thing which should be undertaken by the Government. But is it not true that when the Government feels that big, extraordinary increments are going to be effected the proposals must be brought to this House for approval?

Mr. Speaker: Yes, but Mr. Kibaki's argument is that there was nothing extraordinary about what happened. I think what is happening now is that we are more or less debating the same issue in the form of questions or points of order. Obviously, it was indicated by the Members that they were against the report and that is why they cut short the debate from four days to one

day. So, there can be no ground for agreement, as far as I can see, for those Members who even opposed the Motion in what the Minister who moved the Motion is trying to say in his reply.

The Minister for Finance and Economic Planning

(Mr. Kibaki): Mr. Speaker, Sir, I would like to continue and hope that I will get back my minutes which were "eaten up" by those points of order.

Mr. Speaker, Sir, what is very important is that if we had a salary review alone and that that review was then incorporated in the normal annual increments of salaries, this would not have been a subject of any question in this Parliament as to the propriety of it. This is because a review was done at the beginning of this year and it involved a similar amount of money, £5 million. This review has been agreed to as being proper and has been agreed to by this Parliament in our Supplementary Estimates. This is all part of the procedure and responsibility of governing. That is all I am saying, Mr. Speaker, Sir. I do not see why it sounds so strange, peculiar or extraordinary. It is the commonest of all common things for an employer to review the terms of employment of his employees. Secondly, Mr. Speaker, Sir, the hon. Member for Iveti South, obviously, has not read our Constitution because he has just said that Parliament is an employer. He has not read the Constitution, Mr. Speaker, Sir. All I am saying is that that is one aspect of the report but the report which is being made to look as if it was only a salary review is a review of the whole structure of the Civil Service. All aspects of the Civil Service are incorporated in this report. This includes the policy-making procedures, the processes of training, promotion, the powers of the Public Service Commission and the powers of the various bodies of the Civil Service. Therefore, Mr. Speaker, Sir, I am sure in saying that it is wrong, absolutely wrong, to stand up here and pretend to tell the rest of the world and Kenya that the report is only about the salary review of the super-scale civil servants. That is not true, Mr. Speaker, Sir. You can see how very bitter the truth is about this report. Truth has begun to hurt, but it will still remain the truth. The nature of this report is that it is a review of the whole of our Civil Service structure and it is wrong to make it out that because I or somebody else or any hon. Member does not agree with one paragraph in the report, therefore, the whole report is bad and must be rejected. It is not even logical to say this because we owe it to ourselves, including the hon. Member for Lurambi North who is moving from corner to corner, to be logical and to say that it is not possible in a body of this size for each one of us to agree with the twelve chapters in this report. This does not mean that we do not need a review or an updating of our Civil Service procedures. We do, Mr. Speaker, Sir. Therefore, I say quite seriously that personally I am convinced that this report is a most worthwhile document, one that has the most fundamental recommendations, one that must not be rejected merely because someone does not agree with one paragraph of it.

Hon. Members: No! No!

The Minister for Finance and Economic Planning (Mr. Kibaki): Secondly, Mr. Speaker, Sir, there were, in the speeches made yesterday and the day before, very many comments and oppositions—

The Minister for Works (Mr. Nyamweya): On a point of order, Mr. Speaker, Sir. Are you satisfied that we are hearing what the Minister for Finance and Economic Planning is saying in the course of these running commentaries from the hon. Members? Can we not hear the Minister in silence?

Mr. Speaker: Order! Order! I think hon. Members will gain nothing by shouting. I hope hon. Members will just listen to what the Minister is saying because they are not bound to agree with what he is saying; but at least they should allow others the opportunity of hearing what he is saying and then they can decide what to do when we come to vote.

Mr. Mutunga: On a point of order, Mr. Speaker, Sir. I think perhaps you will forgive my ignorance in seeking your guidance on this matter. As you know I had an interest on this matter and I raised a Motion on the same subject but, unfortunately, I was not here to hear what the Minister for Finance really wants from us. I am not blaming anybody but I just want to ask the Minister for Finance and Economic Planning whether he wants us to approve the report as it is or he wants us to do something else.

Mr. Speaker: Surely, you know what the Motion is about, Mr. Mutunga.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am grateful for your request to the House to give us a hearing because if we are truly democratic we must give others a chance to speak and be listened to in silence. Yesterday we all listened quietly as hon. Members spoke, but here we are proclaiming that we want freedom and democracy but when it comes to the challenge of it we have not got the patience or the will to give unto others what we demand of ourselves. Personally, Mr. Speaker, Sir, I say that we are refusing to recognize an obvious fact in our society. Here we are being told that there should be a special rule about the civil servants because they are in a position of power. That is what we were told yesterday by some hon. Members. Because they are in a position to award contracts, to influence matters of trade, to influence affairs of this nation, therefore, it was said that they should be regulated and directed in a certain manner. I agree with this. But I do not agree with the other side to it. When it was suggested here by the Member for Kandara that if we demand that there will be a code of conduct, this should apply to all positions in all people in positions of power there was apparent dissatisfaction. This includes Parliamentarians, Assistant Ministers, Ministers and every-body else.

Mr. Speaker, Sir, are we now to pretend here that some junior or senior civil servants have more influence in terms of what is to be done in this nation than the Members of Parliament, Assistant Ministers and Ministers? We are pretending. If I may repeat the words he used, he said: "We are being asked to sanctify hypocrisy".

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. I am seeking your ruling here because when we spoke on this Motion we did not denounce the civil servants as a whole, but only talked about the super-scale officers whom the report has favoured. The hon. Members were complaining that the lower-scale officers did not benefit from this report at all. Could the Minister confine himself to super-scale officers and not to talk on the whole of Civil Service?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, we spoke about all civil servants. There is no point in Members saying "no". I was sitting in this House through the whole debate from the moment I moved it to the end. When the hon. Member for Kisumu Rural spoke in this House, he talked about the Provincial Administration. That means a lot. He said they are not able to carry out the Development Plan. I was sitting right here and I do not know whether the hon. Member had gone for tea at that time. Mr. Speaker, Sir, if we are honest with ourselves, let us have a code of conduct for all persons who are in positions of power, including the hon. Member for Lurambi, who is campaigning now, so that we are all guided by the same code of conduct.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, Mr. Speaker, Sir. Did I hear the Minister referring to the Member for Lurambi North? What is wrong with the Member for Lurambi North?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, all I am saying is that we must have moral courage to face up to the challenge which this nation presents us today. The challenge is that we, as leaders, are called upon to give an example; yet, here we are, not prepared to give an example! What we are prepared to do is to find a scapegoat, some black devil, and that black devil happens to be our own brother. It only happened that you came to Parliament and he went to the Civil Service. Therefore, by that mere fact, accident of history, he is a devil and we are angels! Nothing could be more ridiculous.

Mr. Speaker: There is too much shouting, order! What is your point of order, Mr. Nthenge?

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is the Minister in order to put words in our mouths which we did not use at all? He is saying that we are angels and the civil servants are devils. Is he really in order?

Mr. Speaker: No. Some of these things are not as literal as they sound. You must use some commonsense to know the comparison. Obviously he does not mean that Members here look like angels, neither does he mean that civil servants look like devils. Since you have been blaming the civil servants, obviously you are trying to say, to that extent, that you dislike what they are doing. Similarly, when you say you are fighting for the interests of the lowly-paid people, obviously you are saying that you are playing the good part of the game. Therefore, you could easily be said to be thinking that you are an angel and the other man is a devil. That is just a way of saying things.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I will say that the role of political leadership, which we proclaim that we have and which we are very jealous to protect that nobody else must have it, that role of political leadership, today in Kenya, is that we should be honest with ourselves. If we are honest with ourselves we shall admit that this nation is in need of a strong party with a strong code of behaviour for all persons and not only for civil servants. Therefore, for us to try and say that this report, like the hon. Member for Embakasi said, promotes corruption, nepotism and the like, is a fallacy. Mr. Speaker, Sir, can we, in all seriousness, expect anyone to take us seriously if we say that the 100,000 people on whom this nation depends for the execution of policies passed by this Parliament are corrupt, useless and that they spend their time running round in cars and use Government vehicles to go to night clubs and the like? Why do we not insist—

Mr. Nthenge: On a point of order—

Mr. Speaker: No, Mr. Nthenge. I think these interruptions are taking us nowhere. You do not have to agree with what the Minister is saying. You are just trying to disagree with him.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, all I am saying is that the role of leadership is that we have the moral courage to say, for example, "Mr. Kibaki has done this or that and it is wrong, and we want to put him right". We have to have the moral courage to say so. We cannot continue to claim the right to lead if we hide behind the cloud and blame a certain section of our community and say that they are evil. I am sure that this could not be the role of leadership. I want to say here that we cannot afford to demoralize the one force of 100,000 civil servants on whom we have been depending for the last ten years for the implementation of our Development Plans. This is a fact well known even beyond Kenya, that we have implemented our development programmes effectively over a period of ten years. How can we be told then that during all that period of time we have had a corrupt and useless Civil Service, not efficient and not doing its job but only going round in big cars? That is not true, and it cannot be true.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is it not accepted in this House that one will not use wrong information for his argument? The other day you ruled that if hon. Mwamzandi's Motion was based on wrong information, it should not be debated. Similarly, the Minister for Finance and Economic Planning is using words which were not used by even a single Back-bencher during the debate on this Motion.

Mr. Speaker: If hon. Members do not want me to hear what Mr. Nthenge is saying, then it is so very well that I will just sit down and not bother myself. I cannot hear what he is trying to say because of unnecessary shouts in the House. You do not need to cheer Mr. Nthenge so much! He is trying to make a point and he wants me to hear.

Mr. Nthenge: Mr. Speaker, Sir, the point I was trying to make is that there was not a single hon. Member blamed in the whole Civil Service of 100,000 people and

the Minister is now basing his argument on that. All they said, those who had a chance to speak, was on the super-scale officers and they sympathized with the bulk of the Civil Service which was not considered along with the super-scale officers. Is the Minister, therefore, in order?

Mr. Speaker: That might be what you said, personally, Mr. Nthenge, but obviously, there were other hon. Members who, for instance, referred to huge sections of the Civil Service like the Provincial Administration. If you refer to the provincial administration, for instance, you are not referring to the super-scale officers alone, you include every member of that section even the most junior officers. Your argument, Mr. Nthenge, might hold water in your case, but it cannot be true of every other hon. Member who spoke.

Hon. Members: Point of order, Mr. Speaker, Sir—

Mr. Speaker: I think you ought to allow Mr. Kibaki to conclude his speech.

Mr. Murgor: On a point of order, Mr. Speaker, Sir. Do you not really think it is absolutely unfair for hon. Members to criticize the civil servants *en masse* while we know that the category of the civil servants occasionally referred to by hon. Members of this House are not the agricultural officers or veterinary officers but the officers in the provincial administration? Why should hon. Members not be specific in their criticisms and say that some officers in the provincial administration are bad? Why do we have to condemn the entire Civil Service while we know that the majority of the civil servants are not bad? Is this right, Mr. Speaker?

Mr. Speaker: I am sorry, Mr. Murgor, you are addressing your question to the wrong quarters! It is not for me to say why hon. Members choose to be so general if they mean what you are saying now. I cannot reply to that question, really. However, the Minister is talking about the Civil Service as a whole because that is the way hon. Members spoke. They did not confine themselves to the provincial administration but talked about the Civil Service as a whole. Even Mr. Nthenge, who is talking about the super-scale officers, did not specify that he was only referring to the super-scale officers in the public administration.

Hon. Members: On a point of order, Mr. Speaker!

Mr. Speaker: No! No! No more points of order. We shall have to listen to Mr. Kibaki now. Order! If there is any more interruptions, I will have to get rid of whoever interrupts. Would you please allow Mr. Kibaki five more minutes just to wind up?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am grateful for those five extra minutes. Mr. Speaker, Sir, it now appears that we are no longer opposing the whole report and that those who are opposing it are only against some specific points. Therefore, Mr. Speaker, as I said earlier on, the role of leadership is to correct those few mistakes but not to condemn, whole-sale, the entire Civil Service which is comprised of some very good people who are genuine *wananchi* of Kenya. Let us not pretend about this distinction which was created by many hon. Members between *wananchi* and the civil servants. What, in the good name of heavens, do we

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think civil servants are? They are true and genuine Kenyans who will not be scared just because a fellow brother of theirs who happens to be a Member of Parliament condemns them. Therefore, Mr. Speaker, why should we condemn them? Why should we not seek the more difficult role of putting right specific wrongs? Why should you condemn your brother when you know you must continue to live with him? He is not like the expatriate whom you can campaign against to get Africanized or Kenyanized. There is no place we are going to send these brothers of ours and, therefore, let us have a code of behaviour which applies to all. Let us not pretend that we should be immune of those kind of rules. We should, in fact, be the first people to be subject to rules of conduct of behaviour. We know that we, as the political Arm of this Government, have been using the influence we have in the field of employment. It is true that we regard it as our constituent duty to go round assisting people to be employed in preference to others. This is true, Mr. Speaker, but why do we not speak about it here? Why do we always see a certain district officer or any other junior officer who wrote a small introductory letter to somebody? Mr. Speaker, Sir, why should we have certain rules for some people and not for others? How can we pretend, Mr. Speaker, that an Under Secretary in a certain Ministry has more influence than a Minister, an Assistant Minister or even a Member of Parliament? This is not true!

Therefore, Mr. Speaker, Sir, I would like to say that if we are honest, if we are straight, if we are true to ourselves, let us demand an organized code of behaviour for all of us. Finally, Mr. Speaker, Sir, I would like to say one thing, that we have been told about the misuse of cars. Mr. Speaker, we can, as a House, demand a change or withdrawal of these facilities. However, Sir, are we right to say that because there is one facility given to a certain civil servant who is misusing it then the entire report which details the manner in which we should run our Civil Service should be rejected in total. That is wrong! Mr. Speaker, I believe that the Civil Service of this nation has served us very well. I believe seriously that the Republic of Kenya owes to the Civil Service of this Country a very great measure of the success that we have achieved in the last ten years. We know that some of the young men were promoted in the process of Africanization into most unfamiliar jobs, but they took the jobs seriously. As we speak here, Mr. Speaker, there are hundreds of thousands of civil servants who work for long hours, much more than is done in the private sector, in order to serve this nation efficiently. However, here we are, Mr. Speaker, condemning these people! How can we claim to lead this country when we want to demoralize all these people? We cannot say we are leading this country if we are going to continue to do this. If we are leaders of this country, we should not demoralize the laws which we depend on. We go along, Mr. Speaker, and implement free education in the country and hon. Members here say we need more teachers, we need more development officers—I am always approached and asked when I am going to appoint a development officer in every district—and yet these

are the same people who are said to be corrupt, useless and misusers of public funds and so on. Mr. Speaker, Sir, we must be honest enough to be specific in our criticisms.

Finally, Mr. Speaker, I would like to appeal to my hon. friends here: this Motion says that we “note” this report—Mr. Speaker, we can note this report and then deal with the two points which have been raised by hon. Members here about the misuse of cars and remuneration for super-scale officers. We can deal with these two points separately but we should not condemn the whole report. Mr. Speaker, we should try to do to others as we would like them to do to us.

(Question put and the House divided)

Mr. Speaker: Order, order.

Draw the Bars and lock the door.

Before we proceed, may I appeal to hon. Members, in spite of all this excitement, to conduct themselves with dignity.

The Tellers are as follows:—

AYES—Mr. Ochwada and Mr. Kitonga.

NOES—Mr. Munyi and Mr. Mutunga.

An hon. Member: Mr. Munyi should not be Teller.

Mr. Speaker: Did I hear somebody objecting to Mr. Munyi being a Teller?

I really do not see what can go wrong if he is a Teller. Mr. Munyi will be a Teller with Mr. Mutunga. Of course, you have no objection to Mr. Mutunga being a Teller, and I cannot see how Mr. Munyi can be so clever as to do anything funny without Mr. Mutunga noticing it I think we will leave them as they are. Let the Tellers for the “Ayes” move to my right and those for the “Noes” to my left.

Members should proceed to the Division, and those who abstain should record their names with the Clerk.

(Question carried by 44 votes to 40)

AYES: Messrs. Ahmed, Areman, Balala, arap Cheboiwo, Cherono, Ejore, Gichohi, Gichuru, Jahazi, Jilo, G. G. Kariuki, Kassa-Choon, Khaoya, Kibaki, S. M. Kioko, Koinange, Kuguru, Makone, Matiko, Mbai, arap Moi, Moss, Munoko, Munyi, Muregi, Muli, Murgor, Muturia, Mwicigi, Mwithaga, Ngureti, Nyamweya, Ochwada, Ogalo, Ogutu, Okero, ole Oloitipitip, Omamo, Dr. Onyonka; Messrs. Osogo, Odha, Shako, Wood and Yego.

Tellers of the Ayes: Messrs. Ochwada and Kitonga.

NOES: Messrs. Abubakar-Madhubuti, Y. Ali, Amayo, Araru, Ayah, Cheserek, Gichoya, Kadir, Kahengeri, Kanja, Karungaru, D. M. Kioko, Kitonga, Komen, Lentaya, Marete, Marima, Marita, Masibayi, Mboja, Migure, Mulwa, Munyasia, Mutiso-Muyu, Mutua, Mutung'a, Ayieko, Nthenge, Nyaga, Mwengi-Nzulu, Ogingo, Okudo, Mrs. Onyango; Messrs. Onyulo, Owala-Orwa, Seroney, Tsuma, Tuva, Wabuge, and Dr. Waiyaki.

Tellers of the Noes: Messrs. Munyi and Mutunga.

Abstention: Hon. Nabwera.

Mr. Speaker: Next order.

MOTION

SESSIONAL PAPER NO. 6 OF 1974: GOVERNMENT
GUARANTEE FOR OVERDRAFT TO CHEMELIL
SUGAR COMPANY

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

THAT, before giving its approval to Sessional Paper No. 6 of 1974 on Government Guarantee of overdraft facilities to the Chemelil Sugar Company Limited, this House wishes to satisfy itself that the said Company is being managed with efficiency and economy and along sound commercial lines with a view to assisting Kenya to reduce and ultimately eliminate its dependence on imported sugar.

Mr. Speaker, Sir, this Motion arises from Sessional Paper No. 6 of 1974 which was laid on the Table recently by the Minister for Agriculture. In this Sessional Paper, Mr. Speaker, the Minister is making the House to allow the Government to guarantee overdraft facilities amounting to 12 million shillings to the Chemelil Sugar Company.

Could the hon. Members walk out quietly.

As you see in the Sessional Paper, this company was started way back in 1965 with great hopes and which were again reiterated in 1970. At that time, Sir, the Minister for Agriculture did what he is doing now by guaranteeing K.Sh. 15 million for overdraft facilities to the same company. In the Sessional Paper No. 5 of 1970, this is what the Minister had to say:—

“Although still in its early stages of development, the Chemelil project answers the criteria to a marked degree of helping rural areas. It is a major industrial project in a comparatively undeveloped rural area. The project has generated 4,000 jobs and, as it expands, employment opportunities will increase. In its first year of operation, the factory produced 33,000 tons of sugar worth K£1.518 million. This represents a considerable saving in foreign exchange. Over the next two years the production is scheduled to increase to 55,000 tons per annum, worth K£2.530 million. The small-holder participants to the project sold 150,000 tons of cane during the last 12 months worth K£345,000 and in future the value of small-holder-produced cane will rise to K£600,000.”

You will see, Sir, that these were very great hopes which, unfortunately, have not been realized. Although the Sessional Paper I have just read hoped to reach a target of 55,000 tons per annum, that target has never been reached. In fact, Sir, the capacity of this factory is 50,000 tons per year. The best they have ever been able to reach was a target of 31,000 tons, which was reached in 1971. Since then the factory has not been a success.

One of the weaknesses of this company is that since it was started seven years ago, it has been operating on a deficit; it has been operating in the red. In other words, Mr. Speaker, Sir, they have never made a profit. I do not know why our Government should guarantee huge sums of money by way of credit to a company whose efficiency is open to question. This company does things which, if a private individual did, he would have run bankrupt long ago and yet every two years or so the Minister comes to Parliament and says that because

of this or that difficulty we want to guarantee another overdraft.

Mr. Speaker, Sir, let us see the reasons given for this state of affairs. The Sessional Paper No. 6 of 1974, the one we are now discussing, tries to explain away the difficulties of the Chemelil Sugar Factory as follows:—

“The Chemelil Sugar Company was established in 1965. Early problems with the factory and the cane transport system set back the running account so badly that capital repayments had to be deferred.”

That, Mr. Speaker, Sir, I think is very misleading. I come from the area—in fact, it is very near my constituency—and some of my constituents produce some of the sugar-cane which is processed by this particular company. The transport problems alleged here mean no more than the fact that this company does not want to use African transport, but only want to use Asian transporters. The Asian transporters operate these businesses along very strange lines indeed. So, Sir, if the Chemelil Sugar Company arranged the transportation of the sugar-cane along commercial lines, they would have no trouble whatsoever. As it is, they seem to be partial to Asians, perhaps because they are fellow expatriates.

Mr. Speaker, Sir, this company is one of the sugar companies with three factories in the area. There is Miwani Sugar Factory, Chemelil Sugar Factory in the middle, and then Muhoroni Sugar Factory. The other two factories, Mr. Speaker, Sir, are run by Asians. However, the difference between these three companies is that Muhoroni Sugar Factory has three senior expatriates in its staff and Miwani has only four senior expatriate staff whereas Chemelil Sugar Factory has no less than 25. I understand that in the near future they are going to add on another 12 to make the total 37. The 25 I mentioned, Sir, range from the resident director, who is both in Nairobi and around Chemelil, then the general manager, financial controller, agricultural manager, assistant agricultural manager, personnel manager, training officer, factory manager, a chemist, assistant factory manager, assistant chemist, plant manager, assistant plant manager, six agriculturalists, two agricultural engineers, one plant maintenance superintendent, one electrical engineer, assistant electrical engineer and a shift superintendent. All these, Mr. Speaker, Sir, are expatriates; they are non-citizens and I think that they are a very expensive gang to afford, Sir. The lowest paid among them earns no less than K£10,000 per year. The general manager himself, Mr. Speaker, Sir, gets over K£16,000 a year. On top of that, Sir, they get three holidays a year for their wives and children who are being educated in England. Those staff who are here get liberal holiday allowances. When they come to Nairobi, for example, they get an extra daily allowance just for enjoying themselves in Nairobi. They also get a car allowance of K£250 for their cars although, in fact, they use the company's Land-Rovers. That means that although they get a car allowance, they do not in fact use their cars, but use company cars. They have free housing, water and electricity supply. I am also made to understand that the Kenya Film Corporation offers one free and special film every week to the staff of the company in question. This is an indication that the staff of the company look after themselves very well.

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Mr. Speaker, Sir, as I had indicated earlier on, the lowest salary an officer in the management of the company can receive is not less than £10,000 per annum. I do not know what will happen after the company has received more grants. In addition all the officers in the category I have referred to in the company receive a subvention of £50,000 per annum regardless of whether or not the company makes profit in any given year. This means that the management does not care whether or not the company makes a profit. This is because there is a friendly uncle, that is the Kenya Government, who is always ready to assist this company any time.

Mr. Speaker, Sir, the over-head of this company is 5 million shillings. This money goes into spares, salaries and personal emoluments of the staff of the company. What, Mr. Speaker, Sir, we are being asked is to perpetuate this habit of the company to operate on over-draft for a longer time. This company has been operating on over-drafts since it was started. To make the matter worse, the company has never made profit since its inception. I am also made to understand that there has been an accumulative annual loss which now amounts to 240 million shillings. Mr. Speaker, Sir, one is forced to ask: "Why should we maintain such a company in Kenya?" This company, from records, is obviously very notorious. I am made to understand that some of the senior people heading this company have tried this kind of thing in Jamaica, Guyana, Trinidad Antigua, and Nigeria and finally they are doing the same thing in Kenya. After they were thrown out of the countries I have referred to why were they allowed to come into Kenya? Why is the Government paying a lot of money to such people.

Mr. Speaker, Sir, the Sessional Paper I have referred to has tried at great pains to dispel any fear that there might be any difficulties facing this company. The Sessional Paper says that the company has been deeply involved in the development of sugar-cane growing in this country. The Sessional Paper also says that the company is promoting the welfare of many small-scale farmers in Kenya. Finally the Sessional Paper says that the company maintains a large labour force and as such this company is rendering a very valuable service to Kenya. Are we running a charitable organization? We should make sure the company is operating on sound commercial lines. It is alleged that originally this company was using machinery from Germany. When the present management which is predominantly British took over, they started importing spare parts from Britain to be used in repairing Germany machinery. As a result I am not surprised to learn that a number of machines have broken down. When the spare parts imported are found to be useless, they are sold locally and, of course, the people concerned pocket the proceeds.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate the remark he has just made that the management of the company pockets the proceeds which they get from the sale of spare parts?

Mr. Seroney: Mr. Speaker, Sir, there have been two inquiries which I am sure the Assistant Minister is aware

of. One inquiry was done by the Industrial Court and the other one was a Ministerial one. The reports of both inquiries are with the Ministry of Agriculture.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate that the two inquiries he has just referred to dealt with the question of pocketing money by the management of the company in question?

Mr. Seroney: Mr. Speaker, Sir, one of the relevant questions the Industrial Court was concerned with was the fact that this company was operating at a loss. The Personnel Manager who tried to disclose some of these things was victimized.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I think the hon. Member is intelligent enough to know what the hon. Assistant Minister is asking him to substantiate. The hon. Member for Tinderet has just said that when spare parts are disposed of the proceeds from the sale are pocketed or in other words the money so accrued goes to the pockets of individuals, but not to the bank of the company in question. That is all we want the hon. Member to substantiate. We are not interested in his prevarications.

Mr. Seroney: Mr. Speaker, Sir, I am surprised to see that the Attorney-General who is the Chief Prosecutor and who operates on information he receives from parties concerned, refuses to see the reason why I am basing my argument on information I have received from the parties concerned. Does the Attorney-General think that I manufactured the papers I am holding?

Mr. Speaker: If only Mr. Seroney, you just confine yourself to the question of the money received from the sale of spare parts which are unsuitable. You will recall that you said that the people who sell those spare parts pocket the money. How do you know that that is the case? It is not just the question of the information you have received, because we have to be satisfied that you have grounds for believing that that is exactly what happened.

Mr. Seroney: Mr. Speaker, Sir, as I have said this is the kind of information I received from the parties concerned.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, the hon. Member for Tinderet should tell us the names of the individuals who pocketed the money. I am not interested in knowing how much they pocketed, but all that I am interested in knowing are the names of the people who pocketed the money.

Mr. Seroney: Mr. Speaker, Sir, I am made to understand that the money was pocketed by the management of the company in question. Of course, the management includes such people like the General Manager and the Factory Manager.

Mr. Speaker, Sir, I do not know what is worrying the Attorney-General. The two reports I referred to are in the hands of the Minister for Agriculture. I fail to understand the reason why the Minister for Agriculture should come to this House and ask us to guarantee an

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over-draft for this company which has failed completely. Mr. Speaker, Sir, I do not agree that this company is deeply involved in the development of sugar-cane growing in this country, because I am advised that this company has been taken over by a German foundation. However, the position of the company is not all that bright.

Mr. Speaker, Sir, I am interested in knowing the attitude of the Government towards this company. I am sure that the Government knows that the company is adhering to the policies of the Government as far as the question of Kenyanization of personnel is concerned. It is difficult for me to convince myself that a company like this one needs 25 expatriates as staff. I am also made to understand that the company is planning to employ more expatriates. I am also advised that the Government has appointed the former Chairman of Public Service Commission to serve as the chief executive chairman of the company.

Mr. Speaker, Sir, we now have, I am told, an Executive Chairman. However, I do not know how this Executive Chairman, whom I hope will bring new blood into the organization, is going to operate as an Executive Chairman because we also have a Resident Director who is an expatriate *mzungu*; and also we have a General Manager who is also an expatriate *mzungu* and now we are going to have an Executive Chairman, a *mzungu*. How are they going to operate? How are they going to share duties and how are they going to operate smoothly? This is the question!

Mr. Speaker, Sir, I suggest that when the Minister comes to reply to the debate, he should tell us, for example, such pertinent details as to how much sugar do we import into this country every month and how much sugar is produced by the three factories in the area including the newly established Mumias Sugar Factory. This is because these people have put nothing of theirs into this company and they have only been given the work of management to carry out in return for salary and a subvention otherwise they do not have any shares in this company and, therefore, they have nothing to lose. Mr. Speaker, Sir, therefore, you can see that there is no incentive here at all for these people to produce enough sugar so as to do away with importation.

Mr. Speaker, Sir, I said earlier on that some of my constituents are sugar-cane growers in the area. Now, of all the three factories in the area, the Chemelil Sugar Company has the most favoured position. The other two factories are operating at a profit and that is the reason why we do not hear of any breakdowns in the machinery from time to time. The members of the staff there do not take ten weeks to go on vacation every year and yet there is a zoning arrangement ordered by the Minister for Agriculture whereby individual sugar-cane growers are told that So-and-so is going to deliver his sugar-cane only to, say, Chemelil Sugar Company and you are not allowed to go to Miwani or Muhoroni Sugar Companies. If you go, Mr. Speaker, Sir, of course, you are heavily penalized for it. So, the growers there lose tons and tons of their crop every

year because this factory is not capable or willing to take it up. So, the sugar-cane gets rotten up while in the *shamba*.

Mr. Speaker, Sir, I am not interested in the management of the company, as the hon. Member is trying to suggest. I am sure that perhaps the Minister could make a better manager than the general manager who is there now. So, we really want to know from the Government how long this thing is going to go on. This Sessional Paper No. 6 of 1974, of course, hints that this position cannot go on for ever. It says that the guarantee sought in this Paper does not directly determine the fate of the Chemelil Sugar Company. Now, what is the fate of this Chemelil Sugar Company? If for the last seven years they have not made any profits at all, what should be its future? What safeguards is the Government going to undertake if we allow them to guarantee these overdraft facilities?

Mr. Speaker, Sir, these are important matters; matters which, I think, are of great interest not only to the sugar consuming public of Kenya but also to the farmers, not only in Tinderet but also in the Chemelil area, the constituency of my friend, the hon. Member for Nyando and, of course, myself. I think we owe it to both the small and large-scale growers that their crops are handled efficiently and economically so that they can make a fair return for their crop instead of incurring some losses. Some farmers, Sir, because of the erratic behaviour of this company have collapsed in their farming. I know of one farmer especially who has had to give up the growing of sugar-cane completely because he could not deliver his sugar-cane to this company and have it accepted. I am sure also that, at least, one other farmer is thinking of diversifying and going in for cattle because perhaps he cannot see a future in this sugar-cane business as long as this particular company is allowed to manage.

Mr. Speaker, Sir, the Minister who is before us and who I see is preparing to reply to this debate, can enlighten the House. He can perhaps give relief to this House by, at least, assuring us that they are perhaps going to change the management and remove it from the hands of these 37 incompetent expatriates who only seem to be farming money out of us without putting anything back.

Another thing, Mr. Speaker, Sir, which the Minister perhaps can consider is to Africanize the company. There is no need of having, say, 37 expatriates. I am sure that some of these posts can be Africanized and, if necessary, have, at least, one or two technical people as expatriates. However, the rest should be Africans. I think that would be in keeping with our policy of Africanization. Anyway, when I started, I said that there was a big burden on the part of the Minister to satisfy us really on the points made in the Motion. These points are that either the company is being managed with efficiency and economically and also along sound commercial lines or the company is not being managed efficiently. Everything that I have said has indicated the opposite of what is required in the Motion. Therefore, I hope that when the Minister has spoken, perhaps he will change the atmosphere a little

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and give us some hope that, at least, we shall not be asked every year or every other year to be guaranteeing money which is being spent as if it were poured into a bottomless hole. We do not want to pour our money into a bottomless hole. We want that hole to be filled up and then we want to see a mountain of money going up.

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

An hon. Member: Who is seconding your Motion?

Mr. Seroney: Mr. Karungaru!

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Karungaru: Mr. Deputy Speaker, Sir, it must be known that I am a national Member of this National Assembly and, therefore, I have a great interest in everything concerning the money of tax-payers whenever any matter which is related to money comes up in the House.

An hon. Member: Question!

Mr. Karungaru: Mr. Deputy Speaker, Sir, I hear one hon. Member saying "Question" but, I would like to tell him that if I was one of the voters in his area, I would order all the other people without any question of election or anything else that this man should be voted out. I would have voted him out!

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Deputy Speaker, Sir, what right has the hon. Member for Embakasi to say that I will be voted out of this Chamber and not himself?

Mr. Deputy Speaker: Yes! He has every right to say what he wants to say in this Chamber!

Mr. Karungaru: Mr. Speaker, Sir, I was only expressing my opinion!

An hon. Member: What kind of opinion?

Mr. Karungaru: My opinion! However, if that is the kind of behaviour the hon. Member has towards his constituents then, I do not think he is fit to represent them. Mr. Deputy Speaker, Sir, I want the country to note that we are running institutions which are in the hands of the Government, some of which are asking us to borrow money from other countries, so that it can be utilized in these institutions. However, Sir, it is a great shame to hear that out of the money that we borrow, some of it is misused and these institutions are, in fact, being inefficiently run.

An hon. Member: Do you really understand what you are talking about?

Mr. Karungaru: Mr. Deputy Speaker, Sir, if I do not understand what I am talking about, then I would like to employ the Member who is saying that I do not understand what I am saying to tell me what I do not understand. In fact, I believe that it is the hon. Member who does not understand what we are talking about.

Mr. Deputy Speaker, Sir, we are being asked to sanction a lot of money, and I am sure that if it is not the present generation, it is the future generation which

will be responsible for the repayment of the money in question. Therefore, Sir, before we guarantee any money to any institution, we must satisfy ourselves beyond any reasonable doubt that this money is going to be utilized properly. Mr. Deputy Speaker, Sir, it is well known that when some of these institutions are not making any profit, then there is some kind of inefficiency somewhere. Now, we want to direct the Government in the way we want our money to be used, so that the Government can be our eye and make sure that whatever we give in this House is not misused by any unscrupulous organization.

Mr. Deputy Speaker, Sir, it is a great shame if at Chemelil alone, there are 25 expatriates.

An hon. Member: Can you substantiate that?

Mr. Karungaru: Well, the hon. Member over there is asking me whether I can substantiate what I have said. Well, the Mover of this Motion has already given the number of expatriates at Chemelil. Now, if the hon. Member was not—

Mr. Komen: A point of information; for your information, you will recall that when we paid a visit to Kisumu, the hon. Member in question took us to this particular factory and we saw very many whites there. Therefore, I do not know why he should try and deny that fact, when we witnessed it ourselves.

Mr. Karungaru: Thank you very much for that piece of information. Mr. Deputy Speaker, Sir, I am glad that I have been reminded—

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir, I do not know whether going around that factory and seeing many whites can qualify the allegation that there are over 30 expatriates in that factory? What sort of whites were they?

Mr. Komen: We saw Whites working in the factory and it is the hon. Member himself who took us there.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I have never heard of any country in this world where you can see wives and you do not see husbands.

An hon. Member: Have you ever heard of polygamy? One man could have many wives!

Mr. Karungaru: Mr. Deputy Speaker, Sir, the hon. Member in question has reminded me of having paid a visit to that particular factory because I had forgotten that bit of history. Therefore, he should know that I am speaking from a practical point of view because I saw these people with my own eyes.

An hon. Member: You were not there!

Mr. Karungaru: I was there, but I am not going to entertain your remarks, Sir.

Mr. Deputy Speaker, Sir, it is a pity that since this particular factory was started, it has been run on overdrafts and it has never made any profit. Now, you can ask yourself a simple question, and that is, before the establishment of this particular factory, was there any feasibility study carried out? That is the question the Ministry of Agriculture should answer. Secondly, why is it that the Government should allow a continuous practice of guaranteeing money to people who do not

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make profit at a time when a citizen of this country cannot be able to obtain any loan from any commercial bank or any other financial institution without a security? Mr. Deputy Speaker, Sir, these are the questions that are lingering in our minds. Therefore, we would like the Minister to make sure that these questions are properly answered.

An hon. Member: *Wee nduri undu uroiga!* (you are saying nothing).

Hon. Members: Hear! Hear!

Mr. Karungaru: Mr. Deputy Speaker, Sir, I have heard a very good remark being uttered by a quiet hon. gentleman, who behaves like a person who cannot be seen, and yet we can see him. Fortunately, Sir, we are all here to debate the Motion, and not to discuss the Member in question.

Mr. Deputy Speaker, Sir, the problem we have here is that of the Government asking us to give a guarantee for a loan to a particular company, and yet we do not guarantee loans for our own citizens. If that is not a shame, then I do not know what it is. Now, to make things worse, we are giving this money to a company that is not making any profit. Now, supposing we give this guarantee today, Mr. Deputy Speaker, and we are conversant with the question of guaranteeing a loan to any person, and the person who is supposed to repay the loan does not do so, then the person who guarantees for the loan is responsible for the repayment of such a loan. Now, Mr. Deputy Speaker, Sir, you can see the involvement we are putting ourselves into, regardless of whether it is direct or indirect. However, as far as I am concerned, I think this is direct involvement. We must learn to avoid some of these things. We know the history of the factory in question. We are even importing sugar when we have industries which are supposed to give us enough sugar.

Mr. Okudo: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to refer to Chemelil Sugar Factory as the one which made Kenya Government import sugar from other countries when the shortage of sugar has not been caused by this company?

Mr. Deputy Speaker: He is not out of order, but he is expressing his opinion.

Mr. Karungaru: Mr. Deputy Speaker, Sir, the hon. Member in question is subject to his electors but not to me. When time comes he will be questioned to tell the electors whether or not he would like to see the expatriates enjoying the fruits of our Independence at the expense of our own people who go with empty bellies. If the hon. Member is not ashamed of that now then I do not know when he will be ashamed of it.

Mr. Deputy Speaker, Sir, we want to make sure that any time this House gives out money from the Consolidated Fund, the money is in safe hands. We also want to appeal to the Attorney-General to make sure that some of the organizations that we guarantee money for do not misappropriate funds because the Government is responsible for that money if it is not paid by the borrowers. When we tell the truth here we are told that the truth is bitter. Just this afternoon this

Hous was full with hon. Members who had come here to vote just for the sake of voting and they have now left the Chamber. We have now identified and established what we can call the conflict of interests. Those of us who are scrupulous have already been identified today.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Deputy Speaker, Sir, are you satisfied that the hon. Seconder is now dealing with the question at hand?

Mr. Deputy Speaker: He is not doing it now.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I wonder why some Assistant Ministers try to wear gowns that do not fit them. You will remember that the Assistant Ministers were saying here that they are not consulted by Ministers and they are just assisting but cannot deputize for the Ministers—

Mr. Deputy Speaker: Order, Mr. Karungaru you are supposed to be speaking about whether or not the Chemelil Sugar Company Limited is being managed with efficiency and economy and along sound commercial lines.

Mr. Karungaru: I am still on that, Mr. Deputy Speaker, Sir, but if I am interjected, then, he who interjects me gets fire. This is precisely what we are trying to ask. Why is it that for all this time this particular factory has not made any profit? There is only one answer if we are to use the argument of probabilities. The factory is surrounded by what we call inefficiency on the part of the people running it. We are not even sure whether this factory is viable. If the factory is viable then we should be told so. The reason is that it appears as if there is an intention by the expatriates running it to make money in a hurry so that they can go back to their country of origin. They will say that they are leaving the fools to keep up with their troubles.

Mr. Deputy Speaker, Sir, we must warn those who are holding the responsibilities to be very careful in that we have many people in this country who are unemployed and who can be employed if the factory is viable. This factory should be utilized properly. I have not even heard the Minister say the number of people who have been trained to take over from the 25 expatriates ever since the company was started. This is very questionable. I will advise the Minister to be aware of the fact that if he continues to sit on a volcano, when it explodes, he will be seriously burned. We are prepared to say the truth despite the fact that the truth is bitter rather than tell lies which are very sweet and which are easily appreciated. We want to make sure that the money will be used properly. We are not going to accept the anticipated 12 expatriates who are likely to be imported in this country. They should not be imported at this time when we have started colleges of technology in this country. I have not heard of anybody who can leave his child crying because he is hungry and then go to feed other people's children.

The Attorney-General (Mr. Njonjo): *Ikara thi.* (Sit down).

Mr. Karungaru: Mr. Deputy Speaker, Sir, can you give a ruling on this interjection because I am not happy with the remarks he is uttering. I do not want to retort because it may be serious.

Mr. Deputy Speaker: Go on with the debate.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I hope that the Attorney-General is going to refrain from provoking me. He is looking for trouble and yet he had been warned before.

If the Government can give this House a guarantee that we shall get what we are demanding, then, I cannot see any reasons why we should not encourage industries in this country because it is only by so doing that we can get employment for our people who are now unemployed because of lack of industries. But, Mr. Deputy Speaker, Sir, we are not going to allow industries to be built in this country just for the sake of keeping expatriates here. We are going to accept the setting up of industries in this country fully realizing and fully understanding that we are going to get profit out of them such as the employment of our people. I understand that the Attorney-General agrees with me on this point and this being the position he is invited to sit in our benches—the Back Benches—because at the moment he is now sitting in the Front Bench. I hope that day he will entertain the remark which I have put across to him.

Mr. Deputy Speaker, Sir, we have also heard of numerous strikes taking place in this place because of the problems which surround workers in that factory. We would also like to advise the Minister for Agriculture that it is not in the interests of this country to see workers always resorting to the Industrial Court to have their disputes with the employers settled. We have already realized that this factory has enough money to pay the workers a good salary. If the company is able to pay its expatriate workers the sum of money which has been mentioned by the Mover of the Motion, I think it is also in a position to pay the ordinary workers better wages. The workers are also entitled to a better pay because they are the ones who do donkey work. The people who are very highly paid do not do donkey work, Mr. Deputy Speaker, Sir. They sit in the office or just supervise while the workers are performing most of the duties. The person who does the actual labour should be taken care of. For the information of the House, in America labourers are paid more money than the people who do white collar jobs. That is an encouragement on the part of employment because this practice makes even the educated people to seek work as labourers because that carries a better remuneration than the white collar jobs. Therefore, if we pay our labourers good money this in itself will stop them from flocking to the urban areas to look for better opportunities. Therefore, if the Ministers can give us a hearing I am sure that one of these days some of the problems which we are now faced with are going to be minimized. But if the Ministers are going to continue— Mr. Deputy Speaker, I am talking about Ministers in this case because this is not a matter for one Minister alone. This is a matter for a collective Ministerial responsibility. I would, therefore, like to

advise the Government, collectively, to see to it that our people in that factory are properly taken care of, as far as the conditions of service are concerned. The present salaries of the few expatriate gentlemen who are on the management side should be reduced in order to reflect the economic viability of that particular factory. If this is done we can be able to get money to employ more of our own people in that factory. Mr. Deputy Speaker, Sir, I can see that the Minister for Agriculture has just arrived in the House. I have a very high regard for him because he tells nothing but truth and he is not interested in entertaining fiction but truth. I think we are going to get all the facts which we want about this factory from the Minister for Agriculture.

With these few remarks, I beg to second the Motion.

(Question proposed)

Mr. Amayo: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to air my views on this Motion. Much has been said on this subject by the Mover and his Seconder and I would agree with all the points which have been raised by these two hon. gentlemen. I would not object to points which are brought out concerning the weakness in the management of Chemelil Sugar Factory. But I would refuse totally, 100 per cent, any suggestion by any Member of this House which says that we should not give this factory the guarantee it requires to get overdraft facilities. If there has been any mismanagement at Chemelil Sugar Factory, as an institution, this alone should not stop us from giving this institution the guarantee to get overdraft facilities. This is because when this money goes to that factory it serves the *wananchi* of this country regardless of the fact that there has been poor management in this factory. I would agree, Mr. Deputy Speaker, Sir—

The Attorney-General (Mr. Njonjo): Say that again so that Mr. Araru who is seated behind me over there can hear it!

Mr. Amayo: I think Mr. Araru has heard what I have just said very clearly. Mr. Deputy Speaker, Sir, this Government of ours has the authority to deal with any institution which mismanages funds which have been given to it by the Government. That power is vested with this House and we are capable of even stopping this money being used at such a place. But if a factory has been established and it is helping our African peasant farmers to get their daily bread as a result of the raw material which they take to that factory, surely we should not stop granting such a factory its request. But we have got to point out the weaknesses which are in such a factory. It is the duty of the Minister for Agriculture, and the Government, to see that these weaknesses are corrected. He should see to it that if there are malpractices in that factory such malpractices should be corrected forthwith. If this is not done then there will be a time when we will not agree with the sentiments of the Minister when moving a similar Motion in this House. We are here to help the Minister and the Government by pointing out where the mistakes are. Mr. Deputy Speaker, Sir, the last time when a similar amount of money was being

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granted to Chemelil Sugar Factory I stood in this House and informed the House that the management there was horrible and I pointed out some of the weaknesses which were there at that time. Has the Minister for Agriculture corrected those weaknesses? During that time the Minister agreed that there are some weaknesses in the management of Chemelil Sugar Factory.

Mr. Deputy Speaker, Sir, there were two bodies appointed by the Government to look into the problem of this sugar factory and their appointments were announced publicly. Why are the findings of these bodies kept secret by the Minister who has been sitting on the report for a long time? This is not good and we are appealing to him when he comes to reply to tell us about the findings of these two bodies which went to look into the problem of Chemelil Sugar Factory. What problem did they find?

The other thing I want to say here is that the Mover of the Motion made an effort to obtain some facts right from the factory itself and these facts support his Motion greatly. At least we should appreciate this effort he made. I agree that at the moment we do not have Africans who are capable of running the factory as it is. However, I know that if our people are trained to do the job, they are capable of running the factory. The Ministry of Agriculture and the factory management must agree to train some Africans the art of running the factory. We want to see our people being trained so that they can take over the running of this factory in future.

The other point I want to make here is with regard to the 25 expatriates working in the factory at the moment. We would feel very happy if the Minister could stand up here and tell us, for example, that out of this number of expatriates, ten of them will be Africanized in two or three years time. This would be greatly appreciated but if the Minister cannot envisage any Africanization taking place in this industry in the near future, we shall not accept it. However, the salaries being given to these officers at the factory are very high. Are these salaries being paid in Kenya here or are they paid abroad? Even the Government Ministers do not earn the salaries earned by the expatriates working in this factory. Why are they paid so much money? Is this not a way of draining this country? It is. If this company is manned by people from Germany, why does the Government not try the Asians and give them less salaries? If we cannot get engineers from Britain to train our Africans into the job so that they can take over from them, why not try the Asians or other nationals to come and be employed to train our people to do the job? Mr. Deputy Speaker, Sir, we have other sugar factories like Miwani and Muhoroni and we have never heard the Government coming to this House asking us to approve money to assist in the running of these factories, but I think it is safe for me to say that the Minister has been coming to this House nearly every year asking for money to aid the running of Chemelil Sugar Factory. If this is the case, then I am appealing to the Minister to look into the question of

how the Asians run these other sugar factories on commercial basis and have been getting profits? Miwani Sugar Factory has been getting profits and Muhoroni Sugar Factory has been operating on profit. Why does Chemelil Sugar Factory operate on losses? This is a big question.

The Attorney-General (Mr. Njonjo): It is because of you.

Mr. Amayo: The Attorney-General is saying that it is because of me. What have I got to do with the sugar factory in question? I would like to educate him on this line and tell him that we reject the question of adding 12 more officials to this factory. If the Government insists, then they should get some from India and other countries of the world but not from Britain and Germany. We want a mixture of nationalities. If you get them all from the same country, they will find ways and means of getting money out of this country and we shall be left with nothing.

Mr. Deputy Speaker, Sir, we are here to see to it that our sugar factories are run properly and that there is efficiency. I do not think that even the Ministers themselves disagree with this idea. If they disagree with me, then, obviously they do not know their work which they are supposed to do. I can see the Attorney-General has given me a signal that he agrees with me.

Mr. Deputy Speaker, Sir, there is another point here I want to make that we seem to be giving too much allowances and free things to some people while other people are sweating and are neither getting free things nor good salaries. Some people at this same factory get free houses, free cars and free passages to overseas for ten weeks annually with pay. That is serious! Is this justice at all? There are people working in the Government today and other companies in the country but do not get ten weeks leave with pay. This is wrong. Why should this happen only at Chemelil Sugar Factory. This is wrong and this is what we are asking the Government and the Ministry to note and then make sure that this is corrected.

The other thing which I would like to say here is that, as the Mover said, there is always £50,000 given to this factory whether they make profits or not. I think our Government is blind. If the Government should go out to look for people to run such a factory, I think they should go into the question of salaries and allowances of the staff to make sure that they are paid according to the national ability to pay. It is not good for us to just give people free things like that.

I do not want to take much time of the House but I would like to say one thing that when the Minister comes up to reply he should tell the House what the findings of the two bodies which went to look into the problems of the Chemelil Sugar Factory were. I would like to appeal to the Ministry and this House that whether there is mismanagement in this factory or not, the factory should be allowed to go on, since we have the power to direct the Minister to look into the question of management at this factory, and if he finds that there are some officers who do not do their work properly, he has the power to replace them with people who are interested in working for this Government.

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With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I would like to make my own contribution in general because I know the people who come from this area where sugar-cane is grown, will speak with more feelings about this factory because they are more concerned about their brothers and sisters who are employed in this industry. Some of us who do not know these areas can talk quite glibly and out of ignorance by trying to make fun out of something which is quite serious. I know hon. Members who come from these areas would like this industry to continue because they know their brothers and sisters are employed in this particular industry. Mr. Deputy Speaker, only an hour ago, we were talking about whipping boys—people whom we criticize so easily. The Mover and the Second-er of this Motion indicated quite clearly that their whipping boys were expatriates—*wazungu* as they were called. Mr. Deputy Speaker, these people have been invited by the company to come and help in running this industry. They are specialists and people whom we do not have even in the area where the hon. Member comes from. I know they cannot even raise one engineer from his place. These are the people we are talking about. However, Mr. Deputy Speaker, I think instead of criticizing these people who are helping in the running of this industry at the moment while we do not have our own people to do so, we should be saying thank you to them for what they are doing. Mr. Deputy Speaker, I make no apology whatsoever when I say thank you to those people whom we, as a Government, appreciate their assistance.

Mr. Deputy Speaker, Sir, I would like to say straight-away that this Motion is misconceived and it is my feeling that it will produce a still birth. I am saying this Motion is misconceived because—Mr. Deputy Speaker, Sir, I do not think I should indulge in what the hon. Member is saying because he sometimes tends to be very childish. He has already made some very nasty remarks about a certain Minister in this House and it is most unfortunate that he has not sorted that problem out. I would like to appeal to him not to make another problem for himself before he sorts out the first one.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, could the Attorney-General tell us which hon. Member he is referring to?

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I would like first of all to invite the hon. Member to look at the Sessional Paper because I think there is some misunderstanding. Mr. Deputy Speaker, Sir, the Chemelil Sugar Company happens to be only one element which operates this industry. Mr. Deputy Speaker, we have the Kenya Commercial Bank which is a Kenya Bank, we have the Agriculture Development Corporation. For the information of the hon. Member, shareholders make the company. These are the people who have contributed money for the operation of Chemelil Sugar Company. Now, Sir—

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, I would not like anybody to misquote me in this House. My point of order, Sir, is: is the Attorney-General really in order to misquote us as if we have been discussing the various shareholders operating the company? We are not saying anything about shareholders, we are talking about the management which comprises of 25 expatriates who have been running this company at a loss. All we are asking the Government to do is to keep their eyes open. We are not criticizing anybody.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, I was going to say this. I do not want to go into the internal politics of this company because we are all aware of where some of this information has come from. However, all I am saying, Mr. Deputy Speaker, is this: if the hon. Member would care to look at this Sessional Paper which we are being told by the hon. Member for Tinderet and the hon. Member for Embakasi to reject—

Mr. Karungaru: We are not telling you to reject it!

The Attorney-General (Mr. Njonjo): Yes, we are being told not to accept this Sessional Paper.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, the Motion does not say what the Attorney-General is now saying. This is a deliberate misquotation. In fact, Mr. Deputy Speaker, I would advise you to read the Motion and find out for yourself whether it is asking the House to reject the Sessional Paper or asking the House to be satisfied about the management of this company before we can give it any more money. This is the normal way of doing things in this Parliament.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, this is the first time that a Sessional Paper like this has been introduced in the House. Before we approve this Sessional Paper, somebody wants to be satisfied about certain things. Why did the Mover of this Motion not wait until the Minister moves the Sessional Paper? We are not having a condition put to this Sessional Paper, namely that this House should be satisfied before they approve the Sessional Paper. However, Mr. Deputy Speaker, I am saying that there are nine institutions involved in the Chemelil operation. The Kenya Government is one, the Development Finance Corporation of Kenya is another. There is the National and Grindlays Finance and Development Corporation, there are also two banks from Germany, there is the Kenya Shell. We keep on talking about *wazungu*, but we know that the head of the Kenya Shell Company is a Kenyan African. Therefore, if the industry is being run by Europeans, then the hon. Member will come and tell us where he gets these Europeans from. We know that the head of the Kenya Commercial Bank is an African. We also know that Chemelil Sugar Company is the ninth partner in the operation of this industry and we have an African at the head of it by the name of Mr. Bill Wamalwa who was the former Chairman of the Public Service Commission. Therefore, Mr. Deputy Speaker, are we seriously doubting the intelligence of all these people? Are we trying to suggest that they cannot take care to see that the

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management is run efficiently and economically? Here is a Commercial Bank which is one of the partners in the running of the industry, are we trying to say that such a Bank is not interested in seeing that its money is being used properly? I am being told that it is possible. Then if it is possible then that Bank is not worth its salt. All I know is that we have been criticizing the civil servants the whole of this afternoon. We are not criticizing expatriates in a wholesale manner. I am sure when the hon. Minister comes to reply, he will tell you how useful these so-called expatriates have been.

Mr. Amayo: On a point of order, Mr. Deputy Speaker, do you really think the Attorney-General is in order to say that we always criticize the expatriates while we are criticizing the management regardless of whether the expatriates are involved or not? If these expatriates are involved, we are criticizing them as part of that management, but not as expatriates. We know there are very many expatriates in this country who are doing a very good job and we appreciate their work.

The Attorney-General (Mr. Njonjo): I am glad to hear the hon. Member say that they appreciate what the expatriates are doing there. However, there are some hon. Members, particularly, the Mover of the Motion, who do not seem to appreciate whatever is being done. They only said that the expatriates spend their leave overseas, have free cars and houses and so on. It is so easy to say such things, but those who are responsible for the operations know the work which these people are doing. The company which is operating Chemelil Sugar Company is the same company which is operating Mumias Sugar Company, according to what an hon. Member said. The Mumias Sugar Company happens to be successful. If that is so, then there must be a reason why Chemelil Sugar Company is not operating successfully. I would like to invite the hon. Member to look again at Sessional Paper No. 6 and see if the explanation for that is not found in the last paragraph of page 2. My own feeling about this failure is that, perhaps, the sugar growers themselves are not doing their work as seriously as they should. Let us try and find faults on both sides so that we may criticize everybody constructively.

An hon. Member: More sugar-cane is grown than needed.

The Attorney-General (Mr. Njonjo): I am told that there is more sugar grown than is needed. All I am trying to say is that we should not condemn this company wholesale because it is providing employment facilities to your brothers and sisters. We should encourage it to expand more but we should not come from Embakasi where there are only aeroplanes, and then come here to talk about sugar.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker—

The Attorney-General (Mr. Njonjo): With those few remarks, I beg to—

Mr. Karungaru: Is the Attorney-General not out of order to say that a Member of this House should not talk on any matter which has been brought to this House just because he comes from Embakasi or from

the Attorney-General's Chambers, or from Tinderet or from Mombasa? Are we not National Members?

Mr. Deputy Speaker: He did not say all that you are saying.

The Attorney-General (Mr. Njonjo): In fact, I have not concluded my speech because I was just interrupted by the hon. Member.

Mr. Deputy Speaker, Sir, I was not criticizing the hon. Member. Of course, he is entitled to speak in this House. However, we are all expected to make reasonable contributions to debates. We should make relevant remarks on any motion, and that is why I chose not to talk about the details of the sugar industry because I do not know anything about it. I do not know how sugar is grown. In fact, the hon. Member himself does not know about the sugar industry. I say that because he was talking of feasibility study. Of course, the industry could not have been started unless a feasibility study had been made. The hon. Member was saying that a feasibility study should be made.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker—

The Attorney-General (Mr. Njonjo): If the hon. Member is going to be tough with me I am also going to be tough with him. We were having a joke—

Mr. Karungaru: Mr. Deputy Speaker, Sir, I have never seen an hon. Member continue to speak when a point of order has been raised.

Is the Attorney-General in order to say that he is going to be tough with me? Secondly, is he in order to say that I am not aware of the problems which are existing there when it is known very well that we paid a visit to that factory where we were taken round all the places?

Mr. Deputy Speaker: The Attorney-General is entitled to express his opinion.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I am entitled to say that. The hon. Member for Embakasi wanted to interject me as if I did not know what I was talking about. I do not think the hon. Member can dispute with the fact that the area he represents has an airport.

Mr. Deputy Speaker, I think this Motion should be rejected because it is misconceived. It is wrong to criticize the Ministry concerned in this way when, in fact, the Sessional Paper discloses everything.

I oppose the Motion.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, is the Attorney-General really in order to say—These papers are not supposed to be debated unless a particular Member takes exception about them. Therefore, if I had not put this Motion on the Order Paper then, of course, the Sessional Paper would have been deemed to have been passed without being discussed. I suggest that the Attorney-General does not appreciate the procedure involved in this debate.

Mr. Deputy Speaker: He is not objecting to the fact that there is a Motion on the Order Paper, but he is objecting to the fact that these conditions which are laid down, in the form of this Motion, *vis-a-vis* Sessional

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Paper No. 6 of 1974, that before this Parliament gives its approval to the Paper, certain things should happen. This is what the Attorney-General is objecting to, and he is entitled to his opinion.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, I would like to pick a point further on from you. In my opinion, the hon. Mover misled the House by saying that unless there was a Motion like this in the House this Sessional Paper would have been passed automatically. Am I in order to say that a Sessional Paper is laid on the Table for debating and that it only becomes automatic after certain conditions have been fulfilled, and hon. Members have had an opportunity to debate it?

Mr. Deputy Speaker: I should have drawn the attention of the House to that fact.

The Assistant Minister for Agriculture (Mr. Khaoya): Thank you very much, Mr. Deputy Speaker.

First of all, I would like to thank the hon. Mover of this Motion for having brought this matter to the House so that the House may have an opportunity to discuss the inner workings of the Chemelil Sugar Factory. In fact, I am grateful that some of the shortcomings of the company have been highlighted this afternoon. All I can say, on behalf of Government, is that we have taken note of that and we shall examine some of the complaints that have been raised.

The question of Africanization is always uppermost in our thinking. In fact, the House will agree with me that Africanization, slow as it may be, has taken place over the last ten years. For that reason, I think Government should be thanked for the steps which have been taken towards that end so far. All the same, I agree with the hon. Mover and the Seconder of this Motion, and more so, with hon. Akiki Amayo, who comes from the area, for the points which they have raised this afternoon.

Mr. Deputy Speaker, the question of racialism was raised in the debate, as was the terms of service of senior servants of the company. Having listened to these questions one would think that the company is so bad that there is no need for Government to support it. However, I would like to invite the hon. House to Government thinking. We look at Chemelil Sugar Factory as a milestone in our industrialization policy. We know that Chemelil is only one among many factories dealing with sugar, and although our production of sugar at the moment stands at a figure of 160,000 tons per year our consumption during the same period runs to the figure of 240,000 tons. This means, therefore, that there is a gap which we must fill by importing some more sugar, something which we should not allow at all costs. We know the intensity that has been caused by the rising cost of oil and we know that whatever little currency we have should be preserved so that we may buy those things which are very necessary for our existence. When we look at it that way, I think the House should agree with every step that Government is taking to make sure that the gap of 80,000 tons per year is completely filled up. The Government and indeed the Ministry are determined to make this possible.

We have had to embark on a new project at Mumias whose capacity would be something in the region of 40,000 tons of sugar. This means, therefore, that we have some other 40,000 tons of sugar to be made available locally. We are working on a programme of establishing some two more factories; one in South Nyanza, the other one in Western Province with a view to completely filling this gap.

We know that it costs a lot of money and with the expansion programme we envisage that about Sh. 140 million will be required for each one of the two I have just spoken about. Looking at Chemelil itself, so far, some Sh. 200 million has been invested. We employ more than 4,000 people directly. Of course, this is not taking into account the infrastructure benefits—the “roads” that come by, say the daily bread that all those people that grow sugar benefit. Looking at the Motion this afternoon, as much as I would like to agree with the sentiments and arguments brought forward, I cannot but recommend to the House that we can only do one thing; that is: we reject the Motion as it stands.

I say so because of the following things: the implication is that we are being asked in this Motion to delay the guaranteeing of some 27 million shillings which is designed to help this company and the project to go ahead. Some 12 million shillings was to have been made available by 31st March. At the end of this year we require a further 15 million shillings which will reduce it to some 12 million shillings. If we agree with this Motion it means that we shall delay the programme and therefore, the company and the factory will run a big risk of collapsing. If that should happen, what do we gain? It is all right picking up on some shortcomings, but for Heaven's sake, let us allow this company to go ahead even if only for the opportunities it offers to the workers who are *wananchi* and if also it is going towards filling the gap I have referred to.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, the hon. Member has said that if this Motion is accepted, it will delay the provision of the facilities requested. Can he substantiate where the delay will come in? Was he not going to satisfy the House by answering all the points raised and then help the House to satisfy itself and then the House will give its approval without further delay?

The Assistant Minister for Agriculture (Mr. Khaoya): Each hon. Member has his views. However, looking at the Motion and I will read it very carefully for the convenience of my colleague. Mr. Araru:—

“THAT, before giving its approval to Sessional Paper No. 6 of 1974, on Government Guarantee of overdraft facilities to the Chemelil Sugar Company Limited, this House wishes to satisfy itself that the said company is being managed with efficiency and economy and along sound commercial lines with a view to assisting Kenya to reduce and ultimately eliminate its dependence on imported sugar.”

I have common sense which every other hon. Member has: just looking at that Motion, at what stage would you say that the House is now satisfied? Here is a Motion and whatever you say, you either approve it or reject it. If you approve it means that this action

[The Assistant Minister for Agriculture]

shall be delayed until this House is satisfied and since we cannot stipulate when this House shall be satisfied, we cannot say when. Yet, as I have just explained, there is that urgency of guaranteeing so that the much needed money is made available; in fact, it is only the facilities which should be made available so that the much needed spares and fertilizers and so on can be made available for the programme we envisage.

I wish to point out here that Government is always vigilant; it always looks at the functions of any organization of this nature. And because we do this continuously it was found late in 1972 that we required re-organization of this company and that is why we called in the Bookers Limited who did a very good work and as a result, before the House we have this Sessional Paper No. 6 which has brought in new blood in the management. I think the House should be satisfied that these actions are meant for the benefit of *wananchi* and in particular *wananchi* in Nyanza Province and the country at large shall benefit because of the benefits that we will have from the foreign currency. That is why I still persist in maintaining that contrary to what my hon. Mover has just said, that if we agree to this Motion as it stands, it will be difficult to know as to what stage Government shall see that it now has the permission of the House.

I should, therefore, recommend very strongly to this House that all those points that have been raised have been taken note of and that I will undertake to see that most of them shall be examined and if possible we shall see how best we can help the situation. That being the understanding, I would on the other side, recommend that this House strongly rejects this Motion with the understanding which I have brought about.

Mr. Deputy Speaker, Sir, there was the question of management which had been repeatedly raised here.

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker, Mr. Karungaru took the Chair]

However, looking at the Sessional Paper does anybody seriously point out that those organizations most of which are led by African personnel are so inefficient that we should do something more? Does the hon. Mover of this Motion or indeed any other Member here want to tell us that by appointing one of the hon. Members to this organization we would improve the situation? I think we should leave matters of detail and matters of business to those people who are qualified in business, and that we confine ourselves to those matters that are directly under our concern, that is making sure that money is available on the conditions that efficiency is brought about. I believe that this is what Government is looking for. Mr. Temporary Deputy Speaker, I hope with those few points that my hon. Mover, in particular will agree with me that the fears which he had after all are not in existence.

Before I finish my speech, let me refer to a few points that convince the Mover of this Motion. We all know that there has been a lot of industrial unrest in this area. For example, we know of the tendency of burning of sugar-cane fields in that area. I happen to

have been in the place very many times and I wish that hon. Members especially those from the area take note that from now onwards, it will be in the Kenya's interest for people to desist from setting fires to sugar-cane in that particular area. If you set a whole farm on fire, you retard the development of the farm for two years before you can get any proper replacement. The burning of sugar has been going on not only in Chemelil but in Muhoroni and other factories. I understand that people burn sugar-cane because they believe that that is the easiest way of creating employment. When I last visited the area, it was explained to me that when people are out of pocket, they set the cane on fire because they know that if the cane has been set on fire, it must be cut within a week or else it is spoilt. Therefore, by setting fire on it they get employment. I wish to appeal to people in Nyanza and Western Provinces that this habit does not help us at all. It does, in the long run, damage the economy of the country.

I wish to appeal to the House to see the sense of the Motion and reject it without much ado. Thank you very much, Sir,

Mr. Seroney: On a point of order, Mr. Temporary Deputy Speaker, Sir, if we do what the Assistant Minister is asking us to, where would the approval for this overdraft be? If we reject this Motion, Sir, are we not rejecting the overdraft request?

The Temporary Deputy Speaker (Mr. Karungaru): Order! Does it mean that the Assistant Minister has rejected the Motion?

Mr. Seroney: Yes, he is asking the House to reject the Motion.

The Temporary Deputy Speaker (Mr. Karungaru): I do not think that the Sessional Paper and the Motion are one and the same. If the Motion is rejected, that does not mean that the Sessional Paper is also rejected. I consider the two to be different things altogether.

Mr. Seroney: On a point of order, Mr. Temporary Deputy Speaker, Sir, according to the Guarantee Act, if we do not give our approval then, of course, they cannot go ahead.

The Temporary Deputy Speaker (Mr. Karungaru): On the contrary, the two are different things. You are now talking about the Sessional Paper whereas the House is now debating the Motion which you tabled requesting Government to do certain things before the Sessional Paper is approved. Therefore you can easily see that the two are parallel.

The Minister for Agriculture (Mr. Nyagah): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to say a few words on this Motion.

Sir, the hon. Mover has put us in a confusing state of affairs. Had he allowed the House to quote freely from the Sessional Paper which he has quoted last, then the House would have been in a better position to make its judgement over this issue. However, as hon. Khaoya said, as the official Responder, we would like the House to reject the conditions laid in this Motion. It is a right of the House that before a Sessional Paper is implemented, it has to be presented in the House. Nevertheless, before this is done, my colleague has drawn the attention of the House to the fact that the condition is not necessary.

[The Minister for Agriculture]

Mr. Temporary Deputy Speaker, Sir, the Mover and his supporters have spoken about the difficulties Chemelil Sugar Company has faced. Sir, nobody denies that over the last eight years, the company has faced great problems. The Government has been quite concerned about the production of sugar in this particular factory and that is why from time to time, under the Loans Guarantee Act, Government has sought the mandate of this House to improve financial position of the company for the sake of efficiency and productivity of Chemelil Sugar Factory.

There are other benefits which the supporters of the Motion have not mentioned when discussing it. Sir, several hundred Kenyans earn their living from sugar industry in the area either as sugar planters or as sugar workers. We have not highlighted the fact that sugar produced by this particular company has reduced the importation of sugar into Kenya to a tune of one-third of the total requirement of sugar in this country. Out of the average 40,000 tons we get from the factory, the Cereals and Sugar Finance Corporation—a bank in the Treasury—gets money from this particular sugar company.

The Government Responder has acknowledged that Government will take note of anxiety and concern of hon. Members regarding this company; I support him wholly on this one. I would like to request the hon. Mover, with the permission of the House, to withdraw this Motion instead of putting us in a situation where we can accept or reject the Motion. In this way, Sir, we can go ahead to the next step of discussing the Sessional Paper, itself. In fact, in 1973, an agreement was reached between the participants of the company and the Government. The first part of the agreement has been fulfilled. Now, the Government has come back to this House to ensure that the next step, in accordance with the laws of this country, is also fulfilled. We are not asking for anything new. As the Attorney-General said, Sir, the Government is much concerned about the question of finance in the country because the commercial banks that finance these companies are keeping their eyes open to ensure that we avoid the pitfalls of the past. Recently Government appointed a chairman to head this company. The man is one with no mini stature in this country in that he is a former chairman of the Public Service Commission, namely, Mr. Wamalwa. He has a responsibility to look into the day to day affairs of the Chemelil Sugar Company. All that I can ask hon. Members is that they should support the factory and the Government's efforts to reduce the importation of sugar in the country. This House can do that by guaranteeing money to this company. We should also aim at improving the efficiency of the company in question so that Kenya in a short time can be self-reliant on sugar.

Mr. Temporary Deputy Speaker, Sir, since time is over, I will stop there; I will continue tomorrow.

MOTION FOR THE ADJOURNMENT**TERRORIZING OF LANDLESS PEOPLE IN TINDERET**

The Temporary Deputy Speaker (Mr. Karungaru): Will a Minister please move that the House do now adjourn.

The Minister for Agriculture (Mr. Nyagah): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister of State, President's Office (Mr. Munyi) seconded.

(Question proposed)

Mr. Seroney: Mr. Temporary Deputy Speaker, Sir, while supporting this Motion for the adjournment I would like to raise a matter contained in a question to which I received an unsatisfactory reply from the Assistant Minister of State, President's Office. In my question I complained of the behaviour of the District Officer in charge of Tinderet Division in Nandi District. The district officer in question by-passed the laws of this country and ordered his officers to burn down the houses which belonged to squatters living in Nandi Hills. My question was threefold. In the first place I wanted to know whether the Minister of State, President's Office was aware of that or whether it was possible for him to make himself aware of the fact that on 8th May, 1974 more than 60 houses belonging to squatters were burnt down under the orders of the district officer I have referred to. Of course, this was done without going through the courts of law in order that the district officer should have been given a court order to evict the people in question. The second part of the question dealt with the fact whether or not the Minister was aware that the district officer had threatened to burn more houses at another place on 19th May, 1974. Finally, I wanted to know whether or not the Minister was prepared to take drastic measures against the officer in question so that other officers cannot follow his example of taking the law in his own hand. I also wanted to know if the Government was going to compensate those people who were affected.

Mr. Temporary Deputy Speaker, Sir, all of us know how difficult it is to get an answer from the Assistant of State, President's Office. If you look at the HANSARD copies you will find that the Assistant Minister is fond of saying a lot of words which mean nothing. In the eyes of all the hon. Members of this House, he is the one who says very little in very many words. Briefly, the Assistant Minister in his reply to my question, he said that he was not aware that the district officer in question had anything wrong. He also said that the squatters were dealt with according to a chief's orders. He added that the squatters in question had been given land elsewhere by Nandi Tea Estates and as such they had nothing to complain about.

Mr. Temporary Deputy Speaker, Sir, I think the Minister also took cover under the— He quoted a Constitution which protects the Private Property.

Now, Mr. Temporary Deputy Speaker, Sir, let us see the grounds which the hon. Minister gave as part of his reply. First of all, he relied on a chief's order. Now, Sir, I have looked at the Chief's Act and I find that a chief is not allowed to make an order causing the houses of other people to be burnt down. The chief can make an order requiring people to attend *barazas* or requiring people to remove themselves from an area and so on. However, if you disobey these orders, the chief does not become his own executive officer. In other words, the chief has to take you to court for

[Mr. Seroney]

disobeying his orders. He does not take the law into his own hands. Therefore, I think the Minister was misleading the House completely. Since when have the district officers taken cover under the chief's orders? Who is superior to who? Is the chief now going to give orders which are going to be obeyed by the district officers or what?

Therefore, Mr. Temporary Deputy Speaker, Sir, the Trespass Act which was the only Act which could be proceeded makes it quite clear, the procedure to be obtained, if somebody is squatting on your land illegally. It is provided that one has to go to court. A chief being an administrative officer can arrest and so can a district officer and then take a person to court and let the court convict the person of trespass and make an order, giving such a person time to remove himself from the area; after which his building could be demolished. Now, this was a very high-handed way of dealing with this matter and both the Chief of Nandi Hills and the District Officer of Tinderet Division, I think, should both be taught a lesson. I think that since the Assistant Minister said that he was going to investigate this matter further, I hope that he has now had time to look into the matter and that he will answer questions set out in a straightforward manner in order to satisfy our people at home that they are subject to the rule of law and that they will not be treated arbitrarily by a district officer who seems to be in the habit of terrorizing the *wananchi*. Although in my supplementary question, I did point out to him that it has been a habit of this particular district officer to terrorize the *wananchi*, the Minister took it lightly. I believe now that he has had enough time, since I asked this question on 23rd May, 1974, to have examined the antecedents of this district officer. A few years ago, he was a district officer at Mathare and the people of Mathare were very glad to see him go because he takes matters in a high-handed manner. He went to Thika and again he mistreated and terrorized the *wananchi* there and they were also only too glad to see him go. Next, he went to Eldama Ravine and his record there also was very notorious. From there he went to Nakuru and I am sure that there was a question in this House by the hon. Member for Nakuru West about the activities of this very district officer who burnt down houses of Dorobo in Nakuru West. As a result of the complaints by the hon. Member with the Office of the President and, I am sure that the Assistant Minister of State, President's Office, who is here with us now, would know if he only cared to find out the truth of the matter, that this particular district officer was removed from the area.

Therefore, I suggest, Mr. Temporary Deputy Speaker, Sir, that since examples have not benefited this particular district officer—he has been transferred to so many places and he still keeps on doing the very same things—I suggest that the only remedy so that this district officer can understand that he has broken the law and that he should not think that he can break the law with immunity, is to remove him completely from the administration. Mr. Temporary Deputy Speaker, Sir, if you transfer him from Tinderet to

another division, there is no guarantee that he will not do the same thing there. Therefore, Sir, I suggest that when the Assistant Minister replies, he should assure this House that they will remove him completely from the administration, and put him somewhere else, where he cannot do damage to the *wananchi*. He should also give the House an assurance that for those people whose houses were burnt and whose belongings were burnt, the administration will cause an inquiry to be undertaken to ensure that the squatters will be compensated for what they lost because the Constitution which he quoted in favour of the tea estate also operates in favour of *wananchi*. The Constitution is not there only to protect the expatriates, it is also there to protect the *wananchi*, and they are protected because their property cannot be touched except in accordance with the due process of the law. Therefore, I would suggest that the Assistant Minister should not evade the question. For once in his life, I hope he will answer briefly in a straightforward manner, and avoid saying briefly of words which, if you analyse mean very little. We want him to speak briefly and to the point, and to reassure the *wananchi*, not only of Tinderet, but the whole of Kenya that the Office of the President and the provincial administration is very committed to the rule of law and not that of the jungle, as we are beginning to suspect.

Therefore, with those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Komen: Thank you very much, Mr. Temporary Deputy Speaker, for giving me opportunity to second this very, very important Motion, which has been moved by the Member for Tinderet, the hon. Seroney.

Mr. Temporary Deputy Speaker, Sir, I pity the people of Tinderet because I know this gentleman very well, and his name is Mr. Warioko. I know this person very well in person, and we have sat together in an office, arguing about the same problem of burning people's houses. He is a very notorious man, Sir, because he cares very little about people's property. Now, Mr. Temporary Deputy Speaker, Sir, this same person has now acquired a piece of land in a settlement area where he used to burn people's houses.

Now, Sir, I would beg the Assistant Minister who is going to respond on behalf of the Government not to sweeten his words when he comes here to reply, because this district officer is the very person we have discussed here in connexion with similar acts of burning people's houses, and his name is Mr. Warioko. We are not condemning all district officers as such. Therefore, I would like to request the Office of the President not to defend a particular officer when his record is known. It is no point for the Office of the President to defend an individual who is very well known by hon. Members here because of his acts of burning people's houses and property, and who has not changed at all, because he has been terrorizing the people of this nation all along.

Mr. Temporary Deputy Speaker, Sir, we know how this particular fellow was employed. We very well know that he did not have the necessary qualifications to become a district officer, and we can bring the records here to this effect. We know how junior he was before he was made a district officer.

[Mr. Komen]

of the Government is willing to keep this gentleman in service, could he then be taken to Harambee House to work on files and by so doing the people of Tinderet will get rid of him because he has betrayed their conscience. I would like to say that this man enjoys seeing smoke when other people's properties are being burnt.

With these few remarks, I beg to support.

Mr. Migure: Mr. Temporary Deputy Speaker, Sir, the hon. Mover told the House that the district officer in question has been transferred from one place to the other because of his misconduct. We are now trying to find why this man is being kept in the public service. Another district officer who misbehaved in Kiambu, who was caning people was taken to the court and jailed. If this man has been transferred from one place to the other because of misconduct, why then should he be kept at Tinderet where he will terrorize people? I am asking the Assistant Minister to understand that ours is a political Government and not a military Government whereby any Government officer can misbehave in any way he likes. It is a Government which believes in the rule of law. When we talk about the rule of law we mean that things should be done according to the law. If anybody has committed an offence he should be taken to court but we should let the executive officers burn houses and punish people. Last time the Assistant Minister was asked to show the House the law that gives the executive officers the power to start burning houses and he could not find the section. I am sure that the Assistant Minister, being a politician—when he was a Back-bencher he used to defend his own people. If this Government is for the welfare of the society and the just Government of men, this district officer should not be in a Government office. So many people are complaining that they are being retired in public interest. Some of them are very good officers and yet they have been retired and yet this person cannot be retired. If this district officer committed an offence then he should be taken to court. We cannot have a Government which is terrorizing the people. It is not the wish of the Government that people should be terrorized, but it is only one Government officer who is spoiling the name of Mzee's and *wananchi's* Government.

Therefore, instead of the Assistant Minister defending what is wrong he should come out in his true colours as an elected hon. Member of Parliament because he is supposed to defend members of the public whether in Mbita Constituency or anywhere else.

With these few remarks, I beg to support.

Mr. Murgor: Mr. Temporary Deputy Speaker, Sir, the action which was taken by the district officer was extremely wrong. I am not defending anybody but I think that the fault lies squarely with the district commissioners and the provincial commissioners. The district officers are supposed to be trained.

I had a case in Nyanza where I had a district officer who, when I posted him to a certain district the district commissioner did not like him. I posted him to all districts in Nyanza and every district commissioner did not like him. I thought that if I asked the President's

Office to remove this district officer from Nyanza he was bound to lose his job. Therefore, I kept him at the headquarters and up to this day the district officer is doing very well in the service. The district commissioners have to train the district officers. A district officer has no power whatsoever to do things contrary to the law and to do things without the knowledge of the district commissioner of the area. Any action taken by him must be approved by the district commissioner in the area. In this case a district officer just went to a place and burnt peoples' houses and destroyed their crops. Those poor people had nowhere to live in and they had to go to live along the road in shanties built of banana leaves.

Mr. Temporary Deputy Speaker, Sir, as the hon. Member for Tinderet, the Mover of this Motion, said the Government should pay compensation to the people who were affected by this exercise and find them an alternative accommodation.

The Temporary Deputy Speaker (Mr. Karungaru): It is now time for the Government Official Responder to reply to the Motion.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir—

An hon. Member: Are you going to oppose the Motion?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, I think the hon. Members should listen to what I am going to tell the House on this subject.

Mr. Temporary Deputy Speaker, Sir, it was last Friday when I told this House a matter of a similar nature which was acclaimed by most of hon. Members. During that time I said that the Government will not tolerate, even one single minute, an individual officer who takes law into his hands. I told the House of an incident which took place in Mombasa concerning a certain district officer who had taken the law into his own hands. Action was taken against him because this was a very straightforward matter. That is one of the examples of what the Government does to its officers who want to take the law into their own hands.

Coming back to the present issue I would like to say that I replied to a question in this House concerning what had happened in hon. Seroney's area. I do not want to repeat what I told the House at that time but I would like to point out that thorough investigations were carried out about this particular individual district officer. The Mover of this Motion, hon. Seroney, a person whom I respect very much, has alleged in this House that this district officer has previously been transferred from one place to another because of his bad behaviour. This is not true because it is common with the Civil Service for an officer to be transferred from one particular station to another. That does not necessarily mean that it is a disciplinary action in itself.

Mr. Abdallah: On a point of order, Mr. Temporary Deputy Speaker, Sir, do you not think that the Assistant Minister is misleading the House by saying that the transfer of this officer was normal. Since we know that the hon. Member for Tinderet told the House that

[Mr. Abdallah]

this district officer gave the Administration Police orders to burn the houses in question what other investigation is the hon. Assistant Minister talking about? Is that in itself not enough evidence to show that this District officer acted in that manner?

The Temporary Deputy Speaker (Mr. Karungaru): There could be a reason for the Assistant Minister to say so. It could be that they have not yet exhausted their investigations about this matter. If that is what Mr. Munyi is saying then I cannot see the reason why he should not be given permission to say so.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, the hon. Member should give me a chance to say what I was going to say. The hon. Member should not interrupt me when I am in the course of telling the House what the Government has done on this matter. If I should come to this House and make allegations, I should also be given a chance to explain myself. Here I must be given a chance to disapprove something which was said for the sake of saying and nothing more. Thorough investigations have been carried out by the Government, although I know the hon. Member has also his own machinery of carrying out his own investigations. We did carry out the investigations and found that the reasons why this officer was transferred from Mathare to Nakuru, then to Eldama Ravine and from there to Nandi, where he is at the moment, this was the normal transfer in Government Service. This does not mean that the officer used to misbehave himself at those stations where he was transferred. If the hon. Members want, I can give them a name of another Government officer who, in the last five months has been transferred to more than six places. Does that mean disciplinary action? Transfer is a normal thing in the Government Service. Therefore, the argument the hon. Member advanced to support his case was that this officer proved to be bad and notorious and that is why he was transferred to all these places, does not hold water. I did explain to the House that the transfer which this officer got was the normal transfer and there was nothing wrong with him.

Mr. Migure: On a point of order, Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister not misleading the House when he says this man has been transferred normally while we know very well and it was said here, that the same officer was transferred from Mathare because people were almost killing him and that he was transferred from Thika because he was harassing people there? Is he in order?

The Temporary Deputy Speaker (Mr. Karungaru): I think it would be more important if you could only be patient and listen to what the Assistant Minister has to say.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, what I want to say here is that this was an allegation

which was made by the Member and there is no truth in it. However, I am telling the truth. I always tell the truth.

Mr. Murgor: On a point of order, Mr. Temporary Deputy Speaker, Sir, could it not be in order for the Assistant Minister now to tell the House what the result of his investigation is and what action he intends to take instead of repeating himself all the time?

The Temporary Deputy Speaker (Mr. Karungaru): I think it would pay a good dividend if the Assistant Minister could straightaway come to the point. The Assistant Minister could save a lot of time for the House if he told us how far they have gone with the investigation and how much has been left to be done.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, what the Government has found, through the investigation is that 2,600 acres have been given to the landless people by the company in question and some more 1,100 acres will be given to the same people.

Mr. Ahmed: On a point of order.

The Temporary Deputy Speaker (Mr. Karungaru): Order, Mr. Ahmed. The Assistant Minister has only two minutes to give the official reply and if you keep on interrupting him, it means he is not going to finish his reply before the time is over. So, Mr. Munyi continue.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, I would assure the hon. Member that the land in question will be distributed to the landless people in that particular area, which is Nandi. The distribution of this land will be done by the Government.

Mr. Seroney: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister not misleading the House because this particular land he is talking about was distributed to the landless people in that area in 1972 and the land is already occupied? Again the 1,100 acres he is talking about is also already occupied and it has no relevance to these particular squatters?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, what I am telling the House is the truth and it is the hon. Member who is misleading the House. This land will be distributed to the landless people in the area and they will get title-deeds for the land.

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karungaru): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Thursday, 6th June, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 6th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

NOTICES OF MOTIONS

PENSION FOR MEMBERS OF PARLIAMENT

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

THAT, in view of the fact that our Government, through this House has made adequate provision for aged citizens both in the Public Service and in the Private Sector in the form of pension benefits when one reaches a certain age, and noting the fact that Members of Parliament cannot take full-time employment where provision for old age is catered for; this House urges the Government to find ways and means whereby a Member of Parliament would qualify for a pension after being a Member for a period of 10 years or on attaining the age of 45 years, whichever is the earlier.

SELECT COMMITTEE ON CORRUPTION

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

THAT, since corruption is prevalent among those expected to prevent it, this House resolves to appoint a Select Committee of Parliament to investigate and recommend to the House, what measures the Government should take, to eliminate this problem from the society.

IMPARTIAL BODY ON LAND TRANSACTIONS

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

THAT, in view of the fact that land transaction in the Republic is most irregular and speculative in prices and valuation, this House recommends that the Ministry of Lands and Settlement creates an impartial body specifically to deal with all land transactions in the Republic, and ensure that they are fair and just.

EXTENSION OF RAILWAY NETWORK IN WESTERN PROVINCE

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

THAT, in view of the importance of railway communication to the economy of any area, and noting the rapid rate at which Kakamega District as a whole and Kakamega Municipality in particular is growing, this House urges the Government to construct a railway network to link Webuye, Kakamega, Mumias and Butere, and Kakamega, Mbale, Nyang'ori and Kisumu.

ORAL ANSWERS TO QUESTIONS

Question No. 246

ATTACK ON TURKANA BY GENERAL SERVICE UNIT

Mr. Ejore asked the Vice-President and Minister for Home Affairs—

- (a) whether he is aware that on 8th March, 1974 Turkana tribesmen were attacked and severely beaten up by the General Service Unit men while they were watering their livestock at Kangole Nakirement and that eight persons were taken to hospital by police from Lodwar as a result of this beating; and
- (b) who had authorized this operation and what action is being taken against those involved if the operation was not justified?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply.

I would like to inform the hon. Member that I can smell a rat and I have ordered for further investigations into the matter.

Mr. Lotodo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, he has just told the House that he has ordered fresh investigations into the matter. Is he going to report back to the House after he gets the details of these cases?

Mr. Shikuku: Certainly, Mr. Speaker, Sir, I will do that! The reply I have given to the hon. Member is negative, but as I have said, I have ordered that fresh investigations be carried out to find out the truth of what happened to the *wananchi* of Turkana. When investigations are completed, I will report the findings to the House.

Mr. Ejore: Mr. Speaker, Sir, while thanking the Assistant Minister for ordering fresh investigations to be carried out to find out the truth of this matter and also for letting the House know that the first reply was wrong or negative, I would like to tell the Assistant Minister that I have prepared a list of names of the people involved, and if he allows me I will lay them on the Table, particularly if he thinks this can help him in carrying out his investigations.

Mr. Shikuku: Mr. Speaker, Sir, since the hon. Member did not show me those names earlier on, before I replied to this question, then he can keep them with him. Why did he not show them to me before I ordered fresh investigations to be carried out to look into this matter? It is because this Government is a popularly elected Government—a Government of the people—that I did not agree with that reply. So, further investigations are being made and a statement will be made in this House later on as to what happened to the Turkana *wananchi*.

Mr. Speaker: Next question, Mr. Nyakweba.

Mr. Ayieko: Mr. Speaker, Sir, before I ask my question, there is a little correction I would like to make. My other name is spelt as "Nyakweba" and not "Nyakwemba" as shown on the Order Paper.

Question No. 342

MURDERERS OF OKECH OKECH

Mr. Ayieko asked the Vice-President and Minister for Home Affairs—

- (a) whether he is aware that on or about 15th or 16th of February, 1974 a Mr. Okech Okech of South Mugirango, who worked for Mr. Ismail

[Mr. Ayieko]

of West Mugirango, Kisii, was murdered and was buried at Kisii Cemetery before his relatives were informed; and

(b) what steps the Ministry is taking to bring the culprit before a court of justice.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware. However, I wish to give the following information to the hon. Member. The deceased, who was identified as a Mr. Okech Okech, was killed on the night of 15th/16th February, 1974 at Busaro Sub-location in Mugirango within Kisii District. The deceased had no fixed abode and was identified by Messrs. Omari Machuki and James Obwabi who had known him before. At the time of his death, he was not employed. He was not employed by Mr. Ismail as claimed by the hon. Questioner. Even though the identifying witnesses were not related to the deceased, they were generous enough as to arrange for his burial; for which, I think, they should be congratulated.

(b) This murder is subject to active police investigations but so far no arrest has been made. It is only after investigations have been made and concluded that we shall be able to bring the cuprits before a court of law.

Mr. Ayieko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the deceased was working for Mr. Ismail? This is a fact and therefore, I do not see the reason why the Assistant Minister is saying that the deceased had no fixed abode. He had a fixed abode in that he was working for Mr. Ismail. Is he in order to deny this fact?

Mr. Shikuku: If it is true that this man worked for Mr. Ismail as the hon. Member claims, then why did the latter not report the matter to the police as soon as the incident took place?

Mr. Mutiso-Muyu: Mr. Speaker, Sir, will the Assistant Minister tell the House whether or not he checked with Mr. Ismail to find out if the deceased was at any time his employee?

Mr. Shikuku: Mr. Speaker, Sir, the information I have is that the deceased was unemployed. However, instead of us arguing as to whether or not this man was employed we should try our best to identify the person who killed him.

Mr. Mwithaga: Mr. Speaker, Sir, the normal procedure followed by the police to detect such a culprit is to investigate the circumstances which led to the murder. Therefore, in view of the fact that the Assistant Minister has said that this man was of no fixed abode, will he tell us whether this man was a Kisii or a Luo?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member is trying to tell us how to investigate a murder case. I would like to thank him for his piece of advice. Nevertheless, the truth is that the police are currently investigating this murder. However, the Government is not bound to follow the hon. Member's advice when investigating this murder. For the information of the House, the deceased was a man of no fixed abode. If the hon. Questioner is sure that the information I am giving to this House is not correct, it is only fair for him and

anybody who might be in position to know the circumstances which led to the death of this man, to inform the police so that we can establish the name of the person who killed this man.

Question No. 330

PAYMENTS TO COTTON FARMERS IN BUSIA

Mr. Masibayi, on behalf of Mr. Ebu, asked the Minister for Agriculture whether he is aware that cotton buying in Busia during the season just ended was most annoying to farmers in that they had to wait for weeks after delivering their crop to the buying centres before they could be paid for it; and if so, whether he would explain what gave rise to this abominable situation and why it could not have been prevented from occurring.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

I am aware that as a result of involvement of local politics in cotton buying in Busia North, the farmers who delivered their cotton to Lukoli Co-operative Society were not paid for the cotton they delivered until after several weeks due to the fact that the buying centre was closed down temporarily. The situation has, however, come back to normal following intervention and compromising efforts of the Cotton Lint and Seed Marketing Board.

Mr. Masibayi: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, will he agree with me that this delay arose due to the fact that the Co-operative Union was allowed by the Government, for the first time, to buy cotton despite the fact that the Government knew that it did not have enough money to do so and no effort was made to provide them with enough money to buy the cotton they needed?

Mr. Khaoya: Mr. Speaker, Sir, the information I have is that due to different political views in the area in question certain farmers refused to sell their cotton to the Co-operative Society. As a result they could not get any money for their cotton because it was not sold.

On 4th August last year my Ministry got all the parties concerned together and advised them not to bring the question of politics into the sale of cotton in the area. As a result of that meeting things are back to normal.

Mr. D. M. Kioko: Mr. Speaker, Sir, the hon. Member for Busia North has just said that Government, for the first time, allowed some people to start buying cotton in Busia despite the fact they did not have enough money to do so. Will the Assistant Minister tell us the kind of politics that made the people refuse to sell cotton to the Co-operative Society in question?

Mr. Khaoya: Mr. Speaker, Sir, I wish that question was asked by the Questioner, hon. Ebu, and I would have told him the truth. I think it is only fair for me to refrain, at least for the time being from telling the House the kind of dirty politics that is taking place in the area in question. However, as I have just explained, this problem arose due to a confusion in local politics in which the hon. Member for the area was involved.

Mr. Masibayi: Mr. Speaker, Sir, is the Assistant Minister not trying to mislead the House by saying that the

[**Mr. Masibayi**]

cotton growers were not paid for the cotton they sold due to a confusion in local politics? As far as I know the Co-operative Union which bought cotton from farmers did not have enough money to give the farmers.

Mr. Khaoya: Mr. Speaker, Sir, I am certain that the hon. Member does not know the kind of politics which are involved in this Question.

Mr. Speaker: This question is talking about delay in payments to farmers; it does not talk about the question of delivering. This Question assumes that the cotton in question was delivered but the owners were not paid in time.

Mr. Khaoya: Mr. Speaker, Sir, I agree with you, but the truth is that the cotton growers refused to sell their cotton to the Co-operative Society and instead sold it to another organization. As a result, there was delay in making the payments to the farmers. Hon. Ebu, the Questioner, can bear me witness on that point, and I think that is the reason why he is not in the House to ask his question.

Mr. Speaker: Mr. Khaoya, I think you are making a very serious allegation. What the hon. Members want to know is why you are talking about political confusion in the area. Mr. Khaoya, you should also not impute an improper motive on the part of the hon. Questioner who is not in. There is no reason why you should assume that he is not in the House simply because he happens to know that there is something fishy in his question. That is out of order, Mr. Khaoya.

Mr. Murgor: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, how does he bring the question of politics in the buying of cotton? What action is the Government going to take to ascertain that politics does not interfere with the development of agriculture in this country?

Mr. Khaoya: Mr. Speaker, Sir, all that I would like to do is to appeal to the hon. Members from Busia and the local politicians to assist the Government in solving this problem. However, the truth is that there are differences of opinion between hon. Ebu and the former Member, Mr. Oduya. The latter told the farmers not to sell their cotton to the Co-operative Society; he asked them to sell it to Malakisi Ginnery. This is the truth of the whole matter. As I have already explained, my Ministry brought the two parties together and we advised them not to bring politics into this matter in the future. I am happy that the situation has come back to normal.

Mr. Tsuma: Mr. Speaker, Sir, this question talks about Busia District, and realizing that fact, is the hon. Assistant Minister in order to confine himself to the politics of Busia North? Is the Assistant Minister not aware that Busia is a big district and that the Minister for Local Government, Mr. Osogo, hon. Ochwada, hon. Ebu and hon. Masibayi come from that area?

Mr. Speaker: Yes, he is quite in order because that is included in Busia and, obviously, the Questioner must have had in mind a particular part of Busia. Therefore, he is quite in order.

Mr. Masibayi: Mr. Speaker, Sir, is the Assistant Minister aware that certain farmers who delivered

their cotton to this particular store have not been paid up to now? They were only recorded as having delivered their cotton to the centre, but have not been paid any money. What has that really to do with Busia politics?

Mr. Khaoya: If there are any cotton growers who have not been paid their money, I will look into the matter with the help of the Cotton Lint and Seed Marketing Board and direct that these people be paid. However, at the same time, I wish also to inform the hon. Member who has just raised this matter that we can do a great deal in helping the economy of the country if we desisted from introducing confusing politics in cotton growing and selling.

Question No. 343

BATHI WATER SCHEME

Mr. Gatuguta asked the Minister for Agriculture—

- (a) in view of the fact that the Government has for several years been promising to construct the Bathi Water Scheme to supply water to the people of Ndeiya and Karai, he would tell the House what progress has been made so far in this direction;
- (b) how much money has been set aside for this purpose; and
- (c) when the actual work of constructing the Bathi Dam and laying of the pipes is going to start.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

(a) The preliminary design is now complete and the final design will be ready for going out to tender by 1st October, 1974.

(b) Sh. 8,720,000 has been set aside by the Government for this scheme.

(c) The construction work under phase I should start early 1975.

Mr. Gatuguta: Mr. Speaker, Sir, frankly, I am tired of these promises by the Government. However, is the Assistant Minister aware that his own Ministry did point out to this House last year, and this was put on record, that the construction work for that scheme would start early in January, 1974 whereas he is now telling us that it will start early in 1975? How long are we going to be told this kind of thing whereas Government cannot fulfil what they say in the House?

Mr. Khaoya: Mr. Speaker, Sir, I wish to assure the hon. Member that this time it will be done.

Mr. Murgor: Mr. Speaker, Sir, nine years ago, when I was the district commissioner for Kiambu, this project was on. Now, can the Assistant Minister tell this House what has been the cause of the delay in starting this project?

Mr. Khaoya: I hope that regardless of whatever sentiments my hon. colleague has raised, he is satisfied, at least, in that the project will be started in January next year.

Mr. Gatuguta: Mr. Speaker, Sir, will the Assistant Minister tell this House when this project of supplying water for the people of Karai and Ndeiya was first thought of? How many years is it since that time, and what has prevented it from being started?

An hon. Member: Just say you were not in the Ministry at the time!

Mr. Khaoya: Mr. Speaker, Sir, it is not enough for somebody to suggest to me that I should say I was not there at that time because that is really not a good answer. The Government goes on whether I am there or not. I would like to appeal to the hon. Member, once more, that instead of going into the past history of the matter, we should now go forward, just as we say in Kanu, "Forward ever, backwards never".

Question No. 170

EARNINGS FROM TOURISTS

Mr. Nyaga asked the Minister for Finance and Economic Planning whether the Government knows the amount of money brought into this country by visitors.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

Yes. In 1972, tourism earned Kenya some £26.5 million, and in 1973, £24 million.

Mr. Nyaga: Mr. Speaker, Sir, in the past, there were loopholes whereby tourists paid money outside this country instead of paying it here in Kenya. Now, would the Minister tell us whether the Government is quite certain that these loopholes do not exist after our passing the Bill he introduced here in connexion with tourism?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member should know that a tourist coming in from Europe or America or Japan pays his money, if he is in a package tour, to the tour operator in that country. However, when the tourists arrive here, we know the number that have come through a given tour operator, and the amount that is due to us is remitted here. However, the money must be shared between the organizers of the tour on the other end, that is the people who pay for the transportation, etc., and ourselves. There is, in each case, a formula of sharing it out. It is not all ours, Mr. Speaker.

Mr. Mboja: Mr. Speaker, Sir, arising from the Minister's reply, would he inform this House what percentage our Government gets?

Mr. Kibaki: Mr. Speaker, Sir, it is not quite worked out on that kind of basis. The arrangement for each group is different, Sir, depending on the nature of the organization. For instance, just to give a small example, because these things are varied to an infinite extent, you could have a tour operator who is also a shareholder in a transport company. He may also be a tour operator, and a shareholder in a hotel company. Now, the formula we arrive at in each case depends on the services that the foreign tour operator is rendering to the tourists who come to Kenya. Therefore, there is not just one formula for all these tours. There is an arrangement for each case.

Mr. Kanja: Thank you, Mr. Speaker. Now, for the Africans of this country to benefit from the tourist trade, there was to be a central booking office. Will the Minister tell us whether this has come about, and whether our people are really benefiting now?

Mr. Kibaki: Mr. Speaker, Sir, we did not want a central booking office. We wanted a central office for co-ordination of the bookings in different lodges in the country. Now, the co-ordination, Mr. Speaker, is being attempted through the various institutions we have. However, we have not actually established one central office.

Mr. ole Marima: Arising from that answer by the Minister, that the Hotel and Accommodation Bill we passed here does not seem to be working because we had hoped that we would reduce the competition of the people who are experienced in this trade and who book through airlines and hotels, so that the African could also get into the trade, could the Minister tell us whether an African attempting to go into the hotel industry has any chance of succeeding if he does not centralize bookings?

Mr. Kibaki: Mr. Speaker, Sir, there is a confusion in the mind of my friend. The Government is not obligated in any manner to join in and assist in the competition in any of these industries. It is a free competition and, therefore, the purpose of the law we passed was not to undertake this kind of discrimination he is talking about. The purpose, Mr. Speaker, was to ensure that those who rent these beautiful places inside the game parks do not exclude tourists booked by those who may not own them because that would be having an unfair advantage over the others. Now, that is the kind of discrimination or monopoly behaviour that the Government can be required to stop, but not to go out of its way to take anybody by the hand and take him round to find where the money is. That is not our function.

Mr. Mutua: Mr. Speaker, Sir, arising from one of the Minister's replies that some tour operators overseas differ because they are shareholders in tour companies or elsewhere, does he mean that the Government does not get its share of money because of these people who own shares in such companies?

Mr. Kibaki: Mr. Speaker, Sir, I am afraid I have not understood the hon. Member's question.

Mr. Speaker: Would you repeat your question, Mr. Mutua?

Mr. Mutua: Mr. Speaker, Sir, in one of his replies the Minister said that tour operators in overseas stations differ because some of them may be holding shares in certain companies. Does it mean that our Government is not getting its full share because the tour operators have shares in certain companies?

Question No. 318

REVIEW OF PENSION RATES

Mr. Kitonga asked the Minister for Finance and Economic Planning why pension payment rates are not reviewed according to the changing economic circumstances.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

I know that the hon. Member for Kitui East is always very serious. I agree with him that there should be a regular review of the pension paid to pensioners as the economic circumstances change.

Mr. Kitonga: Mr. Speaker, Sir, while I thank the Minister for answering the question very well, would he tell us when he is going to implement the review?

Mr. Kibaki: Mr. Speaker, Sir, we have, in fact, started the review, and for the benefit of my friend I would like to add that the review needs co-ordination with Tanzania and Uganda because many of the pensioners served there during the colonial era. Some of these people served for a part of the time here, and the other part of the time in the other partner states. We undertake review for pensions which are due up to the time of Independence jointly because we then share what is to be paid depending on the length of service that a pensioner is paid in each one of the three states. We have undertaken the review but it is something that has to be agreed upon first.

Mr. Murgor: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that we may be dealing with our own people in this country, why has there not been any review during the times when the civil servants salaries have been reviewed? Why has it taken us all this time to think of this need?

Mr. Kibaki: Mr. Speaker, Sir, the hon. Member for Eldoret South is mixing up two issues here. I agreed with the hon. Member for Kitui East that as the economic circumstances change, for instance, as prices rise, there is a case for reviewing the pensions, but the hon. Member, Mr. Murgor, is asking us to review the pensions every time we are reviewing the salaries of the serving officers. That is, of course, a very different matter and I did not agree to do that.

Mr. Nthenge: Mr. Speaker, Sir, the Minister had told me, when I asked a similar question, that the Government reviews pension payments regularly. Can he tell us when the last review was done?

Mr. Kibaki: Mr. Speaker, Sir, there was a review a short time before I came to the Treasury but there is need for another review now.

Question No. 346

REWARD FOR ANTI-ROBBERY BRAVERY

Mr. Mulwa asked the Minister for Finance and Economic Planning if, taking into account the need for public support in combating robberies in banks and shops, and considering the inherent danger involved, he would arrange with the banks and shopkeepers to create a fund out of which the members of the public who through their courage, foil such robberies or give information leading to the arrest of such robbers could be rewarded.

Mr. Kibaki: Mr. Speaker, Sir, the answer is, "No".

Mr. Mulwa: Mr. Speaker, Sir, taking into account that the robberies are now very prevalent and there is always a danger whenever the members of the public try to block a get-away car, do you not agree with me that it is high time something was done to give incentives to people whose deeds are courageous or those who give information to the police leading to the apprehension of these robbers? As you know, insurance companies do not meet expenses on damages to civilian cars used to block get-away cars.

Mr. Kibaki: Mr. Speaker, Sir, as for incentives for giving information, there is a system in our Ministry for Home Affairs for doing precisely that, and so, that is not something new. What is new is that the hon. Member wants a special fund for the money to be given to the good citizens who help in apprehending a robber. We are all good citizens and, therefore, we should help in apprehending robbers and in fact, we should congratulate our people because they have apprehended quite a number of robbers in the streets and then beaten them up thoroughly.

Mr. Mutunga: Mr. Speaker, Sir, while appreciating the fact that the Government does give something when one gives information leading to an arrest, would the Minister tell us what happens when somebody tries to block a robbers' car and gets himself killed? Where is the compensation? In our law it is provided that any citizen must apprehend a criminal who commits an offence; but where does such a person stand?

Mr. Kibaki: Mr. Speaker, Sir, if something like what the hon. Member said did happen, then the injured person would be paid an *ex gratia* payment. It is described as *ex gratia* payment in that it is not from a regular fund set for this purpose; if it is a justified payment it comes in that category.

Mr. Mulwa: Mr. Speaker, Sir, the question of *ex gratia* payment is not correct. Who pays it? This is paid by the insurance companies, and if they decline, then it cannot be paid. Mr. Speaker, Sir, since in my question I was seeking or requesting the Minister to see whether he can have the fund created by bankers and the shopkeepers, why is he refusing my request whereas he has not asked the shopkeepers whether they are willing to have the fund?

Mr. Kibaki: Mr. Speaker, Sir, the Government is not refusing to do anything but I am merely saying that there are different institutions in this country who undertake different jobs. For instance, we have insurance companies, we have traders' associations of different types and we have other private arrangements between different industries in this country. All these are providing some of the kind of services the hon. Member wants me to provide. If more coverage was needed, I am sure it would be given because these are the people who are themselves involved and who have the most to lose and, therefore, they would expand their services to include such a thing. I am merely saying that it does not look, to me, like a proper function of the Ministry of Finance and Economic Planning.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir. The Minister knows very well that insurance companies cannot pay for such a thing. He also knows that there is no fund at all contributed by the shopkeepers. Why can he not answer the question as I have put it? I am asking for a kind of co-ordination from his Ministry for the banks and shopkeepers to contribute towards this fund. Why is he talking of insurance companies when he knows that they cannot pay for this?

Mr. Kibaki: Mr. Speaker, Sir, I do not know why my friend will not listen and yet he is trained to listen. He is a good lawyer and so he should listen. All I am saying is that banks, for instance, have a scheme of insuring their own moneys whether in transit or not. If

[The Minister for Finance and Economic Planning]

they now think, in their wisdom, that they require additional insurance, services and incentives to help them deal with robbers, well, they are sufficiently interested in their own welfare and the welfare of their own institutions and so they can do something. For this reason they would be able to arrange such a scheme or any other scheme to do the job the hon. Member wants me to arrange as a part of the job of the Minister for Finance and Economic Planning. That is all I am saying, Mr. Speaker, Sir.

Mr. Mboja: Mr. Speaker, Sir, since the Government has almost failed to control these robberies with violence which take place every day in this country, would he consider urging or asking the *wananchi* to be always prepared to smash these robbers with *rungus* wherever they are found or, short of that, give the police an incentive to wipe this menace of robbers?

Mr. Kibaki: Mr. Speaker, Sir, I think it is quite unfair for the Member for Kilifi South to say that the Government has failed to eradicate robbery with violence in this country. Surely, he is aware of the successes of our police in combating this crime. In fact, our police should be congratulated because they have been quite successful in this work. Mr. Speaker, Sir, if the hon. Member himself was to patrol a given area at night and give chase to robbers who are armed we would see how his feet would bear him. They may not be able to bear him at all. Mr. Speaker, Sir, we know that our police have shown courage and integrity in combating armed robbers. In fact, they have done a magnificent job in this field. Therefore, it is quite wrong to say that they have failed in this field.

Mr. Mboja: On a point of order, Mr. Speaker, Sir. Is the Minister in order to tell me to go out on patrol when I am not being paid to do this work while he is refusing to give some incentive to the people who are already doing this job?

Mr. Speaker: That is not a point of order.

*Question No. 306*NATIONAL SOCIAL SECURITY FUND CONTRIBUTIONS—
ATHI RIVER FARMS

Mr. Nthenge asked the Minister for Labour whether the management of Kenplains Estate and Kitangila farm, Athi River, pay National Social Security Fund contributions and workers' union dues.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to reply.

The Kenplains Estate and Kitangila farm, Athi River, are owned by Mr. John Hopcraft. The last contributions to the National Social Security Fund for Kenplains was made on 10th March, 1970. This contribution was for December, 1969. The last contributions for Kitangila farm was made on 10th July, 1973 and it was for December, 1972. Mr. Hopcraft has been very unco-operative. Indeed, his documents have already been processed for prosecution.

My Ministry does not collect union dues as this is a union affairs. If, however, it can be proved that the employer deducts union dues from the workers' wages and does not remit them to the union, then necessary action will be taken.

Mr. Nthenge: Mr. Speaker, Sir, since the aim of the introduction of the National Social Security Fund was to help the *wananchi* and Mr. Hopcraft, the owner of these farms, has definitely refused, since 1969 to co-operative in contributing to this fund, what is the Government intending to do for the *wananchi* who have now missed this chance for so long?

Mr. Kubai: Mr. Speaker, Sir, in my original reply I said that the documents of Mr. Hopcraft have already been processed for prosecution. I think the matter will be dealt with by the court when the necessary arrangements have been completed.

Mr. Migire: Mr. Speaker, Sir, since it is an offence for any employer to refuse to co-operate in paying workers' contributions to the National Social Security Fund, what has the Ministry done so far to help these workers since the Minister received these complaints from the hon. Member who represents the area in question?

Mr. Kubai: Mr. Speaker, Sir, I think I have answered that question.

Mr. Speaker: Yes, you have already answered that question.

Mr. Nthenge: Mr. Speaker, Sir, since prosecution does not solve the problem of the workers and although the director might be punished the employees will still suffer, what is the Government doing to ensure that these people are not denied the services of the National Social Security Fund? What is the Government intending to do to see that these people benefit in a way because this employer has flatly refused them the services of this fund?

Mr. Kubai: Mr. Speaker, Sir, I think I said that we have no other way of dealing with such an employer except to take him to court. It is up to the court to decide on how the lost contributions will be recovered.

Mr. Speaker: Next question. Mr. Yunis Ali.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, sometimes we have a problem when we have a question like this which is two-sided. When we ask a supplementary question on the first part of the question the other side misses a chance of having supplementary questions asked about it. How do we solve such a problem, Mr. Speaker, Sir?

Mr. Speaker: I gave you the opportunity to ask a supplementary question and you could have done that. We have to share out the time available to us to all the questions which are listed on the Order Paper. Next Question. Mr. Yunis Ali.

Question No. 271

RENTS FOR MACHAKOS CAMP HOUSES

Mr. Y. Ali asked the Minister for Works, in view of the fact that houses at Machakos camp are temporary and more of a slum, what justification there is for his Ministry to deduct rents from salaries of workers residing there.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

There are 236 houses at Machakos camp and the Ministry charges a nominal rent from only 18 graded

[The Assistant Minister for Works]

staff who are not entitled to free accommodation. The Ministry tries its best to keep the houses in good state of repair with the limited funds available to them.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, does he agree with me that if we go with him to this camp at the moment, especially now that it rained last night, he will find that most of the houses are full of water because of lack of maintenance?

Mr. Kuguru: Mr. Speaker, Sir, I do not agree with the hon. Member. If he wants me to accompany him to that place I am prepared to do so, Mr. Speaker, Sir. I do not think that these houses are full of water because we do not allow even prisoners or chicken to sleep in houses which are full of water. These houses are well maintained.

Mr. Y. Ali: Mr. Speaker, Sir, since the Ministry of Works, in providing these temporary houses to *wananchi*, is not guided at all by the motive of making profit, what is stopping it from writing off the nominal charges which the Assistant Minister has said is charged to some *wananchi* there?

Mr. Kuguru: Mr. Speaker, Sir, the question of writing off these nominal charges does not arise. The thing is that we have to accommodate these people. Even the house I am living in at the moment might have been built before I was born but it is well maintained. As such, we do not have to write off this nominal rent which is charged on these houses. These houses are valuable and that is why we are charging a nominal rent to people who are earning good salaries. In fact, these are only houses. The other workers are living in good houses in comparison with other Nairobi residents.

Mr. Kanja: Mr. Speaker, Sir, since the hon. Questioner has brought to the notice of the Assistant Minister that if he accompanied him to this camp he would find these houses are leaking, which makes it impossible for the residents to enjoy their sleep at night, could the Assistant Minister direct his staff to go and repair the roofs of these houses so that those people can live like human beings.

Mr. Kuguru: Mr. Speaker, Sir, the allegation by the hon. Member, that these houses have leaking roofs, is not true. If the questioner is really serious about what he says, I am prepared to go with him and the staff of my Ministry to see whether these houses have leaking roofs.

Question No. 328**SALARY SCALES FOR UNTRAINED TEACHERS**

Mr. Marete asked the Minister for Education—

- (a) how the different categories of untrained teachers of the Kenya Junior Secondary Examination to the East African Certificate of Education level are paid according to the Ndegwa Report recommendations; and
- (b) why it is that there is such a big difference between an East African Certificate of Education holder and a failure.

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

(a) The salary scales of untrained teachers of Kenya Junior Secondary Examination to East African Certificate of Education level according to the Ndegwa Report are as follows:—

Unqualified with Kenya Junior Secondary Examination or its equivalent—£138 per annum and unqualified with East African Certificate of Education or its equivalent is £252 per annum.

(b) The difference between an East African Certificate of Education holder and a failure must be there since the East African Certificate of Education failure (like the failure of any other examination) automatically reverts to the last highest examination qualification preceding the one the failed. As far as East African Certificate of Education is concerned, those who pass with four subjects are considered equivalent to Kenya Junior Secondary Examination holders.

Mr. Marete: Mr. Speaker, Sir, appreciating the answer given by the Assistant Minister, could he tell the House why the holders of Kenya Junior Secondary Examination earn Sh. 230 and the holders of the East African Certificate of Education earn the same amount while those of the East African Certificate of Education have been in school for two more years compared to the holders of the Kenya Junior Secondary Examination?

Mr. Rubia: As I have already said when a person fails to get a full East African Certificate of Education then he gets the salary of an unqualified teacher in the grade of a Kenya Junior Secondary Examination holder. That is what I meant when I said that the failure of East African Certificate of Education reverts to the next highest examination he passed, which is Kenya Junior Secondary Examination in this case.

Mr. Marete: Mr. Speaker, Sir, appreciating the answer by the Assistant Minister, can he tell the House why the holders of East African Certificate of Education who have passed in Division I, II or III, have to earn Sh. 230 just like a Kenya Junior Secondary Examination holder?

Mr. Rubia: Mr. Speaker, Sir, I do not know if I understood the question by the hon. Member. However, if he is asking why a holder of East African Certificate of Education, Division I, has to earn the same as a Division III holder, the answer is that so long as he holds a full certificate, we do not differentiate between the divisions.

Mr. S. Lugonzo: Mr. Speaker, Sir, the idea behind the question is for the Assistant Minister to see the unfairness here. Can he now assure the House that this will be reviewed, bearing in mind that a candidate may fail this examination simply because he might be sick during the examination time or simply because he lacked only a few marks to get to the point of Division III? Does the Assistant Minister not think that this is unfair?

Mr. Rubia: Mr. Speaker, Sir, I cannot give that undertaking. What we do is to allow teachers and, indeed, we encourage them, to study and pass examinations. There must be a measure of qualification and we

[The Assistant Minister for Education]

consider this to be very important. However, the question was talking about unqualified teachers. In this case, we also encourage the present unqualified teachers to go to college and become qualified teachers. I do not think this nation will benefit in any way by trying to drag the qualifications downwards; rather, it should be upwards.

*Question No. 335***DEATH BENEFITS—FAMILY OF LATE BENEDICT OSONO**

Mr. Migure asked the Minister for Education—

- (a) when the Teachers Service Commission received a report from the district education officer, for Homa Bay about the death of Benedict Osono who died in June 1970;
- (b) why his family has not been paid his benefits while he had been a teacher for several years; and,
- (c) what action the Minister is taking to see that the benefits are paid to the family without unnecessary delay.

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

(a) It was only in May, 1973 when a report reached my office to say that Mr. Benedict Osono had died in May, 1972 and not June, 1970 as the hon. Member has stated. I immediately instituted enquiries and asked the District Education Officer for Homa Bay to have a formal application for a death gratuity submitted to my office together with the death certificate. In spite of many reminders nothing has so far been received.

(b) His family has not been paid his benefits because no claim for such benefits has so far been lodged. If the hon. Member knows the relatives of the deceased he should ask them to contact the Secretary of the Teachers' Service Commission immediately.

(c) All efforts to contact the relatives of the family have so far failed. If the hon. Member for Mbita brings the next of kin to me, I shall ensure that the gratuity is paid in accordance with the regulations in force.

Mr. Migure: Mr. Speaker, Sir, the Assistant Minister has told the House that the late teacher died in May, 1972 and the report reached him in May 1973. I would like to know from the Assistant Minister why the report took one year to reach his office in Nairobi from Homa Bay? He also said that reminders have been sent but nothing has been received to-date. May I know from the Assistant Minister whose fault that was; the relatives of the deceased or the district education officer?

Mr. Rubia: Mr. Speaker, Sir, if the hon. Member is really keen to help these people now, he should bring to my office the next of kin of the deceased person and matters will proceed from there. I do not think we are going to gain anything by going backwards and trying to find out whose fault it was. If the relatives have been to the district education officer, that is not our information and I cannot confirm or deny that what he is saying is the truth. However, if it is a question of paying gratuity, surely, the next shortest measure to take is to bring them to our office.

Mr. Migure: On a point of order, Mr. Speaker, Sir. I want to know from the Assistant Minister why this matter took one full year to reach his office and yet when the teacher died the matter was reported to the district education officer immediately.

Mr. Speaker: Mr. Migure, you have been told what to do for your own benefit. What is the use of following up the matter when the Assistant Minister has told you to bring the relatives of the deceased person to his office?

*Question No 325***YATTA MOBILE CLINIC**

Mr. Speaker: Mr. Kiilu not in? Next question.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE**NAMING OF KAKAMEGA NEW WARDS**

Mr. Tsuma: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

- (a) Is the Minister aware that the name Kamasia, which has been given to one of the new wards in Kakamega Municipality is not acceptable to the people of the area?
- (b) Could the name be changed from Kamasia to Bukhulunya, as it is the real original name of the people who lived in the area and are still living there?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply.

I am not aware that the people in this electoral area have not accepted the name "Kamasia". I am however, Sir, prepared to consider any other name which may be suggested by the hon. Member in consultation with the district commissioner and the local civic leaders.

Mr. Tsuma: Mr. Speaker, Sir, I am grateful to the Assistant Minister for the answer he has given. However, I would like to appeal to him to speed up the process of changing this name so that we can have a local name.

Mr. Munoko: Mr. Speaker, I said if the hon. Member could suggest a name in consultation with the district commissioner and other civic leaders I would consider changing the name. Therefore, the ball is in his court.

Mr. Masibayi: Mr. Speaker, Sir, would the Assistant Minister tell the House where he got this name "Kamasia" from? What connexion has this name with the local area? Did he get the name from the local people? Could he really tell us how the name came about?

Mr. Munoko: Mr. Speaker, Sir, such names are normally suggested by the local leaders in consultation with the district commissioner and I have no doubt that this has been done. If this has not been done, then I do not know how the name came about.

Mr. S. Lugonzo: Mr. Speaker, Sir, since such names have appeared here in Nairobi and in other local authorities' areas in a very funny way, would the Assistant

[Mr. S. Lugonzo]

Minister assure us that before a name of this type is given to a ward or road, the local people—the people concerned—will be consulted? We do not want a very strange name, like “Kamasia”, which originates from Turgen—people who live about 300 miles away from Kakamega. This shows that the Assistant Minister has not consulted the local people! We do not know what “Kamasia” means. Could he assure us that before names are given in future, he will organize a referendum of some sort to get the right names for the local areas?

Mr. arap Cheboiwo: On a point of order, Mr. Speaker, Sir. Is the hon. Member really in order to suggest that that name originates from Turgen while Turgen people refused it long time ago? They do not even remember it now. Is he really in order to say this name belongs to us while we are known as Turgen and not as “Kamasia”?

Mr. Munoko: Mr. Speaker, Sir, I have said already that such names are suggested by the local leaders with the consultation of the district commissioner. We in the Ministry of Local Government do not give out names just like that. I know, Sir, that Masai nicknamed the Turgen as “Kamasia”, but they no longer call them so.

Mr. Tsuma: Mr. Speaker, Sir, the Assistant Minister had started off very well; but do you not think he is now misleading the House since I know very well that when this name was given to the ward nobody was consulted? The district commissioner was not consulted, nor was any local leader consulted. They never even consulted me as the Member for the area. Is he not misleading the House by saying that these people were consulted? We would like to know who gave this name because we were not consulted at all!

Mr. Speaker: The name will be changed and, therefore, I do not think there is any more problem here. Next question. Mr. Kanja.

SALARIES FOR NYANGE FARM EMPLOYEES

Mr. Kanja: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:—

- (a) Why has his Ministry not paid ten of its employees who have been working at Nyange Farm, which formerly belonged to Mr. Nelson, for eight months?
- (b) When will the said employees, who are now suffering, be paid their full amount, amounting to more than Sh. 12,000?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

My Ministry took over Nyange Farm on 4th December, 1973. However, it should be noted that the wages being claimed by the employees are in respect of the period from 1st April to 4th December, 1973, before we took over the farm. These wages fall under the responsibility of the former owner of the farm and I have no doubt that the employees concerned will direct their claim to him. Under these circumstances, I am unable to say when the employees will be paid. However, I would like to inform the hon. Member that the Senior

Labour Officer for Central Province has taken up the matter on behalf of the employees and I have no doubt that the matter will be followed up and settled in accordance with the labour laws and regulations.

Mr. Kanja: Mr. Speaker, Sir, may I first of all congratulate the Ministry for having taken over this farm which used to belong to that notorious settler. However, I would like to ask the Assistant Minister whether, considering the time that the officials of his Ministry took before going to Nyange Farm to scare the settler, who ran away and left the ten employees—there is too much noise in the Chamber, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! There is far too much noise!

Mr. Kanja: Mr. Speaker, these employees were left as the custodians of the farm, the cattle and everything else on the farm when the settler ran away. Therefore, Sir, I feel that at the time of the purchase of the farm the employees' interests should have been taken into consideration; before the Ministry took over the farm it should have ensured that these employees would not lose their money.

Mr. G. G. Kariuki: Mr. Speaker, Sir, from the date of the take-over of this farm, the interests and remunerations of the employees have been paid. However, the money which was not paid to the employees prior to the take-over is not our responsibility. It is the responsibility of the former owner of the farm. However, Mr. Speaker, the necessary action is being taken through the Nyeri Provincial Labour Officer to see that all wages being claimed by the employees are paid to them according to the labour regulations.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's reply, are you satisfied that he has answered the supplementary question put to him by the hon. Member? Mr. Speaker, there is a specific system used by our Government when they are taking over these farms from European farmers. It is the duty of the Government to see that all the old debts, whether in the form of wages or otherwise, have been cleared before they pay the foreigner any money. The employees in this particular farm ought to have been paid before the Government took over this farm. Why did the Government buy this farm knowing very well that the poor Africans are suffering because they have not been paid their wages amounting to Sh. 12,000? How are they now going to claim this money if the foreigner has already ran away?

Mr. G. G. Kariuki: Mr. Speaker, I hope I followed the hon. Member's question properly. I would like to inform the hon. Member that if the labour laws are followed accordingly, these people are going to be paid because the money is still there since we have not paid the settler in full. Therefore, we have the money to pay these people if only the people concerned finalized the case.

Mr. Kanja: Mr. Speaker, Sir, if I heard the Assistant Minister right, I thought he said they have not paid the settler in full; in other words, they have not finalized the deal and, therefore, there is still some money somewhere and they can still pay these people the outstanding Sh. 12,000. Would he now assure this House that

[Mr. Kanja]

those ten employees will be paid this money as soon as possible so that they do not continue suffering because they have been rendering very good service to the Government?

Mr. G. G. Kariuki: Mr. Speaker, Sir, my Ministry would like to avoid getting too far inside this problem because it is not our responsibility. I am saying this because the Labour Officer at Nyeri has already made several contacts with the lawyer of the former owner of this farm and I think something is being done. The only thing I can confirm is that if it is agreed that these people should be paid, the money will be made available.

DOUBLE PENALTY FOR ILLEGAL CATTLE GRAZING

Mr. Munyasia: Mr. Speaker, Sir, I beg to ask the Minister for Co-operatives and Social Services the following Question by Private Notice:—

Is the Minister aware that cattle belonging to Mr. Mwanzia Maumba were detained by the Katoteni Ranching Co-operative Society management on 9th April, 1974, and that some of them were later released to the owner, leaving behind two bulls as security, and that Mr. Maumba was later on fined Sh. 100 in a Kitui court on 10th May, 1974? If so, could the Minister explain—

- (a) why Katoteni Ranching Co-operative Society is demanding Sh. 420 from the said Mwanzia Maumba for the same offence; and
- (b) what happened to the two bulls which were left as security in the hands of Katoteni Ranching Co-operative Society, as they were not returned to the owner?

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to give the following reply.

Yes, Sir, I am aware that 66 cattle belonging to Mr. Mwanzia Maumba were detained by Katoteni Ranching Co-operative Society management after having been found straying illegally on the Ranch on 12th April, 1974. Subsequently, Mr. Mwanzia Maumba was fined Sh. 100 in a Kitui court.

(a) On 13th April, 1974, the owner, namely, Mr. Mwanzia, collected 62 head of cattle and left behind four others. The ranch demanded Sh. 420, which is the normal grazing fee, worked as follows:—

	Sh.
66 head of cattle at Sh. 5 per head per day	330
4 head of cattle at Sh. 2/50 per head for nine days	90
Total	420

(b) The two bulls which were left behind as security were stolen later on and the police are investigating the matter.

Mr. Munyasia: Mr. Speaker, Sir, while I thank the Minister for the effort he made to inquire into this matter, in view of the fact that four bulls were left behind and two of them were stolen, can he be kind enough to suspend the recommendation of the court until the two missing bulls are recovered?

Mr. Ngureti: Mr. Speaker, Sir, I would like to assure the hon. Member and the whole House that if it is found that the two bulls were stolen by the ranch or by the people who are not members of the ranch, I shall inform the hon. Member accordingly.

Mr. Munyasia: Since four bulls were left in the hands of the ranching society in question, is it not true that the society is responsible for their loss?

Mr. Ngureti: Mr. Speaker, Sir, as I have just said, the Ministry is still investigating the matter to determine whether the Managing Committee of the ranch is trying to twist the case. If, on the other hand, the bulls were stolen by outsiders we shall try to find out who stole them.

Mr. Mulwa: Mr. Speaker, Sir, arising from the Assistant Minister's reply that Sh. 420 which is now being demanded by the ranching society from Mr. Mwanzia arises from the fact that Mr. Mwanzia was supposed to pay Sh. 5 per day for each of the 66 heads of cattle and Sh. 2/50 per head of cattle for each of the four head of cattle which grazed on the ranching society for nine days, was there an agreement between the accused and the society that they would look after his cattle at that price? Why can the Assistant Minister not order the society to stop demanding this money so that if they still feel they have any claim against Mr. Mwanzia they take him to court? In fact, during the time the case was heard, if the court felt that Mr. Mwanzia had to pay for grazing, they should have imposed a fine to that effect. In fact, it seems that the Ministry is encouraging the society to take the law into their own hands, which is very wrong.

Mr. Ngureti: Mr. Speaker, Sir, I would like to put the hon. Member right. We have some societies in this country which are legally registered. These societies have their own by-laws which they use to regulate certain activities, one of which being on interference with the activities of the society. In the same way, this particular society has that case to deal with.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that the person in question is a member of the same society, and when his cattle were found straying on the society's land he was taken to court and fined for that offence—I have a receipt to show that he paid the fine—Why is it that he is now being asked to pay some more amount? Is this not double punishment for one offence?

Mr. Ngureti: Mr. Speaker, Sir, the Ministry is not concerned with the proceedings of the court. However, if the hon. Member wishes to be helped by the Government to follow up the two missing bulls, we are prepared to help him.

Mr. Kahengeri: On a point of order, Mr. Speaker. Are you satisfied that the question which was asked by hon. Mulwa in connexion with the society taking the law of the land into their hands as far as the confiscation of cattle is concerned, was answered fully by the Assistant Minister? The same society may continue to do that to other people tomorrow, something which is not provided—

Mr. Speaker: What is your question, Mr. Kahengeri? We do not want a long story. Are you replying to the

[Mr. Speaker]

question now? Of course, it is not your duty to do that, if that is what you are trying to do.

Mr. D. M. Kioko: Mr. Speaker, Sir, since I understand that the society has taken the law into their hands by demanding a grazing fee from Mr. Mwanzia, why does the Ministry not instruct the society to sue this gentleman instead of demanding the fee direct from him?

Mr. Ngureti: Mr. Speaker, Sir, the man has already been sued and fined at Kitui Court. Furthermore, there is a by-law which deals with illegal grazing. That is the one on which is now operating.

Mr. Mulwa: On a point of order, Mr. Speaker. Are you satisfied that the Assistant Minister is answering the question? A few minutes ago he said that whatever took place at a Kitui Court is not his business, and he is now saying that the by-laws and what have you—I do not know what he is trying to say. Are you satisfied that he is not trying to evade the question? He is being asked whether it was in order for society to take the law into their hands by confiscating the cattle and demanding money from the person instead of suing him. Under what law are they doing that, and from where does the society derive the power to fine a person?

Mr. Speaker: I do not think anybody said that the co-operative society confiscated the cattle. I think the idea is that the man himself left behind his cattle to graze. Obviously, he knew he had to pay for grazing.

Mr. Munyasia: Mr. Speaker, Sir, the four bulls were detained as security, but when the man came to collect them only two of them were available and the other two were missing. The society is still demanding Sh. 420 from the person.

Mr. Ngureti: Mr. Speaker, Sir, the society took the person to court because his cattle were grazing on its land illegally. The intention of the society was to get Sh. 420 as grazing fee. If, in the eyes of the law, the hon. Member feels that the society acted illegally, then he should advise the person to sue it.

Mr. Mwithaga: Mr. Speaker, Sir, is it not appropriate that the Assistant Minister undertakes to make further investigations into the matter since it seems that he does not have a concrete answer right now? I think he should make more investigations and then report back to the House.

Mr. Ngureti: Mr. Speaker, Sir, I would request the hon. Member for Nakuru to give notice of his question and I will be able to reply to it.

Mr. Speaker: We will go on to the next order.

MOTION

SESSIONAL PAPER NO. 6 OF 1974: GOVERNMENT
GUARANTEE FOR OVERDRAFT TO CHEMELIL SUGAR
COMPANY

THAT, before giving its approval to Sessional Paper No. 6 of 1974 on Government Guarantee of overdraft facilities to Chemelil Sugar Company Limited, this House wishes to satisfy itself that the

said company is being managed with efficiency and economy and along sound commercial lines with a view to assisting Kenya to reduce and ultimately eliminate its dependence on imported sugar.

(Mr. Seroney on 5th June, 1974)

(Resumption of debate interrupted on 5th June, 1974)

Mr. Speaker: Mr. Nyaga was speaking but he is not here.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Motion. Yesterday when this Motion was moved, the Mover explained the position clearly. We also heard the views of the Attorney-General, Assistant Ministers and a Minister. This Motion is not aimed at stopping anything; it merely seeks an assurance that the Government will take the necessary action before granting these overdraft facilities to Chemelil Sugar Company Limited. The impression I have from what has been said is that there is a feeling that this Motion is trying to stop this overdraft. This is not the case. It is here in black and white and anybody can read it. I do not know whether my translation is wrong, but in my view, this Motion is urging that before we give this company overdraft facilities, the management should be overhauled. The Mover explained to us all what is wrong there.

As far as I am concerned, I feel we are already grown up enough to know that when foreigners want to assist us financially, they do not give us money alone but insist that we also take material and personnel from there to follow their money and yet we are told that we have been granted money. Let anybody, even the Minister for Finance and Economic Planning, stand and tell us of any loan which we have been given in clean currency sent direct to Kenyan banks. We are given material and the people. In other words, they give us personnel and make sure that they take what we call *siagi* and leave us only dirty remains. For example, if in the Chemelil Sugar Factory there are 25 expatriates as had been claimed by the Mover and yet it is 11 years since we attained our Independence and we have our young university boys going about in the streets without employment—If you go to places like Kariokor you will see people sleeping on the grass because they have no job. If this is the case, why can we not have the mind to send out boys for training? Why can we not approach these foreigners and say to them: "Here we have 20 or 30 boys, could you please train them for us so that they can work as factory engineers?"

The Attorney-General said that we have to pay these expatriates; for how long shall we continue paying them. We fought for our Independence so that we are able to run our country; and, as can be seen, God has given us all the opportunity. Therefore, if these foreigners give us money somebody should be bold enough to tell them, "thank you for giving us money but, please I have certain people who should be trained to earn that money." Therefore, instead of spending the same money to pay their personnel so that it will find its way again back to, for example, West Germany, let us train these young men for two years so that they will be able to run that sugar factory. We have been told

[Mr. Araru]

that the Government is a shareholder and so are the Grindlays International Corporation and the Industrial and Commercial Development Corporation are shareholders. If all these institutions are shareholders, why do we then look for another money for overdrafts? If, for example, the Grindlays International Corporation Bank is a shareholder, why are we looking for money?

When the Assistant Minister was speaking yesterday he said that this company needed the money to continue its operation. Why is it that this is the only sugar factory that will have to be given overdraft facilities? Why is it that this is the only factory that needs money when we have many such factories which are running properly and are making a profit from the sugar they produce? Mr. Speaker, Sir, let us not be cheated. I am not saying that the money should be given because I heard that this money is given by overseas financial institutions. We thank them very much; but I would like to appeal to them to follow their money with their own personnel. They should also help us by having our young men trained in their countries for some years so that the same can come back here and run such projects. You will find that in every Ministry or statutory board there is an expatriate adviser who goes to France, England or United Nations to represent our country. When will our people get experience on this? When will our own men become experienced? What profit do we get if a German expatriate working with us has to represent us in an important meeting in Germany, if it is the same person who goes there to represent Kenya? There must be something wrong somewhere.

The hon. Member who brought this Motion here is a representative of the people and he knows that if this factory stopped functioning his constituents would suffer. It is our people, Africans, who do the cutting of sugar-cane while the expatriates sit in their office waiting for ten o'clock, one o'clock and four o'clock tea. It is the Africans who remain in the fields cutting sugar-cane, putting it on the tractor and following it up to the factory. Sometimes, the tractors overturn and the poor Africans break their limbs while the expatriate makes sure that every weekend he goes to either Mombasa or Kisumu with his family so long as he is able to get back by the following Monday. Is this the way we want to see this factory function? Is this the way we would like to have money spent and yet we need this money to help our people? I think this is wrong.

We should not have two faces; we must have our own policy. The Sessional Paper No. 10 on African Socialism is there but it would appear that nobody is opening it to see what is contained in it. It is kept just like a Bible. We are expected to see what it contains. Our boys who had material like ours made that Sessional Paper No. 10 on African Socialism to explain to our Kenyans how we can have a sound economy. Every year we have a development plan, for example recently we passed two books on Development Plan 1974/78. If our people have been suffering for years in this factory, then it is better for them to leave the place and look for something else to do rather than wait there until one is 50 years old and has nothing to live on. It is better for the company or the factory to close up. This is a very serious matter and that is why we are supporting the

Motion. If the hon. Member from the area, who is in a better position to defend his people, knew that this factory would close, he could have not brought this Motion here. However, this Motion only urges the Government to see that something is done in the management of the company before it approves the overdraft asked for.

We were happy to hear an Assistant Minister, Mr. Khaoya, saying that he was thankful to the Mover of the Motion and that he agreed to do what he has been asked because there is definitely something wrong. He went on to say that before the money goes to their end, the Government will make sure management is overhauled. That is all the hon. Members are asking for. We were never told anything useful. All we heard is that we should support the Government in its endeavour to reduce the importation of sugar into the country. Although we grow maize in plenty in this country, Sir, we do not know why it disappears from the market? I remember that we imported maize from America some time ago. We also do not understand why we should import sugar when, in fact, we have many sugar factories in the country.

This is a serious matter and the planners of our economy have to focus their attention to the sugar industry in this country. We should use our young educated people to run this industry instead of letting them roam our streets. Sir, we are building schools day and night, but unless we give our young men something to do, they will become dangerous citizens. Why should we import expatriate engineers into this country? Do we not have an engineering school in our university? As an hon. Member said here, Sir, why should we import British and German expatriates only?

In 1961, Mr. Speaker, Sir, I visited Ethiopia and found Indians teaching English there. When I asked the Minister for Education why Indians were teaching English in their schools, he told me that they are cheaper than British teachers and they also work hard. He went on to tell me that Europeans are costly and misbehave quite often. In the same way, Sir, why can we not import cheaper expatriates to work in our factories instead of importing British or American expatriates? We should keep proper statistics on school-leavers and the people who retire from employment every year. We are facing a very grave future because these unemployed youths will turn against us for not giving them jobs.

I do not want to take much time of the House on this Motion. As I said, Sir, the Motion has no aim of blocking the Government's intention to guarantee the proposed overdraft facilities we only want to be assured that the company is going to run at a profit. This means that something must be done about the management of the company.

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

The Minister for Natural Resources (Mr. Omamo): Thank you, Mr. Speaker, Sir; and as hon. D. M. Kioko says, I come from the area where Chemelil Sugar Company Limited is situated. I am sure that hon. Seroney, knows that I am from there. Similarly, hon. Araru should know that I come from this area. Therefore, I would like to give factual information of the situation as I know it.

[The Minister for Natural Resources]

Mr. Speaker, Sir, we should accept the fact that Chemelil Sugar Company is not just dealing with a sugar factory but has the responsibility of milling sugar for the out-growers within the Chemelil zone.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The out-growers get nothing!

The Minister for Natural Resources (Mr. Omamo): Whether they get nothing or not, hon. Shikuku, is not for me to say. However, judging from your eyes, I think you have not gone into the accounts of these growers.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Hon. Shikuku does not say anything he does not know.

The Minister for Natural Resources (Mr. Omamo): Well, if hon. Shikuku does not say anything he does not know, then he knows everything.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am more senior in this House compared to you!

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, if hon. Shikuku has been in this House longer than I—well, the fact is that I have been elsewhere longer than him.

Hon. Members: Hear! Hear!

Mr. Migure: Yes, hon. Shikuku is not senior in everything.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, hon. Migure thinks that hon. Shikuku is not senior in everything. Well, hon. Migure is also not senior than all hon. Members in this House merely because he has a beard!

Now, Sir, we should accept that the Chemelil Sugar Company has several responsibilities. One of these is to mill sugar for the out-growers. It also has to mill sugar for its own nucleus estate. In other words, it has to mill the cane it has grown. Furthermore, Mr. Speaker, Sir, this company has to manage a sugar factory. When hon. Seroney moved this Motion, Mr. Speaker, Sir, I was rather puzzled as to why this particular Motion should come from the hon. Member. I say this because the hon. Member comes from the area and he knows very well that if overdraft facilities are denied this company the first people to suffer will be the out-growers. Some of these out-growers, Mr. Speaker, Sir, are his voters.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Do you not think that the hon. Member speaking is misrepresenting the hon. Mover? The Mover did not say that the overdraft should be refused but that something should be done to ensure efficient management of the company.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I am sticking to the Motion and when you feel, Sir, that I am not sticking to the Motion, then I should be cautioned.

What I feel about this particular Motion is that instead of urging the Government to give more overdraft facilities to the company, it is asking Government to

ensure that the company is being managed with efficiency. The word "efficiency" sounds quite well, but how does one measure efficiency? The fact that a company has made losses in a particular year does not, in itself, mean that the company is not being run efficiently. This, Mr. Speaker, Sir, is more so with a company engaged in the sugar industry. Sugar-cane is a crop that is cultivated over a five-year cycle. Mr. Speaker, Sir, it is true that sometimes it goes up to seven years. Those of us who are in hon. Seroney's constituency, know very well that we have made no money in sugar. This does not mean that we are inefficient. No! After all, we are trying, but it depends upon the nature of this particular crop. Mr. Speaker, Sir, I will explain this in detail.

Number one problem in this zone, Mr. Speaker, Sir, is that it so happened that when zoning was done, more farms were zoned to the Chemelil Sugar Company than the company was able to chew. There was more on its plate. However, if this sugar-cane was not zoned to the Chemelil Sugar Company, where else would it be zoned? This is the question! It would be zoned to the Miwani and Muhoroni Sugar Factories or Mumias Factory; very much to the loss of the out-grower, the out-grower whose farm is near this particular factory. I would like to appeal to the hon. Members to consider this as the first point. Transport costs would go up—I am sure that the hon. Mwithaga knows this that transport costs would really break the farmer, just as the hon. Member would break himself if he tried to grow taller within the next five years.

Mr. Speaker, Sir, the second problem is the question of the sugar-cane fires. I am sure that all hon. Members are aware of the way the sugar-cane fire behaves. It behaves in a most peculiar manner because once the arsonist, or the careless smoker leaves the splinter burning, as soon as the cane catches fire, and the cane is very, very inflammable, with the wind behind the fire the whole thing burns like a forest.

An hon. Member: How does a forest burn?

The Minister for Natural Resources (Mr. Omamo): That I do not know; but if you were talking from practical experience, then I would not oppose you.

Mr. Speaker, Sir, when a sugar-cane field burns, the fire so generated is so great that not only the original field is burnt but the fire is carried even to the next fields by the wind, and if we are not careful even the sugar-cane fields near Butere could be burnt down.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Why?

The Minister for Natural Resources (Mr. Omamo): Well, because the wind sometimes faces that side! This is part of geography.

Mr. Speaker, Sir, once the cane has caught fire, the factory is affected. This is an important point because it leads to efficiency in milling. How is it affected? The cane that has been burnt down must be milled within the next five days and no more, otherwise the chemical process will not help sugar to form. Instead, something known as "Jaggery" will be formed. How does the out-grower behave? The out-grower goes to his neighbour

[The Minister for Natural Resources]

appealing to him, "You see, my cane has been burnt down. Would you please let me have the services of your transport; the services of some of your employees to cut down the cane, load it and transport it to the factory?" Mr. Speaker, Sir, some farmers being kind-hearted, accede to this kind of request. What happens then? The employees of the good farmer, the good Somaritan, will definitely note that and say to themselves: "Here, we are doing nothing. The transport has all gone to help another farmer; the cane cutters are all working there and here we are remaining without work, and so without money and without food!" The human reaction naturally will take place and therefore, these farm employees will set their own sugar-cane fields on fire. This could go on to the second farmer, third farmer and even to the fourth farmer. Now, what happens at the factory? Every farmer is rushing to the factory because within five days his cane will be no good. The factory, under those circumstances, has too much to bite. I would like to speak from a personal experience.

Mr. D. M. Kioko: Question!

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I have not got an interjection from the hon. Members from the areas but knowing that hon. Kioko is—I do not know whether he is a farmer, but if he is one, then I am sure that he understands the problem!

The real problem, Mr. Speaker, Sir, is this: here is a situation which has been precipitated by the person who burnt down the first sugar-cane field. The factory, whether there is top management or not, will not be able to cope up with the situation. As I have been saying earlier on, I am speaking from a personal experience because I was there when a field caught fire last February and 600 acres of sugar-cane field were burnt down. The only things that managed to escape from the fire were snakes, porcupines and, probably, antelopes by running away from the fire. Therefore, I would like to let the hon. Member know that the Chemelil sugar-cane zone has really suffered serious fire hazards during recent years.

The second point, Mr. Speaker, Sir, which might have led to less efficiency in the operation of this particular company is the planting schedule. I have said that there is the out-grower and there is the nucleus estates. The out-grower operates on his own. He plants as much sugar-cane as he is capable of or as much as he can. No one is planning for him. So, when the time for harvesting comes—for instance, if the hon. Migire was a sugar-cane farmer, he would have to harvest his cane; hon. Mwithaga would also harvest his cane; hon. Kioko would also have to harvest his cane and even the hon. Shikuku would have to harvest his cane with a lot of prayers because it is a good harvest. All this sugar-cane goes into the factory at the same time. This is too much for one single factory. What can it do? This is too much on its plate. What happens? There are fields, Mr. Speaker, Sir, in this zone, and I can raise my hands towards God and swear and say that sugar-cane which matured 18 months ago have still not been

out down up to now. The Assistant Minister for Agriculture, hon. Khaoya, is looking at me as though I am telling lies, but for his information I am telling the truth and nothing else.

Mr. Speaker, Sir, the planting schedule in sugar-cane growing areas has not so far been planned. This is not due to mismanagement of the company in question. Who does not know that this company does not manage individual farmer's farms. I expected hon. Seroney to know that fact. I would have expected the hon. Member to tell all the sugar-cane growers to plan their planting schedule carefully or else they suffer.

An hon. Member: Does Seroney grow sugar-cane?

The Minister for Natural Resources (Mr. Omamo): I think hon. Seroney is a very sweet hon. Member and as such it does not matter whether or not he grows sugar-cane.

Mr. Speaker, Sir, yesterday the Member for Embakasi spoke with a lot of fury on a matter he is not well informed. For the information of the hon. Member for Embakasi sugar-cane does not grow in the same manner as aeroplanes land at take off every morning at Embakasi Airport. It takes between 18 and 24 months for sugar-cane to grow. After the first lot of sugar-cane is cut down, it takes the next lot one-and-a-half years to grow. It sometimes happens that sugar-cane in different fields are ready for cutting at the same time. This increases the pressure of work in the factory. That is the reason why I am saying that better planning is needed in sugar-cane growing areas.

Finally, I would like to remind the hon. Members that sugar-cane is grown on large-scale basis. If, for instance, a farmer has one acre of his farm planted with sugar-cane and then a friend of his goes and sets the sugar-cane on fire, let us say with a cigarette butt, what does that mean to the farmer? That means that throughout the whole of period of 24 months the farmer has been doing nothing. Sugar-cane is a kind of crop which can earn profit to the owner if it is grown on large scale. Personally, I feel that sugar-cane cannot be compared with tea because it is not possible to set on fire the latter. Also, Mr. Speaker, Sir, we cannot compare sugar-cane with coffee because it is possible for one family without outside assistance to make a profit from a two-and-a-half acres of land planted with coffee. It is possible for a two-acre farm planted with sugar-cane to make a profit but not in an area where people do not appreciate the value of other people's properties fully. In some areas, for instance, where people during certain periods, let us say, when some of the young people want to get circumcised, get agitated and dance near a sugar-cane field setting the sugar-cane on fire—

An hon. Member: Are you circumcised yourself?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, one hon. Member is asking me whether or not I am circumcised. Mr. Speaker, Sir, I would also want to ask the same hon. Member if he is circumcised. However, to make the matter short, I will tell the hon. Member that I know that he is circumcised.

An hon. Member: Can you lay that on the Table of the House

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, hon. Shikuku is asking me whether or not I can prove what I am saying by laying it on the Table. I am afraid I need assistance from hon. Khaoya who happens to be circumcised.

Mr. Speaker, Sir, sugar-cane is grown on large-scale basis. The people who grow sugar-cane need a lot of education before this industry can succeed. We should also try our best to convince the ordinary *nwananchi* to stop burning sugar-cane. I am sure that the Member for Tinderet can do this country a great service if he pays occasional visits to the areas where sugar-cane is grown to advise the growers not to burn it.

Mr. Speaker, Sir, having said that I would like now to say something on the management of the nucleus estate which regulates the flow of sugar-cane to the Mill. I am not sure as to whether or not we need a very large nucleus estate. From my own observations, the larger the nucleus estate is the more troubles the sugar-cane growers have.

Now, in the Chemelil zone, the nucleus estate is over 5,000 acres.

An hon. Member: It is 8,000 acres!

The Minister for Natural Resources (Mr. Omamo): Well, if you say it is 8,000 acres, that is over 5,000 acres and therefore, I was quite right. I said it is over 5,000 acres.

I know the operation of this particular estate helps the factory, but I have my own doubts. I am not saying that it has led to inefficiency. I have my own doubts as to whether a nucleus estate should be all that big. Maybe, the factory could do with a lesser size nucleus estate. However, the same problems that affect the out-growers affect the nucleus estate itself. We have talked of strikers, Mr. Speaker, and some of the employees there have gone on strike. Now, you know that sometimes their own wrath is directed towards the nucleus estate sugar-cane. I know that the Chemelil Sugar Company has had a very bitter experience in managing their own nucleus estate. During the last dry season, they lost, I should say, at least 1,000 acres of the nucleus estate sugar-cane in fires. I also remember that in trying to fight that fire, this company lost, maybe the most efficient sugar-cane manager we had in the country in the name of Mr. Phil Clarke. This particular officer, Mr. Speaker, while fighting a fire within their nucleus estate was overwhelmed by the fire. This would happen to anybody, it would also happen to the hon. Member for Tinderet if he tried to fight a sugar-cane fire.

However, Mr. Speaker, I would like the House to know that the nucleus estate managed by the Chemelil Sugar Company, has more or less the same problems as those the out-growers have.

Leaving the field completely, Mr. Speaker, Sir, I now want to make a few remarks about the staff.

An hon. Member: Come to the factory itself!

The Minister for Natural Resources (Mr. Omamo): I am coming to the factory, and I will come right into

the nuts as well. Mr. Speaker, Sir, it is true that the Chemelil Sugar Company has employed a number of expatriate staff. I would like to say, from my own observation, that some of these expatriate staff, particularly the technical officers, are some of the best we have in Kenya. They are some of the best sugar technologists we have in the country, and some of the best engineers we have in the country. I know that there are a few of our local staff coming up, but it will take time for Kenya to produce the technical officers, the scientists, the chemists and the engineers that are as good as the employees now working at Chemelil. It is true that a few of them may be inefficient as Members said. It is also true that the top management has been changed a bit too frequently, as a result of which we have seen that in six years, for example, Sir, they have had about six general managers.

An hon. Member: It is because of interference!

The Minister for Natural Resources (Mr. Omamo): Maybe, it is because of interference, but here I would not say that the interference was from the Member for Tinderet. It was not, Mr. Speaker.

Hon. Members: Hear! Hear!

The Minister for Natural Resources (Mr. Omamo): It is true that the top management has changed a bit too frequently. I think this is an area where the Government should really check. Whether or not this is good is a different matter. However, one would like to feel that a manager stays in a place long enough to know his expatriate colleagues as well as his local staff, and long enough to know even some of the out-growers individually. I really think that this state of affairs should be corrected. The training of staff is going on, but training as an engineer or training as a chemist for the sugar industry is not easy. It requires some of the very best brains we have in the country to be trained as engineers. This is quite true, hon. D. M. Kioko. We require some of our very best brains to train as chemists and engineers for this particular industry. I would not myself, Mr. Speaker, put too much weight on delay in localization of these staff. I remember, Sir, in 1963 and 1964, when the nation was busy with localization. At that time, and you will remember it, Sir, the Government started by localizing those field officers like the district officers, the district commissioners and these other people who did not have a lot of technical training. However, the Government has been a bit slow in localizing areas where a lot of training and experience is required. For example, we can boast of our university here in Nairobi, but how many expatriates are there, Mr. Speaker? There are quite a number of them. Just take Egerton College, for example: there, too, you will find quite a number of expatriates. Then, take the case of builders and contractors; most of them are Sikhs or *Kalasinga*, Mr. Speaker, for reasons unexplained.

An hon. Member: Even administration personnel are expatriates as well!

The Minister for Natural Resources (Mr. Omamo): Yes, the hon. D. M. Kioko says that even administration personnel are expatriates as well. However, if administration personnel can be expatriates, how many more expatriates would you expect in the sugar factory at Chemelil?

[The Minister for Natural Resources]

Mr. Speaker, Sir, I would really like to appeal to the hon. Members to take a much broader view of localization as far as this industry is concerned. Examples have been cited here, that Chemelil Factory cannot be compared with Miwani or Muhoroni Factories and the reason being given is that they have employed Asians there. Now, even if they are Asians, you should know that they are expatriates as well. The only difference is that the expatriates at Chemelil are employees of bookers, while those at Miwani and Muhoroni are under different employers.

Mr. Speaker, Sir, having made these remarks I would like to say something about the factory itself.

Mr. Gichoya: On a point of order, Mr. Speaker, Sir. The Minister is now going back to what has been said.

Hon. Members: No.

Mr. Gichoya: This is in the HANSARD. Would you, Mr. Speaker, tell the House whether this is in order?

Mr. Speaker: You will have to wait until you hear him repeat himself and then raise your point of order.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I started with the outgrowers, I then spoke about the nucleus estates, I passed through the staff and now I want to talk about the factory.

Mr. Speaker, Sir, Chemelil Sugar Factory has experienced a lot of difficulties and this may be one of the reasons why, according to the hon. Member, efficiency has not been as high as he would like. This factory has had difficulties in off-loading the sugar-cane from the lorries into the gantry. That is the place where the sugar-cane goes into first before it is crushed and squeezed and then boiled to get the sugar. The off-loading from the field into the gantry is not as efficient as it should be. I am pleased that this particular weak link in the factory management has been noted. I noted recently that they are constructing a wider space so that more lorries could be off-loaded at the same time. If the overdraft that they are asking for is to help in improving the off-loading yard, I would vote for it fully.

Mr. Speaker, Sir, the off-loading of sugar-cane is not like the off-loading of a plane at Embakasi Airport. I can see the Member for Embakasi looking at me. The greatest frustration that farmers get when they go to the factory is on the lorries and tractors loaded with canes queuing up at the factory. It may be polluting the micro-climate of the factory area, particularly so when some of the tractors do not have batteries and so the engines are kept running all the time. I am saying that something must be done now to help the farmers who have struggled with their cane. They have cut the sugar-cane, loaded it, escaped the police on the way to the factory, got to the factory yard, and only to queue up there. To make it even worse, and this is where an element of pollution comes in, the drivers are left hungry and they feel quite miserable. One may chew the sugar-cane but will the factory workers, some of whom are gentlemen and others fair ladies, and you as a driver chewing sugar-cane—well, it may be considered bad manners for one to keep on chewing sugar-cane all the time.

The Assistant Minister, Vice-President's Office and

Ministry for Home Affairs (Mr. Shikuku): There is no bad manners in eating.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, the Member for Butere says that there are no bad manners in eating; but it actually depends on how one eats. If we can eliminate the delay at the factory yard, the factory will have gone a long way in introducing efficiency.

Mr. Speaker, Sir, the last point about the factory is that we should know right now it is not operating.

An hon. Member: Why?

The Minister for Natural Resources (Mr. Omamo): You ask why? Let me, therefore, go right inside the factory. This factory is not operating because it is being overhauled and it is taking one and a half months to do this. This is a normal thing and they overhaul it every year just like the general elections take place every five years to get rid of dead wood. I think this is very important and it is not just the Chemelil Sugar Company Limited that does it but a whole series of factories in this complex. I mean Muhoroni and Miwani sugar factories. These factories must co-ordinate—Imagine that you have employed 400 people to work for you and then you are told that the factory is going to be overhauled for one and a half months. What will the sugar-cane cutters be doing in that particular zone? What will the sugar-cane loaders be doing? When such a time comes, one considers whether to go on leave or to have bread—there are some people who may prefer to have bread on that day instead of going on leave. This is why I say it is a problem and that there should be co-ordination in the operation of these machines so that when the factory at Chemelil closes down there will be room in Miwani and Muhoroni to accommodate some of the sugar-cane so that the people are kept working. With those few remarks, and noting the fact that I have come right into the heart of the factory, I would really like to persuade the Member for Tinderet that this Motion should be dropped in his own interests.

Mr. Gichoya: Mr. Speaker, Sir, I have an amendment which I believe, perhaps, might relieve the burden which the Minister for Natural Resources is having in his head. Mr. Speaker, Sir, I believe that the Government has agreed that there is a problem with the Chemelil Sugar Company Limited for which we are about guarantee overdraft facilities when, in fact the company is about to be liquidated. Every tax-payer in Kenya, including the Minister for Natural Resources himself—and if not himself his own children—will have to bear the burden of repaying this money. Whether this guarantee was given by the Kenya Government or even the money borrowed by the Government to be spent by a group of people who are involved in that company, this money will have to be repaid. Mr. Speaker, Sir—

Hon. Member: We do not hear what you are saying! Go to the microphone which is near the Front Bench!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, could you ask the hon. Member to speak louder than he is doing because he is straining my ears? I do not think he had his lunch.

(Hon. Gichoya proceeded to the microphone near the Front Bench)

Mr. Gichoya: Mr. Speaker, Sir, I am happy to note that the Member for Butere had to run away from this House yesterday as a coward. Fortunately enough—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, could we be told what the hon. Member means by saying that the Member for Butere ran away from this House yesterday?

Mr. Speaker: What are you referring to, Mr. Gichoya?

Mr. Gichoya: Mr. Speaker, Sir, hon. Shikuku was complaining that I do have a very high voice and that is when I said that he ran away from the House yesterday.

Mr. Speaker: He ran away and went where?

Mr. Gichoya: He ran away from the House at the time of voting yesterday.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I do not know whether the hon. Member is normal or not because I think he has had too much drink. But I would like to know from him how I ran away from this House because I remember that when I was called out of this House there was no question of voting. Hon. Kibaki was speaking at that time; I do not know how I ran away from the House.

Mr. Gichoya: Mr. Speaker, Sir, I love the man who cheats the whole nation by pretence. This man is the Member for Butere. It is in the HANSARD of the Kenya National Assembly that hon. Shikuku, Member for Butere disappeared yesterday during voting time. This is on record.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): He is drunk! The hon. Member is drunk, Mr. Speaker, Sir! I never did what he is saying.

Mr. Gichoya: Mr. Speaker, Sir, I am trying to improve the idea behind this Motion by the amendment which I am going to introduce. We are the guarantors of the money which is going to be spent in Chemilil, which is near Butere.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Can we have this matter solved: the hon. Member is talking of Chemilil being near Butere. Chemilil has nothing to do with Butere because it is about 200 miles away. How can it be near Butere, Mr. Speaker, Sir? Why is the hon. Member trying to heap everything on Butere?

Mr. Speaker: Order! I think we are wasting time now when we should be doing some serious work. Mr. Gichoya, will you move your amendment and leave Mr. Shikuku alone!

Mr. Gichoya: Thank you very much, Mr. Speaker. Sir. I wish to improve this Motion so that we can accommodate in it what is humanly possible. For that matter may I move the following amendment to the Motion.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

That, the Motion be amended by deleting all the words "Company Limited" in the third line and substituting in place thereof the following words:—

“. . . and noting that the said company has not shown any profits since its incorporation in 1965 but has been continuously operated on the basis of overdrafts guaranteed by the Government, this House requests the Government to give an undertaking that it will ensure that the said company is hereafter managed with efficiency, economy and along sound commercial lines with a view to having it operate at a profit as well as assist Kenya to produce and ultimately eliminate its dependence on imported sugar.

Mr. Deputy Speaker, Sir—

Mr. Deputy Speaker: Order, Mr. Gichoya! There is a point of order.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. The practice of this House, and according to our Standing Orders, you amend given Motion so as to place an extra meaning or an extra projection of the same principle or to reduce the effects of that particular principle. The amendment we are being given now by the hon. Member is absolutely the same as the Motion which it is supposed to amend. The difference is only the words and the verbiage. He is using different words but the whole amendment is the same as the Motion itself. Is this actually an amendment or is it just a means of debating?

Mr. Deputy Speaker: It is an amendment in the sense that he amends the form in which the Motion reads. He regards his amendment, I suppose, as being more grammatical, but it is up to the House to decide whether to accept the Motion either in the amended form or in its original form.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I am happy that you are trying to direct the House in the proper manner; but on the other hand, my colleague, the Member for Butere—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Would I not be in order to invite the Chair to rule out the amendment so that he does not move because from the time the Speaker was in that Chair he has not attempted to dwell on the Motion? He has been debating the Member for Butere all the time, which means he is using the time of the House uneconomically.

Mr. Deputy Speaker: If you are for ruling him out then I am watching him very fully. Mr. Gichoya, you are taking too much time to say what you want to say. If you do not hurry up I will be forced to take action

Mr. Gichoya: Thank you very much, Mr. Deputy Speaker, Sir. I will now go on to move the amendment. It is true that the Government, through the Minister who was speaking here, has made the House to understand that there is something wrong somewhere. We were told here that the money we are being asked to guarantee here is going to be used for paying the people who are doing nothing. Mr. Deputy Speaker, Sir, I thought that the Minister for Natural Resources would have used a better term than saying that the people are going to be laid off and that the whole thing is going to be closed down because it cannot operate.

[Mr. Gichoya]

I thought he was going to say that we are going to renovate it. That is the technical term used for industries. I also happen to be dealing with an industry and sometimes we have this loading and off-loading business. Unfortunately, the Minister did not understand what it means to load and off-load, in terms of industrial development.

Mr. arap Yego: On a point of order, Mr. Deputy Speaker, Sir. Am I being made to understand that the Member having the Floor is talking about other things rather than concentrating on moving his amendment? He is now referring to what the Minister said instead of elaborating on his amendment.

Mr. Deputy Speaker: If you let him speak about ten sentences then you will know what he is talking about.

Mr. Gichoya: Mr. Deputy Speaker, Sir, for the convenience of the House, may I read out my amendment again? Should I repeat?

Mr. Deputy Speaker: No, you are not supposed to read but to talk.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I read out my amendment and it was understood. The idea is that I am not trying to block the facilities being given to the said factory. However, it would be a blunder if it was proved that as Members of Parliament we are here to accommodate misuse of the powers conferred on us by the Constitution. We are here not by the virtue of being a Mr. X, son of So-and-so, but by virtue by our own voters. Consequently, that responsibility which is bestowed upon us by the Constitution allows this House to say we tax everybody so much money, per kilo, so that we can be able to pay for all these things we are guaranteeing here.

Mr. Deputy Speaker, Sir, I remember that at one time I happened to guarantee one gentleman to go to West Germany for further education. I signed as a guarantor. This man was removed from West Germany by the British Government and I had to repay the money this gentleman had spent there to you make means a commitment in terms of law. I wish the Attorney-General was here, but it appears there is no Minister in the House apart from the hon. Member for Butere who ran away yesterday.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Gichoya: Mr. Deputy Speaker, Sir, I hate a puppet, one of them being the Member for Nakuru.

Mr. Deputy Speaker: If you are going to use your time abusing other hon. Members, I am afraid you will discontinue moving your amendment. You must apologize to the Member for Nakuru for calling him a "puppet".

Mr. Gichoya: Mr. Deputy Speaker, Sir, despite the fact that he is too short, I love him. However, I beg to apologize.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, what do we do when we have a drunk Member in this House, and takes the Floor of this House to abuse other Members?

Hon. Members: No, he is not drunk.

Mr. Mwithaga: He is drunk! I know he is drunk!

Mr. Mutunga: On a point of order, Mr. Deputy Speaker, Sir. Is the Member for Nakuru in order to allege that the Member for Kirinyaga is drunk? Can this be substantiated?

Mr. Deputy Speaker: Can you substantiate that he is drunk, Mr. Mwithaga?

Mr. Mwithaga: Mr. Deputy Speaker, Sir, he has been drinking over the lunch hour. Let him deny it.

Mr. Deputy Speaker: A man could have drunk at lunch time and yet not be drunk. I think that was just a retaliation on your part, Mr. Mwithaga.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I am happy that history has its own day. Some people in this country conspired to remove me from this House. Now, the same disease reached some of the hon. Members around. This is nothing strange, it is normal in a society like we have in Kenya today.

I was saying, Mr. Deputy Speaker, Sir, that anybody who has never had an experience on loading and off-loading is a child of terminology. When we deal with loading of the sugar-cane taken to the factory we realize that this is a great problem. Mr. Deputy Speaker, Sir, if you are dealing with plantations, it means there must be roads to serve these plantations and, therefore, the question of having the breakdown is not there. I am dealing with a situation I know too well—that is loading big logs of trees. After all, Mr. Deputy Speaker, what is sugar? What there is in this area where there is an irrigation scheme for sugar can be equally compared with the rice at Mwea. If there is any mismanagement, it can be either a deliberate arrangement to swindle money in the scheme or carelessness on part of those concerned. However, here they are talking about the problem of loading sugar-cane. What is sugar-cane after all?

Mr. Ayah: On a point of order, Mr. Deputy Speaker, Sir. The subject for which this Motion was brought to the House deals with sugar-cane. Here is an hon. Member who is dealing with an amendment to the Motion and does not even seem to know what sugar-cane is. Now, Sir, are you really satisfied that we are spending the time of the House profitably when a Motion which specifically deals with sugar-cane is being discussed and an hon. Member wants to amend it, but has the audacity to ask what sugar-cane is? Is this really a profitable way of spending the time of the House?

Mr. Deputy Speaker: No, the hon. Member is speaking like a true African. It is just like you would ask, "Sukari ni nini".

Mr. Gichoya: Mr. Deputy Speaker, it appears to me that some people like debating not knowing what debating is all about and this is why we get so many points of order in this House these days.

Mr. Mwithaga: This House is made of hon. Members and not mere people as you call them.

Mr. Gichoya: Mr. Deputy Speaker, I think hon. Members of this House are human beings and, therefore, I am entitled to call them people or persons. Those who think that they should not be called human beings

[Mr. Gichoya]

should quit the House. Mr. Deputy Speaker, I was going to clarify one point. The whole question of loading seems to be causing a lot of headache because this is where mismanagement of funds comes in. There is nothing more than this. All that this Motion seems to ask this House to do is give money to people who have proved to be failures, who do not seem to know what they are doing. Is it really right for—

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir. While I sympathize with my hon. friend who is trying to move an amendment to this Motion, do you not think he is really speaking on the original Motion rather than on his amendment? For how long are we going to allow him to speak on the Motion he is trying to amend?

Mr. Deputy Speaker: When it involves a minor amendment like the one he is proposing to make, where it is a question of arrangement and re-arrangement of words, you can speak both on the original Motion and the amendment. However, I would like to draw your attention, Mr. Gichoya, to the fact that you have to justify why you feel there should be this kind of amendment to the Motion, otherwise you will find that hon. Members will not support it. Therefore, I think you should be more careful.

Mr. Gichoya: Mr. Deputy Speaker, even if my amendment is not seconded, I at least hope it will be recorded somewhere. I am saying this because I am here as a representative of the people from Kirinyaga East. In the past I was elected to this House by the people from Gichugu, but I still had the mandate to speak in this House. However, I am not here as a representative of the Nakuru people.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker. Could you please guide us on this matter regarding the problem in the hon. Member's head because he keeps on talking about Butere, Nakuru and what-have-you? What is he obsessed with? I am asking this because I feel there must certainly be something wrong somewhere within his head. I have not said anything but he is still referring to Nakuru.

Mr. Deputy Speaker: Order, Mr. Mwithaga! You should wait until you get your chance to speak.

Mr. Mwangale: On a point of order, Mr. Deputy Speaker, Sir. We are getting rather tired now of these frivolous points of order from certain hon. Members. Would I be in order to suggest that you protect the hon. Member having the Floor so that he can finish what he is saying?

Mr. Deputy Speaker: Mr. Gichoya is getting plenty of protection, but we would like to get the substance of his speech.

Mr. Gichoya: I am grateful that the House appreciates that I am being disturbed. Mr. Deputy Speaker, in moving this amendment, I would like to say the idea is very simple. It is true that the whole of the Republic appreciates what is being done by the Head of State, who also happens to be the Head of the Government. This is shown in the Sessional Paper No. 5 of 1970 whereby it is stated that the Chemelil Sugar Factory

was first established in 1965 and it is one of the biggest projects of any description ever attempted in Kenya. This factory owes its existence to the Government initiative. The sugar-cane planting and the construction of the factory started in 1966 and the completed factory was opened by His Excellency the President in 1968. This is the biggest factory in Kenya and most modern in East Africa.

Mr. Deputy Speaker, these are some of the facts presented by the experts. Why was this factory put where it is today? The project speaks for itself in every way because it is the most important development undertaking in Kenya. It has created some income especially for the small scale-farmers. At the same time, it has created employment for the people around, thereby developing the rural areas around it and at the same time earning this country some foreign exchange. Mr. Deputy Speaker, when I hear some hon. Members here trying to belittle this Motion or even trying to destroy a Member of Parliament, I pity the situation. It is through sheer ignorance that they are doing this, and if they have some second thoughts, they will really pity themselves. They contribute nothing but only to become good boys and fill their tummies. Well, that is not bad, Mr. Deputy Speaker, but there is a limit to everything.

According to the Sessional Paper, the project in question is a major industrial undertaking in a comparatively undeveloped rural area. It has created about 4,000 jobs. That is to say, it has increased employment opportunities in the country. That was the purpose of this project some time back in 1970. For the hon. Members who are not knowledgeable about the development of the country, I would like to say that Mwea Tebere has more people than it can hold. There are more than 12,000 families, and each family has a number of members. That project cost the Government a very little amount of money but we agreed to participate in it. However, with regard to this matter, we are being bulldozed by some hon. Members they are our colleagues, all right—some of whom, apparently, were not here in 1963 when we achieved our independence. They just came in when the opportunities were ripe for them. May God bless them!

The idea behind my amendment is very simple. Let us give the Government an opportunity to improve what is dying. Mr. Deputy Speaker, Sir, Chemelil Sugar Company lost Sh. 2.5 million.

An hon. Member: Would you raise your voice, please?

Mr. Gichoya: Mr. Deputy Speaker, Sir, I do not regulate the machines here. I wish I had the power to do so!

Mr. Deputy Speaker, Sir, I was saying that Chemelil Sugar Company lost Sh. 2.5 million and that money was contributed by my mother and my father. It is also your father's contribution, if he still lives. Your family also contributed to that. All our people contributed some money. It is annoying to hear that So-and-so did this or that and that is why the loss came about. That is immaterial. However, are we going to tell the nation that our bank contributed so much

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money only to be taken and dumped into the sea? Mr. Deputy Speaker, Sir, I believe that is stealing in daylight. I am sure hon. Shikuku, Member for Butere, as a man who deals with the poor man's problems, will back me up in my contention that such a thing is wrong.

An hon. Member: How do you know that?

Mr. Gichoya: I know that through his own words. If, however, he does not put them into practice, that is another thing.

Mr. Deputy Speaker, there is an agency which manages Chemelil Sugar Company. This agency is paid Sh. 1.00 million for management purposes. Whether you collapse or not, that money has to be given to the agency. Furthermore, the agency gets Sh. 5 million for salaries per year. In fact, I am glad that our Head of State does not get as much money as that paid to the Chemelil Group General Manager as monthly salary. I understand that he earns £16,000 per year when our Mzee earns £13,000 per year. The question is: who is more important? Is it the company's general manager or the Head of State? According to the salary paid to the General manager, it means that he is more important than the Head of the Republic of Kenya, who also is the father of our nation. There is something wrong somewhere. In fact, even an ordinary man on the street, right at Gichugu, will say this is wrong. How can somebody be paid a higher salary than Mzee? Who has more responsibilities, is it our President or the general manager of a small, dead company? I also have a small company which I run. So, I know what I am talking about. When we want to talk about loading or off-loading a cargo of fish, let us make sure that we go to the sea first to fish them.

Hon. Members: For how long are you going to talk? Move your amendment and give us a chance to speak.

Mr. Gichoya: Mr. Deputy Speaker, there could be some people who are in a hurry. If that is so, they can go to the sea and board a ship. However, we have some aeroplanes around and they will use them to travel quickly.

Mr. Deputy Speaker, when we speak about expatriates in this House—The Minister who spoke in this House this afternoon knows that area very well; but to what extent can he deny having smelt that polluted air of the area? It is difficult to prove and it is difficult to deny. Therefore, Mr. Deputy Speaker, Sir, when we are dealing with sugar milling and Africanization—well nobody should tell us that we can compare sugar milling and cotton industry. We have a milling industry at Thika owned by Japanese. That company, today is virtually fully Africanized. We have African engineers, distributors and even administrators. This industry is more complex than just a mere sugar factory which involves getting sugar-cane from the *shamba*, getting the juice from it and putting the juice into a container with a bit of mechanism and then having sugar ready for packing. Yet we are being told that we have a free loan and that the Kenya Government will guarantee—a big umbrella to cover everybody—We are being told that we, the big umbrella, must cover that thing. There-

fore, if it is possible that the industry at Thika, the textile industry, is doing better with relatively better element of Africanization than Chemelil Sugar Company Limited, where every top person must come from the managing agency area, then, there must be something wrong somewhere. Who is the managing agent and how much did he put in this company? Nothing, not a cent.

Mr. Deputy Speaker, Sir, we have other sugar millers, like Miwani, Muhoroni factories and others; these have seven expatriates while this decomplex thing has 35 expatriates. I was amazed to hear the Minister who comes from that place say that they have dismissed six general managers. Had he been generous enough to the House, he would have said how many of them were Africans. Mr. Deputy Speaker, Sir, we are being given money but when we receive it with the left hand, it is taken away long before it reaches the right hand. When we talk of loans with no strings—well, I have never seen anything that has ever been given without having strings attached to it. Take, for example, a gift; what does a gift stand for? It is an element connecting you, the receiver, with the giver. Therefore, when we receive any loan from anywhere the connecting link is "brotherhood", but it can be deeper than that. In other words, it establishes a foot-hold in Kenya for the person giving it. This is internationally acknowledged; we also appreciate it unless we have a National Assembly with shallow-understanding Members, which I do not believe is the case. We must accept one factor, that there is always something dangerous in whatever we are being given as loan or gift.

Mr. Deputy Speaker, Sir, the first thing that I understand is that the company or this project, so big as it is, was started by the Germans. The Germans brought money into Kenya and I would like to take this opportunity to thank them for the assistance they gave to the people of Kirinyaga on Mwea Rice Scheme. This scheme has never failed and the Kenya Government, as well as the local people and the investors are equally involved. We have no suspicion on what the Kenya Government is doing; the local people have no suspicion on what the Germans are doing. We all work as a team.

An hon. Member: We would like to speak!

Mr. Gichoya: Mr. Deputy Speaker, Sir, may I assure hon. Members that this debate is not limited to only a few minutes and that every Member will have his opportunity.

Mr. Deputy Speaker, while I move the amendment, it should be realized that I am talking as a man who has had experience; and I am telling you what is happening elsewhere. This is because if it can happen in my own home, how about in your own home? We are actually put in a state where we do not understand what this Chemelil Sugar Factory is doing. Hon. Members should first of all understand the manager or the managing agency, has no interest in the success of that particular company; but they are guaranteed Sh. 1 million per year whether the project fails or makes a profit. The salaries of their own officers are guaranteed; and where do these come from? The company is based in London.

An hon. Member: Is it McKenzie's company?

Mr. Gichoya: Whether it is McKenzie's company or not is immaterial. Mr. McKenzie was a Member of this Parliament and we used to say that he was milking Kenya in his capacity as the Minister for Agriculture. However, now we have an African Minister for Agriculture, who is a nationalist, and I have no reason to dispute his integrity. Mr. Deputy Speaker, Sir, when we deal with the situation of the Chemelil Sugar Company Limited it appears to us as if something has been covered with a thick blanket, in terms of secrecy, and yet we are supposed to guarantee some overdrafts. Instead of the National Assembly being given an enlightenment as to the true position of this company, it is being kept away from the truth so that it can approve the guarantee without much debate.

Mr. Deputy Speaker, Sir, we must first of all understand why we should guarantee this money and also why the company fails to make a profit. I do not think the National Assembly is clear as to why we should feed a dying person, namely, the Chemelil Sugar Company Limited. Mr. Deputy Speaker, Sir, I am not sure that hon. Members have taken interest to understand why Government requires to approve their move. I see that very few people, by sheer opportunism, are interested in taking part in the debate.

Most of the institutions established in Kenya and which are assisted by the Government of Kenya, table their annual reports in this House showing their successes and failures. An institution such as the Agricultural Development Corporation has been submitting its annual reports to this House.

An hon. Member: Move your amendment so that we can second you.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I know that my prolonged speech irritates people who like talking without facts. I do not need a Secunder anyway.

I was saying, Sir, that if bodies such as the Agricultural Development Corporation, Kenya Meat Commission and Kenya Co-operative Creameries can submit their annual reports to this House showing their balance sheets, why not the Chemelil Sugar Company? Why does the Chemelil Sugar Company Limited not have the courtesy to show us their balance sheet since it was started in 1965? It is now more than five years and yet somebody does not have the element of courtesy. However, I heard the Attorney-General saying that common sense is not common to everybody and I think I agree with him here. Mr. Deputy Speaker, Sir, are we satisfied that Chemelil Sugar Company Limited is operating on business lines, or should we assume that the company is operating like any Government department in the Republic? What we need from a Ministry is service and not profit. However, a company must work on a profit basis. What the company should be doing is struggling to uplift the living standards of our people within a specific period. It should improve the economy of Kenya, Mr. Deputy Speaker, Sir, and should not allow foreigners to control it in the name of "let live". In economics, Sir, we call this kind of situation "*laissez faire*". Mr. Deputy Speaker, Sir, this is not fair to our people.

Whoever is impatient with me—well, I would ask you to tell him to go out of the Chamber so that he can come back after I have finished moving my amendment.

Mr. Mutunga: On a point of order, Mr. Deputy Speaker, Sir. With all due respect to my friend, the Member for Kirinyaga East, is it in order for him to start making a debate on his amendment before it is seconded? Is he speaking on the original Motion or the amendment? He has been talking for one hour now!

Mr. Deputy Speaker: Mr. Gichoya, move your amendment so that hon. Members can discuss it please.

Mr. Gichoya: Thank you, Sir. It would be useless for me to talk on the Motion as it was originally. I think we were educated in different schools. Those of us who were not educated should not be here.

Now, Sir, I would like to continue and say that there was a time when this particular company sacked a personnel manager. It took one year to get an answer to the problem. The personnel manager was an African and not a *mzungu*. After the case had been resolved in the Industrial Court, the company had to pay the personnel manager a one year's salary. At whose expense was this paid? Mr. Deputy Speaker, Sir, it was paid with the money the Government had guaranteed to the company. The money had to be paid to somebody who was not working. I am sure that during the absence of the personnel manager, there was another person acting in his place. This, therefore, meant that two people were paid for one man's job.

Mr. Deputy Speaker, Sir, besides the teaching we all received from our mothers, some of us went to different schools and we have our own ways of dealing with issues. Therefore, some hon. Members who smile at issues such as the one being discussed now are merely showing a sign of timidity. To me, Sir, that is only meant to attract man. However, I will leave that point alone.

Mr. Deputy Speaker, Sir, I now come to the end of my speech. I say it is unfortunate that we are trying to cheat ourselves that because we are approaching the General Elections tomorrow, then we should allow everything to pass unchallenged. It is, perhaps, because if we do not do some of these things we are going to have difficulties.

Mr. Deputy Speaker, Sir, we have not been brought here by individual Members of this House. Let this be written and understood by every hon. Member that we all come here through the vote of our own people. Therefore, I would like to congratulate and thank our Head of State because he says that nobody would claim that he was brought here by him. It is the voters themselves who have to decide that So-and-so must come to the House. What is a better blessing than that one? Therefore, we, being all equals, some of us might pretend to be better than others because they might be opportunist-wise blessed. However, this is not eternal or ever and ever, Amen. Everyone has his day.

Mr. Deputy Speaker, Sir, we are told that in 1970, during the course of the operation of the Chemelil

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Sugar Company, it became clear that the financial structure of the company would have to be re-organized in order to provide the company with more reasonable repayment terms in respect of loans and capital invested in it and so as to enable it to maintain a substantial balance of cash-in-hand specially to meet unforeseen emergencies such as drought, fire or industrial unrest. That was done some time back. They had money for fire to cover them; money for drought to cover them and also money for transport to cover them. However, we believe that a man with a Mercedes-benz is a wise man, and a man with a white skin is wise, and here lies our problem. All those things having been given and guaranteed, the poor *mwananchi* who plants the sugarcane was not told that, "If you could organize yourselves and go to the Government and tell them that you want to have, say, 101 vehicles as a group and that the loan advanced to you should be recovered from our sweat, our own effort. . ."—The Chemelil Sugar Company says that there are transport charges on its shoulders and yet we do nothing to improve the situation. I am sure that the money which was being spent to pay the transporters could be ploughed back into the development of the company or paid to the people who have made the company what it is today.

Mr. Deputy Speaker, Sir, if we were not growing sugar in the country, would we have this problem? No! It is surprising that the other sugar company at Mumias is not running at a loss, yet it is also managed by the same people. Why? Therefore, now we believe that there is dishonesty going on in this company. After all, we have had a problem here in the Ministry of Health whereby drugs were being stolen every day by our own officers. Why should we not believe that theft is common in this company? Why should an hon. Member come to this House and claim that he loves expatriates? Personally, I like expatriates so long that they do not attempt to make us their slaves. Our attainment of independence meant the end of slavery in Kenya. That is the reason why we told all the expatriates who were not willing to be ruled by us to leave this country immediately.

Mr. Marete: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to use the word theft without substantiating what has been stolen?

Mr. Gichoya: Mr. Deputy Speaker, Sir, unfortunately not all of us are gifted to have the common sense which is common to majority of the people in this world.

Mr. Deputy Speaker, Sir, this company made a loss of Sh. 1 million in one year—why has the Government not tried to establish how this money disappeared? If some persons connive to rob a bank, the bank concerned has a way of bringing such people to the book. There are other people who conspire to defraud a company of a huge sum of money. However, the Government, it appears, has no way of bringing such people to the book. This company, through mismanagement, has made a loss of Sh. 2 million—and, as far as I am concerned, that is theft.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. With due respect to my hon. friend, is he in order to waste a lot of time of the House under the cover of pretending to amend the Motion? He has taken a long time and is going through the whole Motion phrase by phrase. Is the hon. Member following the right system of debating in this House or has something gone wrong?

Mr. Deputy Speaker: I have already explained the position, Mr. Mwithaga.

Mr. Gichoya: Mr. Deputy Speaker, Sir, it appears that there are other hon. Members who—

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir. When the hon. Member was asked how he had come to know that some of the officials of the company had stolen some money which belonged to the company he said that he had in his possession a document to prove his claim. Am I in order to ask him to lay the document he referred to on the Table of the House? There is no reason why an hon. Member should come here and start blaming, without reasonable grounds, people who are not allowed to come to this House to defend themselves.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I request the House not to be embarrassed by a situation which, if checked properly—

Hon. Members: Lay the letter on the Table!

Mr. Gichoya: Mr. Deputy Speaker, Sir, if hon. Members are mistaking this particular paper, well, it only contains my notes. However, if hon. Ogalo wants more information about this matter, I understand his position, and that is another thing all together. However, his son was sent to Europe by the same company. Let him refute that.

Hon. Members: Hear! Hear!

Mr. Gichoya: That is a fact, Mr. Deputy Speaker.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir, I wonder whether you are satisfied that the hon. Member has substantiated what I wanted him to substantiate.

Mr. Deputy Speaker: Mr. Gichoya, I find it very difficult to understand what you are saying. What is the problem?

Hon. Members: Hear! Hear!

Mr. Gichoya: Mr. Deputy Speaker, Sir, I never referred to any document. However, I said that there was a loss of over Sh. 2 million sometime ago at Chemelil as a result of mismanagement in the company. Therefore, if there was a loss, there was some stealing somewhere, otherwise, where is the money?

Hon. Members: Oh no, no!

Mr. Deputy Speaker: Are you suggesting that this loss was definitely due to stealing? Do you equate mismanagement with stealing?

Mr. Gichoya: Mr. Deputy Speaker, Sir, I took it this way: by all intentions, the money was not properly taken care of; that loss, itself, amounts to something which is abnormal. However, if the word "stealing" is bitter, then I withdraw it. However, Mr. Deputy Speaker,

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one word here must be retained, and this word is “mismanagement” or misuse of money that was guaranteed by the National Assembly here.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member now speaking has just pretended to withdraw an allegation which he just made, but we have had a ruling from you on several occasions that such a withdrawal should never be followed by a condition. Would you, Sir, rule that this condition is withdrawn as well, so that it can be considered genuine, and also ask him to apologize to the House?

Mr. Deputy Speaker: No, he did not lay a condition for his withdrawal. He merely said that he withdraws the word “stealing”, but he calls it mismanagement. That is not a condition.

Mr. Gichoya: Mr. Deputy Speaker, Sir, it is good that you are trying to enlighten people who, otherwise, are not really able to understand their role in the National Assembly.

Now Mr. Deputy Speaker, Sir—

Mr. ole Marima: On a point of order, Mr. Deputy Speaker. May I, through the Chair, appeal to my friend, hon. Gichoya, whom some of us would like to help on this amendment, to sum up the amendment of the Motion so that we can have a seconder seconding it. I feel that we are not doing any business now.

Hon. Members: Hear! Hear!

Mr. Gichoya: Mr. Deputy Speaker, Sir. I said that the question of seconding the amendment is not a problem. Since I am speaking the truth, it shall be seconded.

Mr. Deputy Speaker: Order, Mr. Gichoya, I am also getting bored with the whole business. Do you intend to move this amendment or not? What you are saying should now cease.

Mr. Murgor: On a point of order, Mr. Deputy Speaker, Sir. At one stage the hon. Member alleged that hon. Ogalo's son was sent overseas. Did he mean that part of this money which is alleged to have got lost was used in sending Mr. Ogalo's son to Europe?

Mr. Deputy Speaker: No, he did not say that.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I love history. You deny one thing today and tomorrow it is proved right. The hon. Member himself does not dispute this. How come that some other hon. Member is disputing it?

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir. I would like the hon. Member, who must chose his words when he is referring to another hon. Member, to substantiate that my son was sent to Europe with some of the stolen money? The hon. Member is not moving the amendment. Some of the information given to the two hon. Members, the Mover as well as the present Speaker, are wrong and I would like to be given a chance to refute them.

Mr. Deputy Speaker: You will speak when your time comes.

Mr. Gichoya: Mr. Deputy Speaker, Sir, one thing that I am happy about is that there is no argument that his son is in Europe on the assistance given by the company. The hon. Member has not refuted this.

The other point, since I am putting the case—

Mr. Deputy Speaker: Mr. Gichoya, you have alleged that hon. Ogalo's son is in Europe sent by this company. What is wrong with substantiating that?

Mr. Gichoya: Thank you, Mr. Deputy Speaker, Sir. If my daughter can be sent to Europe I would be very proud and, therefore, there is nothing wrong with that.

Mr. Deputy Speaker: What has that to do with the allegation about the mismanagement in this company?

Mr. Gichoya: Mr. Deputy Speaker, Sir, if my daughter meets the hon. Member's son there and they marry, this would make Kenya a happier place. The point that has been raised by the hon. Member is good.

Mr. Deputy Speaker: Order! Everybody is becoming very impatient. If your Motion continues that way I will refuse to propose the amendment and you will have spent the time of the House to no avail at all. Now, in what way is Mr. Ogalo's son who went to study in Europe, or presently in Europe, connected with the mismanagement of Chemelil Sugar Company?

Mr. Gichoya: Mr. Deputy Speaker, Sir, instead of arguing over that point I will withdraw it.

Mr. Deputy Speaker: Order! Will you sit down, Mr. Gichoya! It is a very serious matter to say some of these things especially when you had hoped that you would make an insinuation which would not be rebutted and thereby stigmatize the hon. Member and his son. This is a very bad thing to do.

Mr. Gichoya: Mr. Deputy Speaker, Sir, coming back to that point, I would like to say that we do not have to come and wash our dirty linen in this House. Therefore, Mr. Deputy Speaker, Sir, instead of getting into problems—

Mr. Mwangale: On a point of order, Mr. Deputy Speaker, Sir. If the hon. Member is rightly pointing out that Chemelil Sugar Company has been running bankrupt with overdrafts guaranteed by our Government from 1965, the year of its inception, and at the same time undertaking training and scholarship programmes, would I not be in order to say that that is quite correct?

Mr. Deputy Speaker: That is not a worthwhile contribution because, in the first place, you were standing on a point of order.

Mr. Gichoya: Mr. Deputy Speaker, Sir, proceeding with the situation as it is, we are prepared— Mr. Deputy Speaker, Sir, I am in for supporting my Minister for Agriculture who is a black man.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir, I would like, if possible, to request the Chair to ask the hon. Member to substantiate the allegation he made to the effect that my son was sent overseas with the money which is alleged to have been stolen by the management of this company.

Mr. Deputy Speaker: He has already withdrawn that allegation.

Mr. Ogallo: But he must withdraw and apologize!

Mr. Deputy Speaker: He has done that.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I believe that the best thing to do to avoid the whole thing is to withdraw what I have said.

Mr. Deputy Speaker: Mr. Gichoya, the sea is becoming a bit rough for you.

Mr. Ayah: On a point of order, Mr. Deputy Speaker, Sir. In this House we try to debate without necessarily bringing members of our families to the debate unless it is absolutely necessary. Mr. Deputy Speaker, Sir, the hon. Member has brought hon. Tom Ogallo's family into this debate and you have asked him to connect his statement with the Motion in the House but he has not been able to do this. All he has done, I gather, is withdraw his allegation. Now, is it sufficient that a young man who is not in this House and who is not a member of the Chemilil Sugar Company to be brought into the debate without any connexion? For instance, the hon. Member has said that this company has stolen money or has lost money and that part of that lost money has been used for the purpose he alleged it was used for. One would understand what he had in mind, but here is a case where an innocent person is brought into the debate and there is no connexion established. All the hon. Member has said is that he has withdrawn his allegation. This is scandalous and I do not know how it can be withdrawn.

Mr. Deputy Speaker: As you know, the provision in our Standing Orders is that when you make an allegation about any Member of this House or anybody else and you fail to substantiate when you are challenged to do so, you must withdraw and apologize to the hon. Member and to the House. I took it that you apologized, Mr. Gichoya. Did you apologize, Mr. Gichoya?

Hon. Members: No, he did not apologize.

Mr. Deputy Speaker: The position is that when an hon. Member makes a statement of this nature, which is calculated either to score a point, which he has failed to do, or to stigmatize badly the name of any member of our country, whether he is in this House or outside, or a member of a family of one of us here, when one does this and then suddenly says: "I withdraw and apologize", it is not only this House which takes it very badly but also the whole country. This is the kind of stuff that goes in the newspapers and over the radio, and this goes to everybody even to his own home.

Mr. Gichoya, you have pronounced yourself as an educated man—I am very doubtful! If I were Mr. Gichoya, I would be very careful to correct that kind of statement not in one word, not in one sentence but very carefully go back to that kind of statement and correct it completely and erase it from the minds of our people. It is very wrong to use the Floor of this House to make statements to damage others when you have no basis whatsoever.

Mr. Gichoya: Mr. Deputy Speaker, Sir, the point was brought up by hon. Tom Ogallo. However, when you say that the information the Mover of the original Motion and myself have is not correct, then I am put into a position I cannot understand. I had posed a

situation which the hon. Member really agreed with and the question was simple. I know it is very difficult for me to prove what he told me.

An hon. Member: Who told you that?

Mr. Gichoya: My source of information is not your concern.

Mr. Deputy Speaker: Mr. Gichoya, not only will you discontinue your speech, but you will go out of this Chamber immediately for the rest of the day.

(The hon. Member withdrew from the Chamber)

The Assistant Minister for Power and Communications (Mr. Onamu): On a point of order, Mr. Deputy Speaker, Sir. Since it appears we have exhausted this Motion, would I be in order to ask that the Mover be called upon to reply?

Mr. Deputy Speaker: I will allow, Mr. Tom Ogallo to speak on the original Motion.

Mr. Ogallo: Mr. Deputy Speaker, I would first of all request the hon. Members to handle the Motion before us in a very careful manner because it is dealing with over 4,000 employees working at Chemelil Sugar Factory at the moment. It was stated earlier on that this industry employs more people than any other industry in Kenya today. I would like to say here that the Member for Tinderet interfered with my constituency affairs without authority from me.

Mr. Murgor: On a point of order, Mr. Deputy Speaker, Sir. I am seeking your guidance here. What is wrong in any hon. Member bringing a national issue in the House? Right now, Mr. Deputy Speaker, the Motion before the House seeks the approval of this House before some money is released. Is it wrong for the hon. Member for Tinderet to bring such an issue to this House? I am asking this because the hon. Member seems to think that we are refusing to guarantee this money while, in fact, the Motion seeks the satisfaction of this House before we can guarantee this money.

Mr. Deputy Speaker: No, it is not wrong for an hon. Member to bring such an issue to the House and that is why this Motion is on the Order Paper, otherwise, if it is wrong, it would not have appeared there.

Mr. Ogallo: Mr. Speaker, Sir, I quite agree with the Member for Kitale. The reason why I am saying this is because the purpose behind this Motion is not to correct what is happening at Chemelil.

Mr. Deputy Speaker: Order, Mr. Ogallo! You must never impute improper motives on part of any hon. Member. The hon. Member—Mr. John Seroney—has every right to introduce this type of Motion and you have no right whatsoever to doubt his motive. In fact, you must always regard the motive as honourable.

Mr. Ogallo: Mr. Deputy Speaker, Sir, I am saying this because—

Hon. Members: Withdraw and apologize.

Mr. Ogallo: Mr. Deputy Speaker, Sir, let me go back to what I was saying. To say that at the moment we have about 25 expatriates working at the Chemelil Sugar Factory is wrong. I, as the Member for the area,

[Mr. Ogalo]

know the facts better than anybody else and this is why I am saying that the Mover of this Motion ought to have talked to me. I am saying this because I know the facts regarding the number of expatriates are all wrong. At the moment, Sir, there are only 13 expatriates working at this factory and not 25 as alleged by the Mover of the Motion and I would like this to go down on record. This, Mr. Deputy Speaker, can be confirmed because—

Mr. Ayah: On a point of order, Mr. Deputy Speaker. I do not intend to interrupt my hon. colleague, but he has a tendency of regarding this matter as a matter for his constituency which is wrong because the money we are being asked by this Motion to guarantee is to come from the Kenya Government and not from Nyando.

Mr. Deputy Speaker: Order! I think this ought to be understood quite clearly although I thought it has been understood already. No matter in any part of this country is not the concern of every hon. Member here. It is normally regarded as a courtesy that if you want to ask a question about another hon. Member's area, you tell him about your intention. However, it is not necessary to do so because it is not one of the essentials that we look for in such matters. In any case, in this kind of thing, the hon. Member—Mr. Seroney—had every right to introduce the Motion in this House which he regarded as useful by virtue of the fact that there was a Sessional Paper to which this Motion is relevant.

Mr. Ogalo: Mr. Deputy Speaker, Sir, I quite agree, but as the Member for the area I have to give the House the facts as I know them. Why should I be called the Member for the area if I cannot give the facts to the House? I remember that when the hon. Member was speaking he was referring to me as—

Mr. Mutunga: Mr. Deputy Speaker, Sir, I have been trying very hard not to interrupt the hon. Member, but I am now being forced to ask him to declare his interest as far as the Chemelil Sugar Factory is concerned.

Mr. Ogalo: Mr. Deputy Speaker, I have no interest to declare. All I know is that I am representing the area in this House and if there is any information required in this House regarding this matter I have every right to give it.

Mr. Araru: On a point of order, Mr. Deputy Speaker. I hear the hon. Member challenge the hon. Mover of this Motion, who said that there were 25 expatriates at Chemelil; he is saying that there are only 13. Which figure is correct now? Can we, Mr. Deputy Speaker, be given an explanation?

Mr. Deputy Speaker: Let us hear that from the Assistant Minister for Agriculture.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Deputy Speaker, Sir, since we had this allegation

yesterday, I got into contact with Mr. Wamalwa, who is the chairman of this organization, and he said that there are 13 expatriates.

Mr. Ogalo: Mr. Deputy Speaker, Sir, as the Member for the area, my figure is the correct one. It would be wrong, as the Member for the area, to hear of a bad thing in my constituency and then just keep quiet about it.

Mr. Deputy Speaker, Sir, if we compare the figure which I have just given with that approved by the Kenya Personnel Bureau, you will find that the company has a fewer number of expatriates than that approved by the Government.

Although some hon. Members were criticizing Chemelil Sugar Company, I would like to say that it is very difficult to run a sugar-cane factory. If you consider the case of Miwani Sugar Factory, you will find that it worked for 30 years without making any profit.

Hon. Members: Why?

Mr. Ogalo: I would like to request hon. Members to listen and hear what I am telling them instead of asking "Why?". That is what I am trying to answer. There are some mistakes which are made by the company, and I cannot deny that, but Chemelil as a firm is not doing badly. At the moment we have about 18 Kenya citizen graduates employed there but you cannot find such a number in Miwani or Muhoroni factories. Therefore, I would like the House to understand that the money which they are giving to Chemelil is not going to be wasted. I have observed that a Member who worked in that area as a provincial commissioner when the factory was being started has forgotten everything. He should not forget so soon.

Mr. Murgor: On a point of order, Mr. Deputy Speaker. Is the hon. Member in order to mislead the House by saying that I have forgotten the place when he knows that I also have some sugar-cane and feed the factory with it every now and then?

Mr. Ogalo: Mr. Deputy Speaker, Sir, the other thing I would like to tell the House with regard to the money which was given to Chemelil is that at the moment there are some people who are being trained outside Kenya. As you know, it is only seven years ago when the factory was started. Some money has been used to pay for the machinery used there and also to give loans to small-holders for the purchase of tractors and so on. Therefore, as the Member for the area, I would like to tell the House that the money for which this guarantee is sought will not be wasted.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 7th June, at 9.00 a.m.

The House rose at thirty minutes past Six o'clock

Friday, 7th June, 1974

The House met at Nine o'clock.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 272

CAUSES OF A STRIKE AT BANK OF INDIA

Mr. Haji, on behalf of Mr. Y. Ali, asked the Minister for Labour if he is aware that on 14th of February, 1974 a non-citizen Asian abused and thereby precipitated a strike by the employees of the Bank of India in Nairobi; and

- (b) if the answer is positive, whether the Ministry has investigated the matter and found out the truth; and
- (c) to say how many Africans are holding executive positions in the bank.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

I am not aware that on the 14th of February, 1974, a non-citizen Asian used abusive language. It is not indicated in the Question to whom the abusive language was used and thereby precipitating strike by the employees of the Bank of India in Nairobi. My Ministry is however aware that there was an illegal strike at the bank on the date and the issues in dispute as reported to me were:—

- (1) Provident Fund
- (2) Abolition of posts
- (3) Promotion on basis of merit
- (4) Loans to the staff.

There are seven Kenyans who are holding executive positions in the Bank. This matter has been drawn to the relevant Government agencies and is receiving attention in line with the Government declared policy of Kenyanization.

Mr. Haji: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, can he tell the House whether he has investigated the matter regarding this non-citizen Asian who used abusive language on one employee and if so, what action has he taken?

Mr. Kibisu: Mr. Speaker, Sir, I have already stated that I am not aware of the use of abusive language. When the employees made the report to me they did not indicate that the reason for the strike was the bad relationship arising out of abusive language. They indicated to me that their grievances consisted of the matter which I have already listed.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell the House how many citizens of non-African origin hold executive positions in this bank; and can he also tell the House the position the African citizens are holding in that bank?

Mr. Kibisu: Mr. Speaker, Sir, the question asked specifically how many Africans are holding executive

positions in the bank. I have already informed the House how many Africans are holding executive positions in the bank. If the hon. Member wants to know what positions these Africans hold, then, I require notice of that question.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, the Assistant Minister has not answered my question fully. I asked him to tell the House how many non-African citizens are holding executive positions in that bank.

Mr. Kibisu: Mr. Speaker, Sir, I would be delighted to receive notice of the previous part of the question and this later part of the question.

Mr. Haji: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, can he tell the House the names of the Africans holding executive positions in this bank because saying that there are seven Africans holding executive positions is not enough?

Mr. Kibisu: Mr. Speaker, Sir, I have answered according to what the question required me to answer but again I will be pleased to supply the information requested by the hon. Member.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, I believe you realized that in the first question the Assistant Minister tended to differ with the hon. Y. Ali who is the Questioner. The Assistant Minister said that there was no abusive language used and yet the hon. Member indicated so in his question. Can we then know who is right of the two?

Mr. Speaker: It does not follow that whatever an hon. Member says here must be true and that what the Minister says is false. The hon. Member could have been misled.

Question No. 336

CONSTRUCTION OF NEW BRIDGE OVER LAMBWE RIVER

Mr. Migure asked the Minister for Works what immediate plans the Ministry has for the construction of new Lambwe River bridge as the present one is so small and low that it makes it impossible for the traffic to cross the river during the rainy season.

Mr. Speaker: Anyone here from the Ministry of Works? We will leave that until the end then.

Next question.

Question No. 347

PAYMENT OF COMPENSATION TO MR. MURIITHI

Mr. Marete asked the Minister for Works why Mr. E. Muriithi of Igoji Location, Meru has not been paid compensation for his 47 trees and fence which were destroyed during the construction of a road and whose assessment was submitted to the Ministry by the district commissioner in November, 1972.

Mr. Speaker: Anyone here from the Ministry of Works?

We will leave his question until the end then.

Next question.

Question No. 331

REDUCTION OF MIDDLEMEN IN SOCIETIES

Mr. Nthenge asked the Minister for Co-operatives and Social Services, since co-operative societies would like to pay to their members as much as possible, whether it is not possible to achieve this if the various bodies between produce purchasers and producers are reduced.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to give the following reply.

It is the Government's declared policy that the small scale producers who mainly market their goods through co-operative societies should get the maximum return for their produce and hence various costs must be reduced. The Government is reviewing ways and means of achieving this end. I am sure the hon. Questioner knows that the Coffee Marketing Board and the Coffee Board of Kenya were amalgamated a few years back and also the Dairy Board has been abolished. These are efforts by the Government to see that the small producer is paid higher returns for his goods. The Government is examining ways and means of how best we could end the problem of cess on the produce. All this exercise is aimed at increasing the money that is paid to the pockets of the smaller producer.

We do, in the Department of Co-operative Development encourage the formation of large unions so as to ensure efficiency and better payout to producers because the costs spread to many people rather than a handful of people in a smaller society.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell the House how many bodies are in between the small farmer of coffee and the final buyer of office?

Mr. Ngureti: Mr. Speaker, Sir, I would like to tell the hon. Member that the Government is trying to make sure that bodies like the Coffee Marketing Board and the Coffee Board of Kenya are amalgamated so that the fees which were being charged by any of the two is reduced so that the money goes to the producer. We are also reviewing the question of cess so that the grower or the small producer can be paid by doing so. We also have bodies which market our coffee and which we cannot do away with. These are bodies like the Kenya Planters Co-operative Union. These bodies look for markets from other international bodies, Mr. Speaker, Sir. We cannot do away with such bodies and as such they have to remain because they are benefitting the small farmer.

Mr. Nthenge: Mr. Speaker, Sir, my question was how many bodies are there in between the small farmer and the body which finally markets the coffee, but the Assistant Minister has not answered that.

Mr. Ngureti: Mr. Speaker, Sir, unless the hon. Member tells me what he means by other bodies in between the farmer and the body which finally markets the coffee, I cannot tell which bodies he has in mind.

Mr. Speaker: Yes, I do not think that is a fair question, Mr. Nthenge. You will have to specify the particular field which you do not understand in this respect.

Mr. Nthenge: Mr. Speaker, Sir, I want to know the number of bodies between the small-scale coffee producer in the rural areas and the final seller of this coffee because there seems to be too many of them which are not sometimes understood by the farmer himself. The Assistant Minister has mentioned the Kenya Planters Co-operative Union, the district unions and so on. I am trying to find out how many bodies are involved in this exercise.

Mr. Ngureti: Mr. Speaker, Sir, first of all I would like to thank the hon. Member for raising that point because it is not only the Questioner who is going to benefit by the information which I am going to give the House. I think other hon. Members in this House will also benefit from my information. I must also thank the hon. Members because of the contributions which they have been giving to our co-operative societies in the rural areas.

Mr. Speaker, Sir, if I take coffee as an example I would like to say that in the first place we have the coffee societies. Some of these societies have unions which market their coffee. The unions take this coffee to the Kenya Planters Co-operative Union. This latter body formerly used to discuss the matters of marketing with the Coffee Marketing Board which has just been amalgamated with the Coffee Board of Kenya so that the marketing of coffee can be simpler. This also makes the small coffee producers to benefit more from their coffee. I have just taken coffee as an example and I think I have satisfied the hon. Member who had asked this question.

Mr. D. M. Kioko: Mr. Speaker, Sir, according to the reply which has been given by the Assistant Minister it shows that before the small farmer gets his share of the coffee proceeds, there are about four other bodies which get some money out of the farmer's marginal profit. Does he not think that this is taxing the small-scale coffee farmer who is tending his coffee day and night and that it makes it unprofitable for the farmer to engage in coffee farming?

Mr. Ngureti: Mr. Speaker, Sir, the Government is aware of that and that is why we have taken steps to review the whole procedure and make sure that such gaps which will makes the coffee producer to suffer do not exist.

Mr. Koigi: Mr. Speaker, Sir, how long will the Government take to review this situation? Mr. Speaker, Sir, unless the Government ceases to be controlled by companies like Dalgety and the Kenya Planters Co-operative Union, I think there will be no hope for the small-scale coffee farmer in this country.

Mr. Ngureti: Mr. Speaker, Sir, I must clear one point here. Dalgety is not a Government sponsored company; it is a private firm. What the hon. Member wants to know is how long it will take the Government to review this procedure. Mr. Speaker, Sir, Rome was not built in one day and the Government is doing its best in this exercise. The Government first wants to review the cess which is paid by the farmers to the local authorities and the cess which is paid to the coffee unions by the societies.

Mr. Mutunga: Mr. Speaker, Sir, could the Assistant Minister tell this House why it is necessary to have these co-operative unions only in the rural areas whereas such co-operative unions do not exist in the settlement schemes? By that I want to say that in the places where coffee used to be managed by white settlers the coffee societies there are not affiliated to any coffee district unions while those societies which are in the small-scale coffee growing areas are subjected to affiliation to district coffee unions. Why is this necessary?

Mr. Nguneti: Mr. Speaker, Sir, the decision to do so lies with the shareholders in a particular society. If a society wishes, in a general meeting, to form a union with other societies they can do so. For example, in Kirinyaga where I come from we have a society which controls rice. This society is not affiliated to the main co-operative union in the district. Each society decides in a general meeting whether or not it should form a union with the other societies. In some cases a society may wish to continue on its own.

Question No. 171

SYSTEM OF ASSESSING INCOME TAX

Mr. Muturia, on behalf of Mr. Nyaga, asked the Minister for Finance and Economic Planning whether the present system of assessment of income tax is based on the rising cost of living (food, clothing etc.).

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, the hon. Member for Embu North should know, perfectly well, the basis of the assessment of income tax. If he does not know then it may be that he does not pay income tax.

Mr. Muturia: Mr. Speaker, Sir, since the hon. Member wanted to know how the income tax is assessed could the Minister tell him how this is done.

Mr. Kibaki: Mr. Speaker, Sir, I have said quite seriously that the Member ought to know how this is done. It is only a few months ago that the Member himself passed the Income Tax Bill in this House which defines taxable income. If he is asking this kind of question it leads me to believe quite firmly that he is not paying income tax and I hope the Commissioner for Income Tax will look into his position.

Mr. Nthenge: Mr. Speaker, Sir, could the Minister tell the House what, if any, effects the recent taxation on consumer goods has on the income tax law?

Mr. Kibaki: Mr. Speaker, Sir, the hon. Member for Iveti South specializes in mixed up questions. These two things are utterly unrelated.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, do you think the Minister is right in saying that these two taxes are not connected yet the payers are the same people. I pay my income tax and still I pay my purchase tax, and we pay this to the same body, that is the Kenya Government. How come that these two taxes are not connected? Is the Minister right in what he is saying?

Mr. Kibaki: Mr. Speaker, Sir, I am perfectly right. All of us pay numerous taxes but they are not the same taxes.

Mr. Nthenge: I know!

Mr. Kibaki: Since the hon. Member knows this I do not see why he should ask this question.

Question No. 344

RATE OF KENYANIZATION IN TYSONS LIMITED COMPANY

Mr. Gatuguta asked the Minister for Labour—

(a) whether there are some South Africans working for Tysons Limited in Kenya;

(b) what the rate of Kenyanization is in employment within this company especially at the executive level; and

(c) if he is aware that foreign executives in this company are frustrating Africans who are earmarked to take over from them so that they resign or are dismissed.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

(a) According to my information, there are no South African citizens working as employees of the Messrs Tysons, Kenya Limited.

(b) The company employs 204 persons of whom seven are non-Kenyans. The rate of Kenyanization therefore is 96.5 per cent the question of Kenyanization of the non-citizens is reviewed by the Kenyanization of Personnel Bureau from time to time. It should be noted that the senior staff of the company are largely professional personnel who are not easily available locally.

(c) I have no evidence, and therefore I am not aware that senior executives of the company are frustrating Africans who are earmarked to take over from such senior executives. I am, however, aware that two citizens recently recruited by the company have been dismissed. The matter has been reported as a trade dispute under the Trade Dispute Act. An investigator has been appointed and it is premature to say whether the persons were dismissed justifiably or not until the investigator's report has been reviewed.

Mr. Gatuguta: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, where he said that there are South Africans working for this company and at the same time he told this House that there are seven non-citizens working for the company, would he tell the House the nationalities of those seven non-citizens?

Mr. Kibisu: Mr. Speaker, Sir, they are all British.

Mr. Jilo: Mr. Speaker, Sir, it is very strange today that the Assistant Minister is contradicting himself. In the first place he said there are no Africans being frustrated in this company; those who have been earmarked to take over from the non-citizens working there. At the same time, the Assistant Minister has admitted here that there are some Africans who had been employed and later dismissed, when they were about to take over.

Mr. Speaker: He did not say they were about to take over.

Mr. Y. Ali: Mr. Speaker, Sir, arising from one of the answers by the Assistant Minister where he said that most of the executives in the company are non-citizens and that they are professionals, would he tell the House what qualifications these executives have, and whether we do not have Africans with such qualifications to take over from them?

Mr. Kibisu: Mr. Speaker, Sir, I would like to confirm that, that is one area in which Kenya does not have the personnel required because this House is very much aware that of late, we have been seriously talking about the non-availability of land surveyors and valuers. The profession of these people is precisely that of land surveyors and valuers.

Mr. Gatuguta: Mr. Speaker, Sir, can the Assistant Minister tell the House how far the investigations concerning the two officers who were dismissed by this company have gone? When were they dismissed and what is he doing about it?

Mr. Kibisu: Mr. Speaker, Sir, the investigations are going on. Let me say here now that it is not proper to assume that the two dismissed officers were senior Africans about to take over from the non-citizen executives. They were not. One was, in fact, a copy-typist and the other one was a young lady who was recently recruited to be trained in the organization and eventually to be promoted as an executive and possibly take over. They were not, therefore, senior Africans.

Mr. Kholkholle: Mr. Speaker, Sir, would the Assistant Minister promise this House that after he has completed his investigations, he will report back to this House and tell us why they were dismissed?

Mr. Kibisu: Mr. Speaker, Sir, without revealing the names, it is not necessary for me to wait. I can reveal why they were dismissed. One of the girls used her position in the company, and she was very, very new, to divert the business of the company to another company.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, the Assistant Minister has just told the House that he is investigating this matter and now he is trying to tell us what happened, according to the information he was given by the employer. Does he want to tell the House that he has completed his investigation so that we may go into the question thoroughly or he would prefer to go into it for further investigation and then report later?

Mr. Speaker: I do not think it would be fair to go any further into the issue.

Question No. 336

CONSTRUCTION OF NEW BRIDGE OVER LAMBWE RIVER

Mr. Migure asked the Minister for Works what immediate plans his Ministry has for the construction of new Lambwe river bridge as the present one is so small and low that it becomes impossible for the traffic to cross the river during the rainy season.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

The road from Homa Bay to Mbita has already been designed and is due for construction. We are trying to look for funds to enable us to construct this road because we realize that it is an important road in that area.

Mr. Migure: Mr. Speaker, Sir, this road was designed some time in 1969, can the Minister therefore, tell the House why it has taken so long to find funds for constructing this road?

Mr. Nyamweya: Mr. Speaker, Sir, I would like to assure the hon. Member that if things go as they are going at the moment, we will ensure that this road is constructed as soon as possible.

Question 347

PAYMENT OF COMPENSATION TO MR. MURIITHI

Mr. Marete asked the Minister for Works why Mr. E. Muriithi of Igoji Location, Meru, has not been paid compensation for his 47 trees and fence which were destroyed during the construction of a road and whose assessment was submitted to the Ministry by the district commissioner in November, 1972.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

I am looking into this allegation and I will let the hon. Member know in due course.

Mr. Muturia: Mr. Speaker, Sir, arising from that short reply by the Minister, is he aware that this report was submitted to his Ministry as from 19th March, 1972 and up to now nothing has ever been done by his Ministry?

Mr. Nyamweya: Mr. Speaker, Sir, I am not aware when and by whom this information was taken to my office. This is what I want to investigate and if there is any culprit for not having carried out his responsibility, naturally he will be reprimanded. However, if it is a matter of dispute or failure to collect the compensation from the office of the district commissioner then no doubt the person to be compensated is to blame.

Mr. Marete: Mr. Speaker, Sir, while I agree with the Minister that he will go and make further investigation into the matter, since the report of the assessment was sent to his Ministry back in 1972, what has been happening all this time? Does it mean he had not made any investigation into the matter up to the time this question was brought to the House?

Mr. Nyamweya: Mr. Speaker, Sir, this was not the only claimant in respect of compensation when this road was being constructed. No doubt there were numerous other people who were compensated. There must be a reason why compensation is either lying somewhere and has not been collected by the claimant or something went wrong somewhere and this is what I want to investigate. It is, I think, for the benefit of the House that the matter should be thoroughly investigated so as to find out who is at fault, whether it is the person claiming compensation who is not satisfied by the assessment and therefore he has failed to collect his dues from the district commissioner or whether it went to somebody else. This is what I would like to investigate. Other people involved in this exercise, where road

[The Minister for Works]

was constructed, have already been compensated. It is only this single case which is now being raised in this House and no doubt we would like to go into it thoroughly.

Question No. 319

UP-GRADING OF MUTITO HEALTH CENTRE

Mr. Kitonga asked the Minister for Health—

(a) when the Minister is going to fulfil his promise made to residents of Kitui East that Mutito Health Centre would be converted into a sub-district hospital; and

(b) that an ambulance would be provided for Nuu Health Centre.

The Minister for Health (Dr. Onyonka): Mr. Speaker Sir, I beg to reply.

Mutito Health Centre is one of the many health centres to be improved during the 1974/78 Development Plan. However, I should like to refute the hon. Member's statement to the effect that I did promise that Mutito Health Centre would be converted into a sub-district hospital during my visit to Kitui East. Definitely under the development period, Mutito Health Centre is one of those to be improved.

(b) Arrangements are under way to provide a Land-Rover or a vehicle to Nuu Health Centre in the coming Financial Year.

Mr. Kitonga: According to the Minister's reply, and since he is trying to deny the two promises he made: one of up-grading Mutito Health Centre to a sub-district hospital and the other one of sending a Land-Rover to Nuu Health Centre; can he now also deny that he promised, at the chief's *baraza*, that an ambulance was to be delivered in December, 1973? Can you deny this? I think you cannot!

Dr. Onyonka: Mr. Speaker, Sir, I do not quite deny what the hon. Member is saying; however, what has happened is that we did have delivery problems. Land-Rovers which were expected to arrive, in fact, did not arrive because of shipment and other problems. However, I want to assure the hon. Member that provision has been made to send a Land-Rover to Nuu Health Centre during this Financial Year.

Mr. Kitonga: Thank you.

QUESTIONS BY PRIVATE NOTICE

WRONGFUL PAYMENT OF TAX BY KITUI TEACHERS

Mr. Mwengi-Nzulu: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:—

(a) Is he aware that most teachers in Kitui District have been paying Pay-As-You-Earn wrongfully since January, 1974, by not being given allowances for their children and wives as provided for by the law?

(b) What is the Ministry doing to stop these wrongful deductions?

(c) Why are these deductions being effected since the

affected teachers have filled in the necessary forms for allowances.

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

I would like to assure the hon. Member that I am not aware that teachers in Kitui District have been paying Pay-As-You-Earn wrongfully since January, 1974, by not being given allowances for their wives and children as provided for by the law.

(b) I would further assure the hon. Member that the Teachers' Service Commission deducts Pay-As-You-Earn according to the information given in the Pay-As-You-Earn forms.

(c) Teachers in the whole country who correctly completed their forms for personal reliefs and other income tax documents have no problems. The Teachers' Service Commission like any other employer is legally bound to effect deductions without considering personal reliefs if claim forms are not received.

Mr. Mwengi-Nzulu: Arising from the Assistant Minister's reply is he aware that the following gentlemen: Francis Ngene, Mua Ngundo, Wambua Mululu, David Musi, Mungithya Maithya, Ngandi Sila, Francis Mwaniki and Juma Kaloo are being deducted Pay-As-You-Earn without being given family allowance by the Teachers' Service Commission, yet they filled in their forms and sent them through the education offices?

Mr. Rubia: No, I am not aware that the teachers mentioned are not receiving their reliefs. However, it is possible that they completed their forms wrongly. I would like to suggest to the hon. Member that these teachers should be advised to go to the district education officer immediately and have the situation rectified. There is no intention on anybody's part in my Ministry or the Teachers' Service Commission to harass or do anything that is contrary to the law or the rights of individuals. It is possible, as I had indicated that errors can be made and the best thing to do is to approach the officer I have mentioned. This officer has been informed to take up any such cases, and the sooner it is done the better for these teachers.

Mr. Kitonga: Arising from the Assistant Minister's reply is it really the duty of the hon. Member to go and advise the teachers concerned to go to the office of the district education officer or is it the Minister's duty to write a letter or circular to his officers to welcome those teachers with such problems so that these mistakes are rectified? Who is the right person to do so?

Mr. Rubia: The hon. Mwengi-Nzulu actually asked the question and therefore it should be equally of concern to him to go and advise these teachers. I am sure they must have seen him.

Mr. Mwengi-Nzulu: This is a very serious issue with the teachers in Kitui District. It is not only the names that I have mentioned that are affected. There are very many other teachers, in fact, nearly every teacher in Kitui pays Pay-As-You-Earn without getting any relief. We want to know where the mistake is; whether they received these forms late or something else happened.

[Mr. Mwengi-Nzelu]

There must be something wrong either with your office or the Teachers' Service Commission.

Mr. Rubia: Well, I can inform this hon. House that the Teachers' Service Commission are functioning properly and if there are any human errors, it is up to the officers concerned to take up the issue with the district education officers who are Government employees as well.

Mr. Mwengi-Nzelu: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to say that these officers should consult the district education officer while some of these teachers have already done so and were told that their forms were forwarded to the Teachers' Service Commission? What other action does he want them to take; where else does the Assistant Minister want them to go?

Mr. Rubia: To the district education officer.

REPAIRING OF WASHED-AWAY ROADS IN
TURKANA

Mr. An'gelei: Mr. Speaker, Sir, I beg to ask the Minister for Works the following Question by Private Notice:—

Is he aware that during recent rains the Sigor/Lokori; Kapedo/Lokori roads were washed away and as a result the residents of South Turkana Division could not get supplies due to roads which were impassable and that the local traders could not transport their supplies from towns such as Kitale and Nakuru?

What immediate action is the Ministry, therefore, taking to bring the situation to normal?

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

I am aware that these roads were damaged during the rainy season; we have had plenty of rain everywhere in the Republic and many roads throughout the Republic have been equally damaged. My Ministry is aware that these roads, including the roads referred to in the question need repair. As soon as the dry season starts and we have the funds, my Ministry will embark on the exercise of repairing all the damaged roads not only in this area, but throughout the Republic.

Mr. An'gelei: Arising from the reply by the Minister that he is quite aware that these roads were washed away by the recent rains, is he aware that the people who use these roads are suffering because there is no any other way for them by which they can get their supplies? Could his Ministry pay special attention to these roads? What has he been doing since the time these roads were damaged so as to make these roads passable?

Mr. Nyamweya: I am very much aware that these are roads which are quite vital in this area and in the course of our exercise of repairing the damaged roads throughout the country, the roads in question will receive priority. As the hon. Member knows, by 16th of this month all accounts will be closed; not only of my Ministry but in all other Ministries; but as soon as we get into the new Financial Year, which is not

very far off, we will do the job the hon. Member wants us to do.

Mr. Ang'elei: Mr. Speaker, Sir, is the Minister aware that some trading centres in my area have had no food supplies for the last two weeks, and that human beings cannot be expected to stay for all that time without food? What special attention is he going to pay to these roads so that he may make them passable? We are not asking that they be tarmacked but we would only like to have them gravelled.

Mr. Nyamweya: Mr. Speaker, Sir, I have taken note of the hon. Member's earnest plea which he has made on behalf of his people.

EMPLOYEES OF KALU WORKS COMPANY DECLARED
REDUNDANT

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:—

Will the Minister undertake to rescue the position of employees of Kalu Works Limited, Mombasa, where nearly 50 of them are being threatened with redundancy and ten were declared redundant on 1st May, 1974 without their knowledge and with no reasons given by their employer?

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

Yes, Sir, I will undertake to investigate the matter with a view to rescuing the employees in question.

Mr. D. M. Kioko: Mr. Speaker, Sir, while I accept the assurance by the Assistant Minister who, I believe, is going to act, can he also undertake to prevent such situations from occurring again since it is now common knowledge that some of his officers take sides in these issues?

Mr. Kibisu: Mr. Speaker, Sir, while I undertake to ensure that such things do not occur in future, I cannot accept the insinuation that my officers take sides in these matters and, therefore, precipitate in their occurrence. If the hon. Member for Mombasa West has any specific case where a labour officer or any other officer in my Ministry has taken sides in such matters I will only be too glad to deal with it.

Mr. D. M. Kioko: Mr. Speaker, Sir, it is not my duty to give names of some people here because I want to be responsible. However, I wonder whether the Ministry will act fast enough to make sure that those who have already been declared redundant do not disappear but retain their jobs.

Mr. Kibisu: Yes, Sir, I will act as fast as I can.

Mr. Speaker: Next Order.

MOTION

CONSTRUCTION OF ROADS IN MBITA

THAT, in view of the fact that lack of roads in different parts of Mbita Constituency has made it impossible for local people in the affected areas to communicate with the rest of the district, this House urges the Government to provide immediately roads to enable the local people to use vehicles to transport their commodities and for other general purposes.

(Mr. Migure on 31st May, 1974)

(Resumption of Debate interrupted on 31st May, 1974)

Mr. Jilo: On a point of order, Mr. Speaker, Sir, since this Motion was discussed in this House exhaustively, and the Minister, who is the Government responder spoke on it, may I move that the Mover be now called upon to reply.

Mr. Speaker: That is not necessary now. The Minister was still replying when the House adjourned. Mr. Nyamweya was speaking, but if he concluded his speech then I will do the next thing.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I was supporting the amendment and I thought the House was with me in what I was saying. We felt that it was not good to discuss Mbita Constituency alone. For that reason, we enlarged the Motion to the extent that it embraced the entire country. I made it abundantly clear to the House that it was Government policy to improve the road communications throughout the country, especially in agricultural areas where most of our agricultural produce are grown. That is why we have a programme dealing with road improvement in all the tea growing areas, and it is for the same purpose that we are carrying out a similar exercise in all sugar growing areas. It is the wish of Government to see that we are self-sufficient in the production of sugar. That is why areas like Mumias and Kisumu are receiving a considerable amount of money for the improvement of road communication.

It is also a Government policy to continue improving the tourist roads. As I said in another occasion in this House we are going to spend nearly £10 million in improving tourist roads in all our national parks and along the coastal areas which tourists visit.

We are also going to construct roads in areas where, at the moment, they do not exist. I know there are some areas which appear to have been neglected in the past, and we would like to rectify that omission. We do not want to provide good road communication at the expense of another area. That is why, in our road programme for the next Development Plan we have endeavoured to take into account such areas as the North-Eastern Province and certain areas in Eastern Province where road communication is very poor even now. These areas will also receive their share so that in future their road communication will be of the same, if not better, standard as that of other areas. I realize this will require a considerable amount of money, but the House has shown considerable amount of sympathy to this programme and the work which my Ministry is carrying out for the nation. I hope this sympathy and support will continue so that at the end of the Five-Year Development Programme we may have a road net-work of which we will be proud.

With these few remarks, I beg to support the amendment.

Mr. Haji: Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to this amendment. The amendment is quite straightforward and I hope Members realize the importance of the work which Government does on roads throughout the country. It is the

wish of each hon. Member of this House to see that Government constructs roads in all parts of the country. The Mover of this Motion was only asking Government to construct roads in his constituency, but that was not enough because many other hon. Members also have the same problems as he has. Since the Minister has just promised that Government will endeavour to provide more money to work on the roads which are in very poor conditions, and also to construct roads where they did not exist before, I hope the exercise will be carried out, and that the hon. Mover of the Motion will appreciate it.

Mr. Speaker, Sir, it is my final appeal to the Ministry to allocate some money to develop roads in the areas where there are no roads at all, so that we can have effective communication throughout the country. We do not want some parts of the country to be isolated because of poor roads or because of lack of communication in these areas. Mr. Speaker, in view of the fact that if we do not have proper means of communication in the country, the economic development which we are all fighting to achieve as quickly as we would like cannot come about, it is my sincere hope that the Ministry and the Government as a whole will do their best to improve not only these roads now being mentioned here, by the hon. Mover of the Motion, but also all other roads throughout the country so that the popularly elected Government of Kanu may prove to the people, that it is a Government for action. We do not want our people to feel that our Government is merely a Government of "empty promises".

Mr. Speaker, Sir, I would also like to thank the Government for whatever they have done to develop those very remote areas in the North-Eastern Province. I know the Government has done quite a lot during the last ten years as far as the development of this area is concerned. They have proved to us that they do not want this area to lag behind others in terms of development. It is my hope that the *wananchi* will not sit back and think that the Government is responsible for doing everything as far as development is concerned. I am saying this because our people ought to respond to His Excellency's call of Harambee by working hard together. It is through the spirit of Harambee that we can develop our country and in this way, we can expect the Government to endeavour to supplement and augment the efforts of the *wananchi*.

With these few remarks, I beg to support.

Mr. Mutunga: Mr. Speaker, first of all, I would like to congratulate the Minister for Works, for the good job he has done as far as roads in this country are concerned. He has done quite a lot especially in Machakos District, where most roads have been impassable for a long time previously and now they have been brought to the normal standard. However, Sir, I would like to ask the Minister for Works to look into the present Kitui-Machakos Road which is now under construction. Mr. Speaker, Sir, I understand that the Ministry intends to tarmac this road half-way to a place known as Wamunyu.

Mr. Speaker, Sir, I would therefore, like to appeal to the Minister to provide more funds to complete the

[Mr. Mutunga]

entire road from Machakos to Kitui. I think it is very unfair to tarmac the road half-way because the people on the other side of Ukambani will think that the people of Machakos have been favoured and this would be very bad for us. Therefore, I would like to appeal to the Minister to see that something is done about the entire road even if it means stopping other improvements in the two districts, that is Machakos and Kitui in order to make funds available to complete the tarmacking of the entire road from Machakos to Kitui. I know the Ministry has constructed bridges along the entire road and all that now remains in the question of tarmacking the road. Therefore, Sir, I strongly appeal to our good Minister to see that this is done. Otherwise, Mr. Speaker, Sir, the Minister has done a wonderful job for the entire country as far as the development of roads is concerned since he took over the Ministry of Works and he should continue to do his best to improve the road communication in the country.

With these few remarks, I beg to support.

Mr. Mwengi-Nzelu: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to support the amendment to this Motion. I would like to say straightaway that the Minister for Works has done a very good job in this country as far as the maintenance and improvement of roads are concerned. Mr. Speaker, Sir, Kitui District borders with Embu on the other side and on the further side, Embu District borders with Meru District. Mr. Speaker, Sir, the people in these three districts, that is Kitui, Embu and Meru, share almost the same problems as far as means of road communication are concerned. At the same time, the people in these districts share the same social and political problems and we generally agree on very many things. At the moment, Sir, if you want to transport your food, cattle or belongings to either Embu or Meru, you will have to pass via Thika while to cross from Kitui to Embu or Meru, it is just a question of a few miles. Therefore, I would like to appeal to the Minister to consider constructing bridges to join, Kitui, Embu and Meru. We know this would cost the Government quite a lot of money but the Government is there to serve the people. In fact, it is my sincere hope that during the next Financial Year, the Minister will do something to see that at least one bridge is constructed between Kitui and Embu. I know the Ministry has plans to remove the bridge near Kindaruma where they are constructing a big dam. If this bridge could be moved lower down and join the Kitui and Embu people for the time being we would be very grateful, while waiting for that big project to take shape. I hope the Minister will bring a Motion to this House to ask us to give him money to construct these bridges in order to join these three districts.

Mr. Speaker, Sir, while thanking the Minister for Works—

Hon. Members: Your time is up.

Mr. Mwengi-Nzelu: With these few remarks, I support the amendment.

Mr. Speaker: It is now time for the Mover to reply.

Mr. Migure: Mr. Speaker, Sir, with your permission, I would like to allow Mr. Ogingo some five minutes to speak.

Mr. Ogingo: Mr. Speaker, Sir, in view of the shortage of time, I do not intend to speak much on this Motion. However, I would like first of all to congratulate the Minister for Works for the amount of work he has done in developing roads throughout the Republic. I also wish to support the amendment from the hon. Member for Kikuyu—hon. Gatuguta. Mr. Speaker, Sir, I would like to draw the attention of the Minister to the fact that in this Development Plan which I am now holding in my hand, not a single road has been provided for in South Nyanza. All the roads which he mentioned in his speech last week are not included in this Development Plan. However, I am pleased to note that despite this situation, the Minister is going to ensure that some of the roads which were included in the out-going Development Plan will be developed during the Plan period 1974/78. It is important, Mr. Speaker, that these roads referred to as primary roads in South Nyanza are properly maintained. Sir, such roads as Homa Bay-Mbita-Rundi-Karungu, Kendu-Kaponditi and Homa Bay-Rongo, have long been planned for re-alignment. However, it is a pity, Mr. Speaker, that there is no proper co-ordination between the Ministry of Works and the sectors concerned who are supposed to ensure that those roads included in any Development Plan are re-aligned.

Mr. Speaker, Sir, South Nyanza has a great potentiality for agricultural activities. Apart from the fact that we have wonderful tourism potentiality—Mr. Speaker, the Attorney-General who seems not to have stepped out of Nairobi is wondering what I am talking about. Mr. Speaker, Sir, if he had ever been to South Nyanza, he would know that we have a lot of wild game there.

Mr. Speaker, Sir, I would like to urge the Ministry to ensure that in the current Development Plan period we have one of the roads in Homa Bay District tarmacked. In fact, Sir, the Homa Bay/Rungu Road is one of those roads which was earmarked for tarmacking many years ago. We understand, however, that the funds which were allocated for this particular road were diverted elsewhere. We now wish to urge Ministers to ensure that this money is given to the district.

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

Mr. Migure: Thank you, Sir. Mr. Speaker, Sir, I wish to thank the Member for Kikuyu, hon. Gatuguta, for amending this Motion. It was not my intention to limit the terms of the Motion to Mbita Constituency. However, Sir, I was forced to do this by the circumstances under which roads in my constituency are at the moment. The hon. Member for Kikuyu, hon. Gatuguta, did a good thing to make an amendment to this Motion because the problem of bad roads is common throughout the country.

I would also like to thank hon. Members of the House who have shown keen interest in the debate of the Motion. I hope that Government will not overlook the keen interest shown by the House in matters affecting our road network in the Republic. This shows that

[Mr. Migire]

Members of Parliament have a keen interest not only in their own constituencies, but also in all parts of Kenya.

The other thing, Sir, is that I would like to thank the Minister for Works who gave a reasonable reply to this Motion. We all understand that the Ministry of Works is involved in an expensive exercise of improving our roads. We know that the Ministry is spending a lot of money in buying machines for the maintenance of roads in this country. Although the Ministry of Works is carrying out extensive work in trying to improve our roads, we should all remember that no part of this country can develop without good roads. We also understand the fact that the Ministry of Works cannot do this kind of work overnight. However, we are only asking the Ministry to give us at least all-weather roads of murrum standard.

In Mbita Constituency with a population of about 8,000 people, you will find that people there are unable to transport their produce to the nearest markets because of impassable roads during the rainy season. Some of the roads which were formerly maintained by the county council only need grading. I am happy that the Minister has indicated that his Ministry will do something to improve roads not only in Mbita Constituency, but throughout the country.

I would like to appeal to the Minister to improve the services of the ferry and a motor-boat in my area. Although there is a motor-boat, Sir, it breaks down every now and then and therefore a ferry would give us an excellent and regular service. I am sure if the Minister can give us a ferry with an efficient engine, then we can have no problem.

Coming to the question of Mbita/Homa Bay Road, Sir, we are not able to cross Lambwe River during the rainy season. The whole thing is flooded and there is no way to either side of the valley. I am glad that the Minister has indicated that a bridge will be built on the newly designed Mbita/Homa Bay Road.

Another point I would like to point to the Minister is in connexion with the employment of manual labourers working on roads in that area. I can recall that recruitment was done about one month ago, but for the information of the Minister, some people were recruited from outside my constituency. We would like to see more of the local people being recruited as manual labourers to work on roads in Mbita Constituency. It is not possible for my people to work in another constituency on a simple labourer's salary. Since these people are paid a small salary, it would help a great deal if they were to work from their homes. I am requesting the Minister to ensure that local people are engaged to work on roads as labourers.

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

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

Resolved accordingly:

THAT, in view of the fact that lack of roads in different parts of Mbita Constituency as well as other

parts of the Republic has made it impossible for the local people in the affected areas to communicate with the rest of the districts, this House urges the Government to provide immediately roads to enable the local people to use vehicles to transport their commodities and for other general purposes.

MOTION

REVIEW OF COTTON SEED PRICES

Mr. Ebu: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the meteoric rise in the cost of living, prompted mainly by the oil crisis, which has made life unbearable especially to the peasant farmers; and noting with felicitation our Government's realization of, and willingness to alleviate, this oppressive situation as exemplified by its recent announcement of price increases for milk and certain cereals; but perturbed that the cotton growers who support many textile manufacturing industries which provide employment opportunities to thousands of Kenyans continue to suffer unassisted; this House urges the Government to review the seed-cotton price in order not only to make life for cotton-growers liveable but also to save the cotton industry from collapsing.

Mr. Speaker, Sir, a certain Mr. Kalikar said:—

"I want all the best that life can offer, I want the best food to eat, and the best wine to drink, I want the best clothes to put on and the best house to live in. I want these not only for myself, but for everybody."

This, Mr. Speaker, Sir is the theme of the Motion before the House. The Motion is a simple one because we are all aware that Government is always willing to assist *wananchi* who are in difficulties. However, this Motion is asking the Government to extend its helping hand to all the parts in the country particularly in areas where cotton is grown. Cotton industry is a very large industry in this country, and it can be more profitable if it is improved. Cotton growing was introduced in this country in 1920. According to the annual report on cotton growing in this country cotton earns more than £1,300,000 for this country annually. Despite all that the kind of assistance the Government gives to cotton-growers is almost negligible. Cotton is grown all over the country including such areas like Central Province, Eastern Province, Western Province, Coast Province and Nyanza Province. According to the statistics available to me, Western Province grows more than 40 per cent of all the cotton grown in this country.

Mr. Speaker, Sir, in 1954 the price of seed cotton was about 25 cents per pound. At the moment the price of cotton is 72 cents per pound. However, as far as I am concerned the price of cotton is still relatively low. Although the price of cotton is very low today the price of other commodities in the country has risen considerably. For instance, a few months ago, the Government increased the price of maize. At the moment the price of one gallon of milk is Sh. 3/50. Why has the Government not increased the price of cotton

[Mr. Ebu]

which is grown throughout the country in the same manner it has increased the price of other commodities?

Mr. Speaker, Sir, most of the textile industries depend on the cotton which is grown locally. This is an indication that the cotton industry is maintaining a very large labour force in this country. If the Government does not do something to help the cotton industry, very many of our people are going to find themselves without jobs. For instance, in Western Province cotton growers are not given Guaranteed Minimum Return loans which are given to people who grow such crops like maize. This is an indication that the Government is not interested in cotton growing in the country. I have also discovered that cotton plants need fertilizer, but the Government has not made any attempt to make fertilizer available to farms. One of the ways by which the Government can help cotton growers especially small-scale growers is to subsidize the price of fertilizers and insecticides. For instance, I live near the Kenya/Uganda boarder and I have discovered that a small country like Uganda subsidizes the price of insecticide. In Uganda one five-litre can (*debe*) of insecticide costs less than Sh. 5, while in Kenya a similar amount costs more than Sh. 20. Why does the Government find it difficult to subsidize the price of such things like fertilizer and insecticide which are greatly needed by farmers? As far as I know the Government has not attempted to help the cotton-growers in this country particularly as far as the question of obtaining fertilizer is concerned.

Looking at the Cotton Lint and Seed Marketing Board Report, I note that in some places cotton growers get Guaranteed Minimum Return loans. The matter is made worse when one realizes that in such areas where farmers have access to Guaranteed Minimum Return loans, cotton growing was introduced just the other day. In Western Province where cotton growing was introduced in 1920 farmers have no access to all kinds of loans. What I am not sure of is whether the Government is discouraging the growing of cotton in this country. Why should the Government instead of helping cotton-growers, spend a lot of money conducting researches in new areas to ascertain whether or not cotton can grow in such areas? For instance, in Tana River the Government has been for a long time, doing some experiments to ascertain whether cotton can grow in irrigated areas. That is a welcome exercise, but we should realize that it is very expensive. In some areas cotton can do very well without irrigation. As far as I am concerned these are the areas where the Government should encourage cotton growing. The Government can help people in such areas by making fertilizer, insecticide and Guaranteed Minimum Return loans available to them. If this is done I am sure that in a very short time the local production will be boosted.

Mr. Speaker, Sir, cotton growing is a very expensive business. For instance, to plough one acre of land in the rural areas where agricultural machineries are lacking it costs a farmer Sh. 95. In such areas the farmers use oxen-driven ploughs. Planting will cost the farmer a further sum of Sh. 35. After the seeds have germinated the farmer has to weed his farm not less than five times.

That exercise will cost the farmer a further sum of Sh. 160. Besides weeding the farmer is required to spray his cotton plants with insecticide at least twice. That exercise costs the farmer a further sum of Sh. 80. Picking will cost the same farmer more than Sh. 100. Sorting will cost the same farmer more than Sh. 100. The transportation of cotton from the farm to the factory will cost the very farmer a considerable amount of money. According to the experts one acre planted with cotton can earn a farmer £1,000; and according to the present cost of planting cotton in Kenya one acre planted with cotton will earn a farmer about Sh. 720. Mr. Speaker, Sir, forgetting the amount of money a farmer spends on production, you will find that what a farmer is left with is something like Sh. 80. This is very little; it does not pay. Imagine getting Sh. 80 once in a year? Cotton is grown once in a year. Therefore, Sh. 80 is not enough to meet the expenses of the farmer. It is not even enough to meet the school fees and it is not even enough to buy food for the family and himself.

Now, in Western Province, Mr. Speaker, Sir, it is said that the farmers have ignored the advice of the field workers in that they have refused to plant their cotton early. One of the reasons for this is the fact that cotton itself does not pay in comparison to other foodstuffs grown in this place. Secondly, Sir, in the Western Province, farmers have found out through experience that early grown cotton, such as the one recommended by the agricultural experts, does not have a high yield. The reason for this is because there is too much rain. In some cases, the land is so fertile that if you grow cotton in March, it grows very tall and it does not produce anything. Therefore, these are some of the problems that the farmers are faced with. It has been found out through experience in the Western Province that cotton grown around May and June is the best kind of crop. Now, the agricultural experts will say that if you plant cotton in May and June, it is going to be faced with a problem of hailstorm. I agree, Sir, but that is the time, in fact, when people have planted, say, *wimbi*, cotton and other things which are very important. I say so because hon. Members are aware that if the people in Western Province stopped growing these crops then, the rest of Kenya would not survive. They have always referred to the Western Province as the granary of Kenya. For example, if the Rift Valley Province is ready to produce enough crops for the rest of Kenya then, we are also ready to produce enough cotton for the whole of Kenya if the price of cotton can be increased a little bit. We are willing to do away with these crops and leave them to other regions which are climatically more suitable.

Mr. Speaker, Sir, I have given an idea as to how much assistance the Government must give to the cotton-grower. Recently, the prices of different commodities and especially building materials have gone up. Government has recognized this situation. Now, why can the Government not increase the price of cotton from Sh. 1/50 to Sh. 2? This would be more paying. Government has been increasing the price of cotton by five cents and sometimes it remains stagnant for years. Next time when the people will ask for an increment,

[Mr. Ebu]

they will be given five cents. I am sure that this five cents does not help anybody.

Mr. Speaker, Sir, comparing the prices of those items made from cotton, there is every reason for increasing the price of cotton. For instance, in 1954, one yard of American Khaki used to cost Sh. 1/50 but today costs Sh. 12/55. Now, is that not exploitation, Sir, of the poor people? Why should a piece of cloth which used to cost Sh. 1/50 per yard cost Sh. 12/55 per yard and yet the farmer who produces it does not get anything? He has not had any improvement on his standard of living. Another example, in 1954 a handkerchief used to cost 25 cents but today it costs Sh. 3. That is the reason why I am saying that the price of commodities has really gone up and especially things made from cotton. Therefore, that is the reason why I am asking the Government to find ways and means of helping the cotton-grower so that his standard of living can also be improved. We cannot continue increasing the price of manufactured items and at the same time expect the farmer to be getting the same price as he was getting last year for the same goods. I chose this 20-year period just to show you that there is very, very little that the Government has done towards helping the cotton-grower. I am sure that farmers in this country and especially the cotton-growers will one of these days stop growing cotton.

Mr. Speaker, Sir, I noticed when I was going through the Cotton Lint and Seed Marketing Board Report that we have been exporting cotton to United Kingdom, West Germany and China and other countries. Now, this is a very welcome idea. However, I am sure that this business of exporting cotton brings a lot of money to Kenya. Therefore, this money should be handed back, in fact, it should be ploughed back to those areas that grow cotton. This is the best thing that Government can do. I have also noticed that the industries that deal with cotton—the cotton textiles—are situated in those areas which do not grow this commodity at all. Why? People who grow cotton have no opportunity of getting jobs in these textile factories! Is this not exploitation, Mr. Speaker, Sir? Why should these cotton textile factories be based in areas which do not grow cotton? Why can we not have a factory in Kitui because Kitui is one of the districts in the Eastern Province that grows or produces the greatest amount of cotton? Why can we not have a factory in Kerio Valley which is now going to deal in cotton production? Why can we not have a textile industry in the Western Province which produces more than 40 per cent of the cotton grown in this country? If we cannot give good prices to farmers for cotton then, we must give their children opportunities to get employment based on this commodity.

Mr. Speaker, Sir, I do not think that this Motion is asking for too much from the Government. I know that the Government might bring in some funny statistics saying that Sh. 2 is too much money. However, such funny statistics will not help the farmer. Therefore, we either help the farmer or we tell him to stop growing cotton. I am sure many farmers will be willing

to stop growing cotton and start growing ground-nuts because they are going to be very highly paid. The farmers can also go on producing the Mexican beans which are also fetching a very good price in the market today.

Mr. Speaker, Sir, with those few remarks, Sir, I beg to move the Motion.

Mr. Mwengi-Nzelu: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to speak on this Motion. I am supporting this Motion very, very strongly while I am seconding it.

Mr. Speaker, Sir, I think that this Motion has come at the right time. We have been waiting for any hon. Member to introduce this kind of Motion in this House but we have failed. It is only today somebody has thought about it and has brought it to this House. Therefore, I think that the Mover of this Motion is not asking the Government for too much. He is very fair to suggest that the price of cotton should be increased from what it is today. We find that these days *wananchi* say that everything has gone metric. It is more than obvious that the price of everything has gone up. That is the reason why it has become too expensive for the farmers who are growing cotton to grow it. In fact, many of the farmers have decided to forget about cotton altogether because the agricultural machinery, for example, tractors which they were using have gone very high in prices. Therefore, to grow, say, even one acre of cotton, it means that somebody has to look for a lot of money from somewhere else and not from the sales of cotton itself. He has sometimes to sell his *ng'ombe* in order to be able to grow just one acre of cotton because the prices of all items have gone up.

Mr. Speaker, Sir, you will also find that in some places, the ginneries are still in the hands of Asians, some of whom are non-citizens, for instance, the one at Kitui. As a result of this, the people feel very reluctant to grow cotton because the ginneries belong to these non-citizen Asians instead of being owned by co-operative societies. The *wananchi* feel that since these non-citizen Asians have owned these ginneries for a long time, and it was now their turn to own them, because they being the growers, do more labour and in fact, they are the people who do all the *shamba* work. Now, when they go to sell their cotton, sometimes it takes up to two days before their cotton is finally bought. Sometimes when they take their cotton to these ginneries, it is rejected, and they are told to separate grade one cotton from grade two cotton. Therefore, you will find that the growers are sacrificing a lot, Mr. Speaker, and in the end, they do not get anything out of their work. Therefore, Sir, the Government should do something towards assisting cotton farmers. For instance, the Government should assist these people to purchase the ginneries and to form co-operatives, so that they can do away with these Asians who have exploited them for a long time.

Now, the best thing to do, Mr. Speaker, is for the Government to encourage our people to continue growing cotton by increasing its price as the hon. Mover indicated here. The Government should see to

[Mr. Mwengi-Nzeli]

it that in areas like Kitui, where we have adequate land, they assist the people in introducing cotton blocks, as is the case in Tana River, where we paid a visit along with the Minister for Agriculture. There is a very beautiful belt there for cotton growing. The Ministry should also come out and support the farmers who want to grow cotton in the Tana River area because that area can be irrigated quite easily because water is very near and the plateau is quite suitable for irrigation. The people there are quite willing to grow cotton, but even if they do grow it, they realize that they get very little money that it cannot even equal what you have put into the *shamba*. Therefore, Mr. Speaker, Sir, we feel that this Motion has come at the right time, and I think the Minister will support the Motion straightaway because this is a genuine case.

Even today, Sir, some firms are trying to find artificial lint, instead of using cotton. However, you will find the cotton material is much more beautiful than the synthetic material. Therefore, Sir, our cotton growers should be encouraged to grow more cotton in this country. Mr. Speaker, Sir the oil made from the cotton seed is quite expensive in the market, and sometimes it is even difficult to find it because people are now reluctant to grow cotton because the producer's price is very low. As a result, it has become quite difficult to get the oil made from the cotton seed. Therefore, Mr. Speaker, the price of cotton should also be raised. As I said, Mr. Speaker, everything has gone "metric", and therefore, why should cotton farmers also not go "metric"?

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

(Question proposed)

Mr. arap Cheboiwo: Mr. Speaker, Sir, I rise to support this Motion very strongly. The Mover has explained exactly what is happening in Western Province. However, Mr. Speaker, cotton is not grown only in Western Province as the hon. Member has said. The products of cotton are used by nearly everybody in this House as well as outside this House. Mr. Speaker, Sir, if you compare the price of cotton in 1954 with that of 1974, which is 20 years difference, they are nearly the same. The only increase there has been is of 20 cents only. Now, Sir, I find this to be very unfair on the part of the Government. We appreciate what the Government is doing through the Ministry of Agriculture by considering the prices of other agricultural commodities as the Mover and his Seconder have mentioned here. The farmers in the Republic have been complaining about the price of milk, and we are very grateful for the increase that the Government made in the price of that particular item. Although it was not much, we are happy that at least something has been done towards that end. Mr. Speaker, Sir, the price of milk was increased to Sh. 3 per gallon, and it may be increased further because we are still asking for an increase in the price of milk.

Mr. Speaker, Sir, the wheat growers in the Republic have complained to the Ministry and given their reasons why they would like to have the price of wheat raised. The same thing happened with maize growers in the

country, who gave evidence to a Select Committee of this House that went round the country to see what was happening. I am glad to hear that the Government has done something in their favour, although they did not accept the price that was proposed by the Select Committee. Now, although this rise in the price of maize was not to the satisfaction of the farmers, they were happy, at least, that something was done in that direction. As we know, Sir, something is better than nothing.

Now, coming to the question of cotton, Mr. Speaker, I happen to be one of the growers of this particular crop. I have a cotton farm in Kerio Valley. Cotton was introduced in that area in 1960 but not in 1920. Sh the Mover said ploughing and weeding is costing a lot of money. I am joining my colleagues in asking the Government to raise the price of cotton. This will encourage more growers of cotton in this country.

As the Mover said cotton today costs Sh. 1.40 per kilogram and the price is very discouraging. As I said earlier on the clothes we wear are made from cotton and we cover and sleep in cotton. Therefore, cotton is a very important crop and, therefore, if it remains at a price of Sh. 1/40 per kilogram the farmer will stop growing it. I believe that the Assistant Minister who is going to reply to the Motion, on behalf of the Government, will agree with the Motion and he will see to it that cotton growers are given higher prices, say, for example, Sh. 2 per kilogram or above, to encourage farmers into growing more cotton.

Mr. Speaker, Sir, the cost of living and the cost of inputs has gone up. The price of cotton in 1954 cannot be compared with the price of today. I, therefore, do not see the reason why the Government cannot increase the price of cotton per kilogram because if this is done, I am sure that in other places where cotton is not grown, this crop will be grown. I asked hon. Araru whether they grow cotton at Moyale and he told me that it is not grown there because its price is very low. If the price of cotton can be increased, I am sure that most of parts in this Republic will grow cotton. In Kerio Valley the farmers were very much discouraged in 1972 when the Government officers convinced the people there to grow cotton but only to find that the price was too low. When the price was stepped up to Sh. 1/40 the farmers started growing it again. This year the crop is not being grown because the prices of the inputs are very high and if the price of this crop is raised these people will go back to the growing of cotton. I am sure the hon. Assistant Minister is a farmer although he does not grow cotton. He grows other things like grass and I am sure he was appointed an Assistant Minister of Agriculture because he was a farmer and I know that he knows something about the problems that the farmers face. I therefore, appeal to him strongly not to amend this motion or use other Governmental language of saying that something will be done as soon as possible. I would like to ask him to agree with the Motion straightaway and implement it. We may be late in growing cotton this year but next year, if the price is raised this year, many people will go into cotton growing.

Mr. Speaker, Sir, this Motion is genuine. There have been very many motions in this House which the Government has said are not good but this particular

[Mr. arap Cheboiwo]

Motion has been brought here on time. I am sure that the Government is going to implement it.

With these few words I beg to support.

Mr. Amayo: Mr. Speaker, Sir, I would like to thank the hon. Member who moved this Motion in connexion with cotton growing in this country. I am talking with a lot of experience and knowledge in the cotton industry. I am a cotton grower and I have been in many committees and boards which deal with cotton. If there is any crop in this country which lacks encouragement from the Government it is cotton. If you look at the daily industry the Minister for Agriculture did not do anything until His Excellency the President stepped up the price of milk. The same thing happened to wheat and the farmers are now growing the crop in big quantity I would, therefore, appeal to the Ministry of Agriculture to look into the question of encouraging the farmers to grow cotton in this country. It is surprising to note that Kenya produces only 30,000 bales of cotton whereas Uganda produces over 400,000 bales and Tanzania over 300,000 bales. If you look at the record of cotton growing in the world, you will note that Kenya is lagging behind. We have put up industries in this country. We have one industry in Kisumu and another at Thika and we need another one in Busia and many other places where we find raw materials. Nothing is being done to encourage the farmers and yet the public is willing to double their efforts in cotton production but their hands are handicapped. The inputs cost a lot of money more than the money the farmers get. I am a cotton grower and I have been growing ten acres of cotton but today I have reduced this acreage to five because who would invest his money if he knows that he is going to lose. I would, therefore, appeal to the Minister concerned with the cotton industry to see to it that the price of cotton is raised. The second thing is that the farmers should be helped by making the tractors available. There is suitable land for the growing of cotton and the manpower is there but the farmers need assistance so that they can be given to help them cultivate their land.

Mr. Speaker, Sir, the reason why the production is very low is that the research department in the Ministry of Agriculture is not doing enough. The seeds that we are using when we plant cotton in various areas in this country are of a poor quality and this is not good. The Tanzanian farmers have very good cotton seeds for planting and this is giving them good returns. We have a research department but we do not know what is done there. They should try and improve the cotton seeds.

I would like to say that in order to support the price increase the price should be Sh. 2/40 per pound a shilling more than the previous price and this would make *wananchi* go into cotton growing. The little cotton that we produce here is exported and the industries which are in this country import it later on. This is serious. Although it does fetch a lot of money in the form of foreign exchange we should not be interested in the foreign exchange while the industry is suffering in the countryside. The position would be better if we

are able to produce enough cotton for our local consumption and for export.

The other point is that the price of materials which are made of cotton has increased. If the price of these materials has gone up why has the price of cotton not also gone up? This is where we are failing in our planning. We are planning for those who do not labour in the production of cotton while those who sweat to produce this commodity are not taken care of because they are called ordinary farmers. This is the nickname which is given to us, farmers. This is a very wrong thing to do. I am therefore appealing to the Minister for Agriculture to see to it that his planning division changes from concentrating on some commodities leaving out commodities which are now earning the country a lot of money. This planning division should direct its attention to cotton and give this industry unlimited support. In my own constituency which is Karachuonyo, South Nyanza, we have made an effort to buy the cotton ginnery which used to be owned by Asians. This ginnery is now in our own hands. The strange thing is that at the time when the cotton ginnery is in our hands cotton is not fetching high prices. The Government might later say that we are lazy, but I would like to refute this because we have already bought this ginnery. We would like the cotton price to be boosted so that we can get more money from our labour. What is the point of being allowed to purchase this ginnery if the Government is not prepared to give us the necessary support by increasing the price of cotton. If this is done people in other cotton growing areas will take our example and buy ginneries which are now exclusively owned by Asians. That is why I am appealing to the Government to give support to *wananchi* by boosting the price of cotton.

Mr. Speaker, Sir, the Minister for Agriculture knows very well that if this industry is well planned many farmers who are specializing in other commodities could turn to cotton growing. The cotton industry should be made much more attractive by increasing the price and giving assistance to the farmers and at the same time by the Government recognizing cotton as useful crop in the economy of this country. I am saying that much has not been done to encourage this industry although something has been done but this is not enough. That is why I am appealing to the Minister to implement this Motion if it is passed because it will give him a good starting point towards proper planning for the cotton industry in this country. If this is not done, I would like to inform the Minister that those of us who have bought ginneries will find themselves in the Indian Ocean which is not a good thing.

An hon. Member: Why not in Lake Victoria!

Mr. Amayo: Mr. Speaker, Sir, we cannot go into Lake Victoria because the water there is fresh but if we go into the Indian Ocean we will perish there because the water is salty. That is why I am appealing to the Minister to see that the price of cotton is increased. He should also see to it that assistance is given to the cotton farmers in the form of loans, machinery, good

[Mr. Amayo]

seeds and such things which are very valid in this industry. If this is done the cotton industry will look very attractive.

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

Mr. arap Keino: Thank you very much, Mr. Speaker, Sir, for the opportunity you have given me to make a few comments in this Motion.

In the first place I would like to say that the Ministry of Agriculture must also have seen the problems which are facing farmers all over the country. The price of inputs has gone up in some cases by 100 or 200 per cent. It is no longer possible for the farmer to continue feeding this country at his own expense. We want the Government to do something to help the farmer so that this country can prosper. The cost of labour has also gone up and the price of machinery has gone up by 200 or 300 per cent and in most cases these machinery are no longer available. Notwithstanding all these facts we are still expected to produce various commodities for the good of this country. I think there is something seriously wrong somewhere. This is rather a very unfortunate situation taking into account that the Ministry of Agriculture is one of the best staffed Ministries in this country. There is a Minister and three Assistant Ministers and most of these people are very well informed. I am sure they are doing something about this matter. However, I think the policy which the Government follows in raising prices for commodities in this country is wrong. I think the Government is there to govern and to see that law and order is maintained, but is not there to compete with her own citizens. I think there should be another approach in determining the prices of commodities in this country. We should have the right of determining the prices of our own commodities. This should not be done by the Government. If we leave this to the Government we shall be shouting every day saying that we want the price of this or that commodity. Why are we not allowed to determine the prices of our own commodities? I think the present approach of increasing the prices of commodities is completely wrong. Let the prices of our own commodities be determined by the market force and nothing else. The Government should only be there to give us incentives. I do not know who is going to pay for the increased prices of commodities which we are talking about. There must be somebody who is profiting from the obvious fact that the prices of various commodities have not been increased. The hon. Amayo has told the House that in his area they have already bought a ginnery which used to be owned by some Asians. If this is the case why are they not allowed to sell their cotton to whoever wants to buy it. There should be that freedom for us to sell our products wherever we want. The Government should be there to protect us but not to determine the prices of our goods. If they are going to determine the prices of our products this must be in the interest of the farmer himself. I do not know whether we are becoming socialistic, capitalistic or something else. But in the last analysis the farmer should be the one to benefit and not people who are sitting in big offices earning fat salaries. This is a very serious situation. It

appears to me that prices of farm commodities have only risen in those areas where influential politicians have got some say. The position could be worsened by the fact that we are not growing cotton in our area. If we are growing this crop it could be that the prices would have gone up. I hope we are going to be persuaded to grow cotton so that by the time we start growing the crop the prices will go up by about 100 per cent. But, we should not discriminate against our own citizens. We should not say that simply because we do not come from Western Kenya where cotton is grown we are not concerned with the prices which is offered for this crop. We should understand that we are in the same Kenya. We must take trouble to see to it that prices for all commodities all over the country, regardless of where, is in the interest of the farmers. We should not have any form of discrimination in this matter. We should not adopt "a do not care attitude" just because the commodity which is being talked about is not grown in your own area. This is wrong because we are here for the good of Kenya and for the welfare of every citizen of this country without any form of discrimination. The position should not be that because I am a dairy farmer I should only fight for the increases of the price of dairy products. Even if we are in very good and influential position we should fight and see that the man in Western Kenya, or Karachuonyo benefits in one way or the other.

Mr. Mwicigi: Including Kandara!

Mr. arap Keino: Yes, including Kandara. We should also fight for the good of the people of Kandara.

Mr. arap Cheboiwo: And for the good of the people in Kerio Valley!

Mr. arap Keino: Yes, and for the good of the people in Kerio Valley. We should fight for our people wherever they may be. With those few remarks, I would kindly request the Government to forget the idea of increasing prices of commodities where people in various positions come from. This is a very good and honest advice and I am sure it is going—

An hon. Member: That is a very serious accusation!

Mr. arap Keino: It is not an accusation but an obvious fact.

With those few remarks, I beg to support.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, I would like, first of all, to congratulate the hon. Member for Busia North for putting up this Motion for debate in this House. We very much welcome the concern that the hon. Member has in the cotton industry, not only for his area in Busia, but also for the country in general.

Before I go very far, I would like to assure this House and the country that the Government has all the concern and interest in the development of the cotton industry. We are very much aware that we have not developed as much as we would have liked in this very important industry, but we are also aware of the various bottlenecks that have tended to discourage the development of cotton as fast as we would have liked.

[The Assistant Minister for Agriculture]

We are aware, for example, the competition that cotton has with other crops like maize and *wimbi*, that have to be grown at more-or-less the same time with cotton. We are also aware of the demand of cotton in terms of labour. It is because this industry is a very good employer and provider of labour so much that we are very much interested in the development of cotton as fast as we would have liked. We are aware, for example, the competition that cotton has with other crops like maize and *wimbi*, that have to be grown at more-or-less the same time with cotton. We are also aware of the demand of cotton in terms of labour. It is because this industry is a very good employer and provider of labour so much that we are very much interested in the development of cotton throughout the country which, in one way or another, will tend to support Government in its efforts to eradicate the country of its perennial problem of unemployment. We attach a lot of importance to cotton because particularly we know that cotton is one of the few commodities in which the world at large does not have prospects of being satisfied in the foreseeable future. We have problems in marketing of coffee, marketing of tea, marketing of dairy products and marketing of maize or wheat but so far, we have no problem in disposal and marketing of the little crop of cotton that we produce in this country and there is nothing to fear about marketing even ten times as much of the crop can grow in the country. The world is changing from synthetic back to cotton shirts and cotton fabrics and these are very highly priced all over the world and I think we must take full advantage of this trend "back to cotton" as the world market has shown.

Mr. Speaker, Sir, the kind of action we are taking and the kind of activities which we are stimulating to develop this crop are very valid, and I think the House will be interested to know that we have just finished a very big investigation exercise, which has involved not only our Ministry but also the Ministry of Finance and Economic Planning and the Ministry of Co-operatives and Social Services, to try and realize the campaign for cotton growing so that instead of cotton being in hands of too many people it will be possible to direct the campaign for cotton growing systematically and much more directly and I think that very soon we shall be able to table in this House some of our findings in this respect. I also would like to say that one of the aspects that was being looked into by this investigation committee was the question of price for seed cotton to the grower and I am very happy to say that very soon we shall be able to announce price increase in seed cotton which I hope will be a stimulous to the cotton growers all over the country. I think it would be unfortunate if we failed to encourage our cotton growers to grow more cotton when we know too well that the potential for cotton whether irrigated or not is so vast in this country. It is as vast as that of Uganda and we have the manpower to be able to grow it and we also have the research findings to be able to support a very thriving industry indeed. We are also hoping that cotton will be one of the major crops that will be grown in the irrigation basin of Tana, and also as a

crop we shall try to encourage and which we have tried to encourage in the red soil of Mwea and other irrigation areas around the country. We know that we cannot do this very successfully without a remunerative price to the farmer and that is why we have gone into an exercise of trying to increase the price year by year. Admittedly, it is not as dramatic an increase as we had for wheat or milk, but nevertheless one would have to grasp the fact that almost every year we have continued to increase the price of cotton seed relative to the price we are getting while selling our crop overseas.

Mr. Speaker, Sir, I think price is not the only consideration which we should take into account when we are thinking about the development of cotton. I think there is also campaign that is more oriented to our own leadership and calls upon, particularly the leaders of Nyanza and Western Province, to try and promote cotton. It is a slightly more difficult crop to look after, particularly because when it comes to picking it, you need a lot of people. However, there are very many people loitering around the town centres looking for easy life, by trying to look for other employment while they could be helping their parents to look after the crop when it is the fold. Unless this is done, I am afraid it is difficult for anybody to be able to look after more than one acre of cotton in any one season. This is why we are also investigating the possibility of large scale cotton growing in the irrigation areas because we know that if we grow cotton in blocks of 500 or 1,000 acres of land, it will be easier to look after it from the point of view of planting, picking, and spraying. This is not a competition with the small scale cotton grower in Busia or any other place but we feel that the only chance that exists in developing the crop is really to turn to large scale growing of the crop and that is why we had tried, three or four years ago, the growing of cotton in blocks, in parts of Nyanza and Western Province. We had hoped that through the tractor-hire services and through the pulling of land together, we would be able to encourage the Luo, Abaluhya and other communities in Western Province to grow cotton on a large scale. Unfortunately, this was not successful mainly because we could not get the co-operation of some of the people. Some of the blocks on which this cotton was being grown were sold in an under-hand manner in the sense that cotton did not come to pay for the cost that was incurred by Government. This is because we thought that by encouraging the growers to grow cotton together, perhaps we will be able to reduce some of the inhibited cost that tends to militate against the growth of cotton on a small acre basis.

Mr. arap Cheboiwo: What about Kerio Valley?

The Assistant Minister for Agriculture (Mr. Wanjigi): Yes, Mr. Deputy Speaker, Kerio Valley will come up on that basis as soon as we know we have the support of the local people—this will be included in the plan we do for the expansion. I have already said that it is my sincere hope that we will be able to announce the increased prices very soon so that by the time growers start planning for the next year's crop say, in June or July, they will have the benefit of increase in planning for what acreage they are going to grow.

[The Assistant Minister for Agriculture]

Mention has been made about the take-over of cotton ginneries around the country. I think this was said by the hon. Mwengi-Nzelu from Kitui. We will support this, in fact, we have gone out of our way to encourage various co-operative societies to pull their resources and buy up these cotton ginneries wherever they exist. For example, Kendu Bay is a case in point, and I think the Co-operative Bank will be too keen to assist various co-operative societies in acquiring the ownership of this ginnery which depends so much on them. However, what would be very unfortunate is what the hon. Amayo said while he was supporting the Motion. It would be very unfortunate, Mr. Deputy Speaker, if we were to take over these ginneries only to find that we do not have the cotton to go into them; we would have nobody to blame if such a situation arose. We would be ourselves to blame and we will have nobody else to blame. At this point I want to emphasize that the aim of encouraging these co-operative societies to own ginneries is that they can take advantage of a small margin of profits which these cotton ginneries have been taking for themselves; so that if you have the profits from these ginneries added up on to the excess of revenues that one gets per acre basis, then cotton will be a very attractive crop. However, if you take over the ginnery and then you do not have the cotton to go into it. I am afraid that this will be a very dismal situation. Therefore, while we would encourage the co-operative societies to acquire the ginneries, it is of prime importance that growers are also encouraged to grow more cotton so that they can put the cotton so produced into these ginneries.

I cannot support the suggestion that the price of cotton or any other commodity should be left to fluctuate according to the world market demands, as my friends, the hon. arap Keino suggested. I think this will soon be seen to be a very serious mistake on the part of the country. This is because the whole purpose of the executive board like the Cotton Lint and Seed Marketing Board is to try and caution the farmer in the events of price going down; in the event of exploitation by the middleman or in the event of him not being able to acquaint himself with all the market process that will pertain to that particular industry. The kind of boards we have to support our industries are not only essential but, in fact, they are not only envied by many parts of African and also to most parts of the third world. They are the supporting pillars of our industries and I think they need all our support to service these industries.

With these few remarks, Mr. Deputy Speaker, it is my intention to accept the Motion.

Mr. Mwicigi: Mr. Deputy Speaker, Sir, I rise to support this Motion. I am happy to note that the Assistant Minister has also supported it. I have very few remarks to make. First: our soil in many parts of Kenya can grow cotton: the soil can grow on both types of cotton—short and long fibre—therefore, there is no problem from the soil point of view. Also from the market point of view, the Assistant Minister has made it very clear that cotton is in great demand, and if we sell it outside more than we are doing today we are

going to get more foreign exchange which will enable us to buy so many imports of the things required in this country. If this is so, why do we not take this opportunity?

Secondly, as for labour intensive project, you cannot find a better one than cotton industry. Once the work is started a lot of people will be needed and because we have a lot of people unemployed this is another thing that is going to help our people if Government is to go out of its way to get this cotton industry started in a big way. Our farmers will get a source of income. Without better prices for this cotton, then our people are not going to grow cotton. When the Assistant Minister was speaking, we were listening attentively hoping that he would announce the higher price of cotton. However, we expect to hear this new increase very soon. It is important to note that cotton does not create any problem in getting markets outside our country. We have to utilize places like the Tana River basin which the Assistant Minister has mentioned. This has been under the Government plan as far back as December, 1971 and every time we hear them say that it will be done. Even now, there are still plans that it will be done; the sooner it is done the better. We are going to get, perhaps the best type of cotton in Tana River Basin and a lot of work has been going on there. It is true that cotton does very well in Nyanza Province and even in Western Province. I also hear that among other places where cotton does well is in Kerio Valley. Let Government help the cotton farmers with something similar to the Guaranteed Minimum Return loan facility. Let Government put some money aside to help the cotton farmers. We cannot forget the lower parts of Murang'a where cotton is doing very well. We need Government support by way of increasing prices. We anticipate—and the Minister for Agriculture is fully aware—that there will be shortage of food in future. We may have to be forced to buy food from overseas. Shortage of food is all over Africa, for example, in Tanzania, they are importing a lot of maize from overseas. This being the case, where shall we get the money in form of foreign exchange to buy this food from overseas? We may have to sell cotton in order to buy maize. Therefore, it is important that the Assistant Minister should consider this thing seriously.

In fact, I am surprised to see him walking out of the Chamber when these important points are being explained.

Farmers in our country are prepared to work hard; and they need guidance from our Government. Farmers must be encouraged to irrigate cotton; if they do this they can get double the production by irrigation. This is something they are also waiting for Government to do something about. We all wear material made of cotton; things like mattresses and other beddings are made of cotton. Synthetic material is not liked as much as cotton material which is a natural fibre. Mr. Deputy Speaker, Sir, let Government take these things very seriously because the people in the country-side are waiting to see something being done. They want to have better prices for cotton as there is for dairy products, wheat and other products. If they do not get the increase

[**Mr. Mwicigi**]

then they will stop growing cotton and go to other things which sell better.

With these few remarks, I beg to support.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I also rise to support this Motion. Indeed, farmers in cotton growing areas and in other places, have tried their best during the past ten years of independence. The problem they have is that Government gives them very little support in the production of commodities. I would have thought that the Cotton Lint and Seed Marketing Board would be given enough finances, like the Agricultural Finance Corporation, so that the cotton farmers who are weak for lack of money may go to the Board and get small loans for the development of their farms. The Board should get enough money to buy tractors and then lend them to farmers. At the moment importation of tractors is becoming a very difficult issue. The importers themselves do import very few tractors each year, and the prices have gone up greatly. Furthermore, it is not possible to find spare parts locally. Therefore, a cotton farmer cannot be able to grow ten acres of cotton and then be able to maintain a tractor without financial assistance from somewhere. That is why I am suggesting that the Cotton Lint and Seed Marketing Board should be allowed to set up another department to handle the financial problems of cotton growers.

In Tana River, western Kenya and in all other places where cotton is grown, farmers seem to be in isolation because when we emphasize the growing of maize, wheat, barley and other crops, the cotton farmers, like the coffee farmers, seem to be unnoticed. However, the cotton growers, though most of them are small-scale farmers who grow between four to ten acres have been able to feed the ginneries in the country. These people should be assisted financially.

The Assistant Minister for Agriculture, who has accepted the Motion, has indicated that it has been their policy to continue reviewing the problems which are encountered by those farmers. I agree with him, but if they do that on paper only without putting it into practice in the field, by contacting farmers and examining their problems and also looking into their financial positions, it does not give the farmers moral encouragement. Farmers require absolute contact. Sometimes there are some agricultural officers who only specialize in one particular crop in a given district, but they may be absolutely ignorant about the growing of cotton. The officers who are sent to areas where cotton is grown in large quantities should be those who know about that crop. This is important because if a farmer goes to an agricultural officer, only to find that the officer does not know anything about cotton growing, he feels discouraged. That is the danger we have, but nobody seems to be bothered about it because, perhaps, the voice of that particular farmer cannot reach the skyscraper building in Nairobi. Therefore, the hon. Member who brought this Motion has done a very good thing and the Ministry should go all out to examine the problems which these farmers are encountering.

The Export Promotion Council might not have done very much to examine the export aspect of cotton because we do not grow enough. In fact, we still import cotton. Why do we still do that? Is it because we do not have soil on which to grow it or is it because there are no farmers to grow it? It is unbelievable that we still import cotton when we have districts like Baringo which can grow a lot of cotton if only some intensification was done to till the land around Lake Baringo and on to Kabartonjo. Tana River District itself is capable of growing a lot of cotton. Kirinyaga and Embu South, the whole of Naivasha Plateau, Yala and, or, from Kisumu across Yala to the border of Uganda, a lot of cotton can be grown. Why can we not examine these places and then put a lot of effort and provide some money to develop those areas, instead of regarding them as marginal land? The time has now come when we must act ourselves. Why should we import a commodity which we can grow on our land? That is why we are losing a lot of money and also encouraging foreigners to continue bringing their commodities here, make other products out of it and then we buy them at 200 per cent increased price. The same importers of cotton are the owners of ginneries, that is, the Asian and European companies in Thika, Nairobi and Mombasa. There are only two ginneries owned by our people, that is hon. Amayo and hon. Abubakar-Madhibutti's. In fact, this issue is boarder than it looks. I am appealing to the Minister to go into the details of this matter even if it means setting up of a commission or committee to do nothing else but examine the pros and cons in cotton development so that the farmers may feel secure; have more land available for the growing of cotton; and also provide machinery to farmers, in order that we may curtail the importation of cotton.

With these few remarks, I support the Motion.

Mr. Ebu: Mr. Deputy Speaker, Sir, I would like to thank all those hon. Members who have supported this Motion either verbally or morally. I am saying this because they have shown they are true advocates of the peasants who are often being trodden under the foot. Mr. Deputy Speaker, I would also like to thank the Assistant Minister for the way in which he has responded to this Motion. I am saying this because he has shown that there is bright future for the cotton industry in this country. I only hope that the report of the investigations he has told us are being carried out will be laid before this House as soon as possible so that we may know the fate of the cotton growers in this country. Mr. Deputy Speaker, the Assistant Minister talked of the intended announcement of new cotton price. This is a very welcome idea and I would like to see these prices being announced as soon as possible because it takes the cotton growers a lot of money to plant and grow it.

Mr. Deputy Speaker, the Assistant Minister challenged the leaders of Western Province and of those other areas which grow cotton. I would like to assure him that as soon as we notice the Government is showing interest in encouraging people to grow this commodity, we are going to give the Ministry of Agriculture all the assistance they require in order to see that the cotton industry survives. Mr. Deputy Speaker, currently

[Mr. Ebu]

Kenya is producing just about 30,000 bales of cotton. I contend that this figure could be increased tenfold if the Ministry looked into the problems affecting the cotton growers.

Mr. Deputy Speaker, since the Government has not shown any objection to the Motion, I would like to move.

(Question put and agreed to)

MOTION

CREATION OF MINISTRY OF WATER DEVELOPMENT

Mr. Kitonga: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to move this very important Motion. Mr. Deputy Speaker, Sir, with your permission, I beg to move:—

THAT, noting that the lack of water has affected development and the people in many parts of this country, this House urges the Government to create an independent Ministry which will be entirely responsible for water development in the country instead of the present Ministry of Agriculture.

Mr. Deputy Speaker, Sir, I think this is a very straight forward Motion and therefore, I do not intend to take too long in moving it. First of all, Mr. Deputy Speaker, we all know that water is an essential commodity for the lives of human beings and animals; and without water there cannot be any life in this world. Therefore, I am sure hon. Members will support me when I say that this could be named a life saving Motion. There are several reasons why I brought this Motion before the House today. Before I name these reasons, Sir, I would like to say that I appreciate the important work which is being done by the Ministry of Agriculture which is in charge of water development at the moment. I am pleased to say that the Minister for Agriculture is a hard working Minister and I know he has tried his best to run this Ministry well. The intention of my Motion is not to blame anybody in the Ministry of Agriculture and the least, the Minister. Mr. Deputy Speaker, my intention in bringing this Motion to the House is to assist the Ministry of Agriculture. As we all know, Sir, the Ministry of Agriculture is one of the largest Ministries in our Government today and it is my feeling that it cannot solve the acute problem of water shortage in the country effectively. Mr. Deputy Speaker, Sir, a close look at the Ministry, will show you what a large and busy Ministry it is. You will find that the Ministry has two very important and very large departments. At the same time, the Ministry holds about five divisions which are responsible for various assignments. One of these departments, is the Veterinary Department which is a fairly large department. Then, Mr. Deputy Speaker, Sir there is the Water Department which is also quite a large department. Among the various divisions in the Ministry, there is the Crop Production Division, Animal Husbandry, Home Economics and Training, Land and Farm Management Division and the Research Division. Mr. Deputy Speaker, all these departments and divisions are administered by one Minister and I think this is too much for any one person.

Today, Mr. Deputy Speaker, nothing is more important to the people of Kenya than water and I think it is high time we as Members of Parliament, appealed to the Government to create a separate Ministry to deal specifically with the supply of water in the entire country. This Ministry will have its offices and new officers. Mr. Deputy Speaker, Sir, any hon. Member in this House who is a true representative of his people should not refute the fact that water is very important. Therefore, it is now high time the Government considered giving us a separate Ministry to take up the water problem in the country. This is not going to cost the Government a lot of money because the department is already there. What we need is only separation of this department and giving the responsibility of running it to a Minister to head it separately. Therefore, Sir, I do not think that any Minister or Assistant Minister of our beloved Government can stand up here and oppose this Motion. If he does this he would, himself, be in danger. I am sure that the Government will sympathize with this Motion and ensure that the Ministry is created within the next Financial Year.

We have a lot of water in the Republic. Recently, the Tana River Irrigation Scheme was introduced and I am sure that many people are benefiting from that. We should like our Government to do that in other areas. If anybody can go to Kindaruma Power Scheme, he would see how well water is being used to generate electricity. There is a big dam there and we cannot fear any cut of electricity supply from our main source in Uganda. I am sure that the gentleman who thought of starting the scheme was a wise man and we must thank him.

Mr. Deputy Speaker, Sir, when I say that we should have a new Ministry to concern itself specifically with water development in this country, I am thinking of fresh water in Lake Victoria. I know that Kenya has many friendly countries which can give loans to develop water resources in this country. With such loans, Sir, we can bring water from Lake Victoria to places such as Kiambu, Machakos and Kitui Districts. We therefore need an independent Ministry to plan and develop water in this country.

Mr. Deputy Speaker, Sir, I notice that many hon. Members would like to speak on this Motion and therefore I do not wish to take a lot of time in moving it. I hope that His Excellency the President will give consent to the creation of a new Ministry specifically for water development in the country.

With those few remarks, Sir, I beg to move the Motion and at the same time ask hon. arap Cheboiwo to second it.

Mr. arap Cheboiwo: Thank you, Mr. Deputy Speaker, Sir, for allowing me to second this Motion. I am also grateful to hon. "Chief" Kitonga. In fact, one of the hon. Members was suggesting that "Chief" Kitonga should be made a "Senior Chief" today, and I support him wholly.

Mr. Deputy Speaker, Sir, water is a very essential thing because any living thing in the world cannot do without water. During the last ten years in Kenya, Sir, we have been fighting three enemies, namely, disease,

[Mr. arap Cheboiwo]

ignorance and poverty. The way to eradicate ignorance is to educate people, and the way to educate people is to have more schools. As the Mover rightly said, Sir, water has affected the rapid development of our country. We have heard of the closure of many schools and hospitals, in the past, due to lack of water. In fact, only recently a certain school in Kisii closed down because there was no water. It was a surprise to us because we do not expect an area such as Kisii to have no water. It is also true that hospitals and health centres cannot be established in rural areas due to lack of water. All these things, therefore, are affecting the development of Kenya.

The creation of a Ministry of Water Development is important. We do not underrate the work being done by the Water Development Department in the Ministry of Agriculture. The Ministry of Agriculture has many essential departments and therefore we feel that in order to facilitate water development in the country it should be relieved of that responsibility. This is not the first time a Motion such as this has been approved in this House. I recall that a similar Motion was tabled in this House and approved; all that we have been waiting for is the implementation of that Motion. In this regard, therefore, I extend my thanks to the hon. Mover for reminding Government that there is a need for a new Ministry to develop water in the country. Everybody in the country would like to see this Ministry created.

Well, the Assistant Minister of State in the Office of the President may argue that a new Ministry may involve a lot of extra expenses, but I am sure that if he can request his planners to investigate this matter properly, a solution can be found. If necessary, Sir, two or three Ministries should be amalgamated so as to save money for the creation of a new Ministry for water development in Kenya. Mr. Speaker, Sir, a Ministry of this nature is vital for virtually all services in the country; without water in the country a road between Kenya and Addis Ababa could not be constructed. In fact, Sir, there is no Ministry which can survive without water.

In our current Development Plan, Government has set a lot of money for family planning. Mr. Deputy Speaker, Sir, the family planning programme is not acceptable to our people and it cannot be a success without water. Therefore, why can Government not utilize money for family planning to develop water in this country? Let us have irrigation programmes in the country instead of having family planning! There are very many landless people in this country. On several occasions we have passed very many Motions on the question of the land, but the Government has turned a deaf ear to our requests. We should not cheat ourselves that there is no land in Kenya, because there is plenty of land lying idle in such places like Kerio Valley. However, it is not possible to utilize such land due to lack of water. However, the reason why there is no water in such area is because the Government does not have definite plans as far as water is concerned.

In the first place the Ministry of Finance and Econ-

omic Planning is not in a position to plan for water in this country due to the pressure of work it has. The same thing applies to the Ministry of Agriculture. The Water Department comes under the Ministry of Agriculture which is already overburdened with work. However, if a separate Ministry is created to deal with the question of water, I have no doubt that the problems people are facing today will be solved. For instance, the Minister in charge of such Ministry will have the opportunity to go abroad to negotiate for money which will be used to finance our water projects in this country. Such a Minister will have the powers to borrow money as hon. Kibaki does on behalf of the Government. If the Government brings a Motion asking us to guarantee a loan to finance water projects in this country, I am sure that such a Motion would be passed without much debate.

I am hoping that a Ministry of Water will be created on 1st July, the beginning of the next Financial Year. When created this Ministry will be just like any other Ministry. It will have a Minister, Assistant Ministers, a Permanent Secretary and what-have-you. In such areas like Masailand, Moyale, North-Eastern Province there is plenty of land which is lying idle due to lack of planning. When this Ministry is created, among other things a department of conservation should be created. An irrigation department should also be created to look after all the irrigation works in this country.

We are very lucky because in Kenya there are very many big rivers, such as Tana River, Chemotli in Kericho and what-have-you. For instance, in Nyanza Province there are very many big rivers which during the rainy seasons are flooded and as result very many people lose their lives together with their properties. There is no reason why the Government should not utilize the water of River Nyando in Nyanza Province.

I hope that the Government is going to accept this Motion. I also hope that the Assistant Minister of State, President's Office who is going to respond to this Motion on behalf of the Government is going to tell us when the Ministry of Water will be created. I am sure that the Assistant Minister, who is known as *mwokozi* is going to pass the feelings of this House to the President. The word *mwokozi* in Kiswahili means a saviour. We also hope that he is going to save this country by passing our feelings to the President so that a Ministry of Water can be created during the next Financial Year.

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

(Question proposed)

Mr. Mulwa: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to speak on this Motion.

First of all, I think I should thank the Mover of this Motion for ably putting forward his points in order that the Government can consider creating a Ministry of Water. Personally, I feel that hon. Kitonga has done what he should do as a Member of Parliament. I hope that his constituents will realize that and re-elect him during the next general elections. Hon.

[Mr. Mulwa]

Kitonga comes from a dry area like myself. The way he moved this Motion shows clearly that he understands the problems his people are facing today. I also hope that when the new Ministry is created he will be one of my Assistant Ministers if I am made the Minister.

The reason why this problem still persists up to this day, is because one third of this country is lucky to have plenty of water while two thirds are dry. In the present Cabinet, majority of the Ministers come from the one third of the country which has water. The Assistant Minister of State, President's Office who is going to respond to this Motion on behalf of the Government happens to come from the one third of the country which is lucky to have plenty of water. Only a few of our Cabinet Ministers happen to come from areas where there is no water. It is commonsense to know that since those Ministers who come from dry areas are outnumbered by their colleagues it is not possible for them to convince their colleagues about the problems their constituents are facing at the moment. That is the reason why I am not ashamed to say that the Cabinet does not know the main problem our people are facing today.

Mr. Speaker, Sir, we should all realize that if all the parts of the country are watered adequately, the economy of this country would change almost overnight. There are very many drier countries than Kenya but simply because they have taken pain to plan for water in their countries, their economies cannot be compared to the economy of this country. For instance, Israel has transformed what was once a desert into very productive land. I know some hon. Members cannot believe that some parts of United States which are very productive do not receive as much rain as Kenya receives. Since in Kenya we have plenty of water, the only reason why this problem of water is still troubling us is because the Government has no plans at all as far as water is concerned.

In Kenya our main problem is water. For instance in all Arab countries there is a Minister for Oil simply because those countries happen to have oil which plays a big role in shaping their economy. However, it is not advisable for us to have a Minister for Oil in Kenya simply because we do not have oil here. You will also note that in such countries like Egypt and Israel there is a Minister for War simply because war is major aspect of their lives. In Britain there is a Minister for Commonwealth Affairs because the Commonwealth plays a big aspect of their lives. In Kenya we cannot have a Minister for Commonwealth Affairs because we do not have much to do with the Commonwealth. If we draw an analogy on that you will come to the conclusion that what we are asking for is not unreasonable.

We know that it is His Excellency the President who creates new Ministries. That is accepted and appreciated by this House. All that we are doing is to ask the Assistant Minister to pass our feelings to the President. I would like the Assistant Minister to understand that first because I do not want him to stand here and start saying that it is not the responsibility of his Ministry to create new Ministries. All that we are doing is to

ask the President since water plays a major aspect of our life in the same way war plays a big aspect in the lives of Egyptians to consider creating a new Ministry of Water. It does not matter if that will result in the abolishment of some of the existing Ministries. I am not going to mention some of the Ministries which should be abolished.

The present department of water development is very large and bureaucratic. The other day we were surprised to learn from the Minister for Agriculture in reply to a question that the Water Development Officer stationed in Machakos returned a huge sum of money which was earmarked for water development in the area to the Treasury. The reason why that money was returned is because the Water Development Officer in Machakos was unable to plan for water in that area. They could not even send somebody for the whole year to go and view the matter, let alone planning. This just shows hypocrisy which is there.

I have quarrelled with the Water Department itself, because it seems to be specializing on hypothesis. If you ask them when they are going to draw the water from the Tana River or Athi River, they will tell you that it is already in the plan. They will then show you a big map and indicate where the plan has been carried out. They started telling me this since I became a Member of Parliament in 1970 and now we are in 1974 and they have not done anything. What the *wananchi* want is not hypothesis and theories. They want water! That is what the *wananchi* want. Therefore, there is no need having so many expatriates in the Water Department—some have very long beards—who go on planning for years and years. They will always tell you that everything is in the plan. *Wananchi* want water and not plans. Nobody can tell us, Mr. Deputy Speaker, Sir, that there is no water in this country. This was put forward very ably by the hon. "Chief" Kitonga. We have plenty of water in this country. What we need is people who can understand this problem of water in this country. I think, having listened to the hon. Members for the last five years, they have said enough of what should have been said concerning the water problem in this country. I am sure that every hon. Member will agree with me on this question. Anything that needed to be said about water has already been said by other hon. Members. Mr. Deputy Speaker, Sir, in order to have tangible results, we need a Minister, a Permanent Secretary and then some officers who will engage themselves in nothing but the problem of water in this country. Unless we do this, Mr. Deputy Speaker, Sir, I can assure the hon. Members that during the next Parliament, we shall just continue talking about water, water and nothing will happen. If we look at what we are having in the District Development Committees, it is just a piecemeal programme. It is not what we might call a programme of trying to give people water. The whole of the Eastern Province was only given Sh. 700,000 last year for water development. Imagine the whole of the Eastern Province given that little money and yet it is the most hard hit province in the whole of Kenya as far as this problem of water is concerned. What can such a province do with only Sh. 700,000? Nothing! This just shows that we do

[Mr. Mulwa]

not have the problem in our priorities of water. Mr. Deputy Speaker, Sir, without water, we cannot claim to be an agricultural country. We cannot continue saying that our economy is basically agricultural and yet we do not provide the basic needs of promoting that agricultural economy. How can we do that without water?

Now, Mr. Deputy Speaker, Sir, it has been said even during the colonial time that Lake Victoria water is fresh, it is not salty.

Mr. Mwithaga: No, it is salty!

Mr. Mulwa: Are you sure it is salty? You do not come from there. So, how do you know that it is salty? I do not trust the hon. Mark Mwithaga but I will agree with him because another hon. Member said it.

Now, Lake Naivasha is also to have fresh water. Now, this could even be termed as a dream and it has been there even during the colonial time. Therefore, there is no reason why somebody should not sit down and plan how this water could be harnessed and be made use of. This could even have been done by means of traces and this could help to water the whole country. Does anybody think that this Water Development Department is going to think of something like that? No, they will not! They do not have the personnel and they do not appreciate the problem. I am sure that even if they did, they have a duty to obey Government bureaucracy which does not allow them to realize that there is need for such a big project like this one. For instance, look at the Tana River and the Athi River, they have been flowing since the earth was created. There was a Motion here by the hon. Mwithaga and other hon. Members concerning water problems in their areas. Why do we not harness this water which goes to the sea and make use of it? All this water goes there to the sea and yet there has been a number of Motions passed here by this House asking the Government to find ways and means of harnessing this water. For instance, Kitui District, which has a population of well over 300,000 people is most hard hit by this problem of water. I am sure that if these people of Kitui were provided with water, these people whom we call "landless" could no longer be landless. They could be taken to this area and carry on the work of farming. I do not object that Kitui is our area but once the Government has provided us with water then, those people who are said to be "landless" can be brought there. There is plenty of land in Kenya. In fact, there is nothing like shortage of land in Kenya. I wish somebody went out of Kenya and found out how people live in other countries. For example, in Israel people have reclaimed the desert and made it into arable land and yet we say that we have a shortage of land here in Kenya. Mr. Deputy Speaker, Sir, what I would like to tell hon. Members here is that what we lack here is land with water like what we have in Embu. Let us be specific. We should not say that we do not have land. What we do not have is land with water like what the hon. Kamwithi Munyi has done for his people in Embu. He has provided his people with water; or even in Kiambu here where there is plenty of water. This is

what we should say we are lacking but not land. We should say that we are lacking water in Kenya but not land.

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

Mr. Araru: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak in support of this Motion. I would also like to join hands with the rest of my colleagues to support this Motion.

Mr. Deputy Speaker, Sir, this Motion does not ask much from the Government. It only asks the Government to provide water to the troubled areas. I do not therefore know whether we should go and see the Department of Water Development and get this matter settled or contribute some funds and then do away with this problem once and for all. I am fully supporting the Mover of the Motion and also the hon. Member who was speaking and who has just sat down now.

Mr. Deputy Speaker, Sir, population is growing in the Central, Western and Nyanza provinces and yet people are fighting on that small land. From Isiolo to Moyale is a distance of about 360 miles and yet the area is thinly populated. Also from Isiolo to Mandera, just near the boundary of Kenya and Ethiopia, is about 400 miles and all this area is not occupied. For hundreds and hundreds of miles one does not see anything. After travelling for say, 100 miles, one only sees a small village and then after another 100 miles, another small village and so forth. Mr. Deputy Speaker, Sir, this is where we have the problem of water. These people in these areas need water badly. Therefore, if the Ministry of Agriculture or the Department of Water, to be specific, can take up this matter seriously and do something, I think that would be very good. I wish they would care to go to places like Moyale and see for themselves how green the country is after the rains and also how farming is going on. Many different types of crops are being grown in Moyale today. I can challenge anybody to come and see for himself. Anything can be grown in this part of the country were it not for the problem of water.

Mr. Deputy Speaker, Sir, can we have silence in the Chamber? There is too much noise.

Mr. Deputy Speaker: Order, Mr. Migure!

Mr. Araru: Mr. Deputy Speaker, Sir, we have said in this House several times about the problem of water in our areas. I am sure that our Government can do something about it; if other countries can do it, why not Kenya? For example, in 1971 I went to America to the State of Arizona. This place is very hot and dry. My colleagues who are here can bear me witness. We were using water which was "captured" 50 years ago. It belonged to a private company. This water is not only used for growing grass for cattle but it is also used for generating electricity. The hon. Matiko who is here can bear me witness because I was with him. Leave that alone. Go to Colorado or Sacramento. One will be surprised to find tomato farms in these areas and yet they are very dry. The water which is used here is brought all the way from Mexico. It is brought and

[Mr. Araru]

then stored. We then went to Ohio and we saw some more tomato farms which were grown in houses. Recently, we went to Pakistan to see what they call "an international water dam". They call it Caplar Dam. It is one of the biggest dams in the world and it is a United Nations project. We were told that this water is brought all the way from China.

Mr. Deputy Speaker, Sir, here in Kenya we do not have to wait for ice water. God gave us plenty of water. In fact, in Kenya we have very many rivers. Recently, Sir, when we had plenty of rain, including the northern part of Kenya which is always a dry area—if anybody went there today to see how much water there is in this place, I am sure that they would be surprised.

Mr. Deputy Speaker, Sir, we have the Ministry of Natural Resources and I do not know what it is for. It always talks about forests, gold, and other minerals but we do not have any gold in Kenya. We do not have a Ministry that is responsible for water in this country. This is very surprising. Now, if you go to the North-Eastern Province, you will find machines for drilling boreholes for water which were left there by the colonialists about 30 years ago, and whose spares can hardly be found anywhere now. The Ministry of Agriculture finds it difficult to come and repair these machines, which are so old that no matter how much repair is done on them, they would still break down. Even the companies that manufactured these machines have ceased to produce any more. However, the Ministry of Agriculture keeps on coming there and trying to repair them, sometimes, the officers of this Ministry go there and then they realize they have forgotten just one bolt, and then they have to make a journey back to Nairobi to get that particular bolt.

Mr. Deputy Speaker, Sir, one time, a vehicle of the Ministry left Marsabit for Nairobi to get some spares and then it went back to Sololo. After that, it made five journeys between Sololo and Nairobi in order to get some spares. This was because the officers concerned could not get the spares they wanted, and whenever they went and tried to use the spares they had bought, they realized that they had not bought the right spares. Now, Sir, how much money do you think was spent in making all these trips and in paying the officers' overtime? There were also local people working on that particular machine and they were also earning some overtime money. Mr. Deputy Speaker, Sir, this is very serious.

Now, if hon. Members can remember, hon. Kanja raised this question in the Kanu Parliamentary Group meeting, when the Father of our nation was present. We unanimously agreed that we must try and find ways and means of solving the problem of water. Now, that is not all. If you watched television last night, or read newspapers this morning, you will have read about the Father of our nation opening a water scheme in Kiambu District, which will supply water to this city. This water will be pumped from the Chania River to Nairobi, a distance of about 26 miles. Now, I saw the Father of the nation telling the Mayor of Nairobi that

although this pipe passes through his constituency, his people are not going to avail themselves of this water because the pipe is under ground, and it is not tapped anywhere along its whole course. Now, the Father of the nation was wondering why the City Council authorities could not sympathize with the people of Gatundu and provide them with some of this water. All this was being said by our President. Therefore, Mr. Deputy Speaker, you can see that the water problem does not affect Kitui only. Everywhere you go, Sir, you see ladies going down steep valleys in order to draw water. Now, for instance, the Kikuyu ladies carry water drums on their backs with a supporting strap on their heads. However, if you look at their heads, you will find that there is a sort of depression on their foreheads. This is where the supporting strap normally rests when they are carrying these drums.

Hon. Members: Hear! Hear!

Mr. Araru: This is quite true, Mr. Deputy Speaker, and this is how they fetch water from the rivers. As you know, Sir, their country is full of hills and valleys, and they have to carry the water up very steep hills, to where they have built their houses. This is quite a serious matter. In fact, we are quite late on this matter because for the last 11 years, we have been talking about the problem of water. This is quite a serious problem. Now, our people are not fighting for land in the Rift Valley, Central Province, Nyanza and elsewhere because we do not have enough land in this country. As a matter of fact, there is plenty of land in Kenya, where nobody lives, and this is simply because of the lack of water. However, if our Government could provide water in such areas, we could even invite other peoples of Africa to come and settle there. Right now, we have many people from Somalia, Tanzania, and refugees from Uganda and elsewhere in this city. Now, this is so because in Nairobi, they are able to get water and all other facilities, so long as they have money. Mr. Deputy Speaker, Sir, our Government should look into this matter, and they should not treat it as they have treated other Motions that we have passed here. The Office of the President should note this and, in fact, we are only appealing in the same manner as our President was appealing over the television about the question of water. If he hears me now, he will bear me witness that he appealed to the Mayor of Nairobi to see to it that the water that is being pumped from the Chania River through his farm in Gatundu is also utilized by the people of his constituency, who now have to go down river valleys to get their water.

Mr. Deputy Speaker, this is quite a serious matter, as I have already said here, and I beg to support this Motion strongly, hoping to see a Ministry that will be responsible for water to be established soon.

Mr. Mboja: Thank you very much, Mr. Deputy Speaker, for having given me this opportunity to speak. This country is very lucky in that it has had the opportunity to get some of the greatest leaders that the continent has ever heard of. I believe that this country will one day be one of the greatest countries in the whole of

[Mr. Mboja]

the continent if only we can seriously consider the particular business we are debating today.

Mr. Deputy Speaker, Sir, I would first of all like to thank the Mover of the Motion because he is a true son of this country in that he has considered giving us this homework this morning, and I am sure we shall be able to conclude that we deserve to have a separate Ministry for water. Mr. Deputy Speaker, Sir, we attained our independence, in fact, we struggled for it and achieved it. Therefore, our first target should actually be water. We should be able to exploit water wherever it is to be found, and pump it all over the country, wherever our *wananchi* are to be found. The most important thing that *wananchi* require is water, as has already been said here. Now, I would like to add by saying that if you give gold to *wananchi* that gold will be useless if they do not have any water to drink. You may also give beautiful suits to our *wananchi*, but if they have no water, these suits will be useless. You may give them Mercedes-Benz cars and all other luxurious things, but if they do not have any water, all these things will be useless. You may also give them any type of education, which could even take them to the moon, but if they have no water, that will still not be important to them. However, Sir, if we can seriously consider creating a separate Ministry for water, and give it to a very active Minister, who will command his army of workers, I am sure that this country will have the best name in the whole world among the independent countries of Africa.

Our country, Mr. Deputy Speaker, has a lot of large unoccupied tracts of land, and this is so because we tend to go to the small areas of this country where we are assured of getting water for our families and for our cattle. However, such areas, Mr. Deputy Speaker, are not big enough for everybody in this country. It is for this reason, Sir, that I say if we get a separate Ministry that will be responsible for water, it will reduce the problem of tribalism as far as the question of land is concerned in this country. Mr. Deputy Speaker, if we supply water to all the areas where our people are already living as well as to the drier areas which our people seem to neglect, we shall be able to settle some of our people in these areas. For instance, instead of taking the Giriama people to areas where the Kalenjin people live or taking the Kikuyu people to areas where the Kalenjin people live, we would settle them in areas where there are no squabbles and, in fact, there would be no hatred as a result of such action.

Mr. Deputy Speaker, Sir, a small country like Israel, which I have myself visited, is doing very well. I was amazed to see how that country concentrates on water. They have been able to utilize every little bit of water scientifically and otherwise. By so doing, they have been able to create a name for themselves as a very strong nation. It is such a strong country that very many countries in the world envy them. Therefore, I would like our country, as a young nation, to understand how important it is to have a separate Ministry that will be responsible for water. In areas like Kilifi South and Bamba, the people there do not think we have attained

our freedom yet, and this is just because they find it very difficult to obtain water. They do not require anything else, but water. They can only develop themselves if they are assured of getting water. They can cultivate, bring up their cattle and they can create wealth by themselves if they are only given water.

Therefore, Mr. Deputy Speaker, Sir, I believe that the wisdom of this nation will first of all be based on this foundation of making sufficient water available in the whole of this country.

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

Mr. Deputy Speaker: Mr. Nthenge has an amendment and we have to allow him.

Mr. Nthenge: Mr. Deputy Speaker, Sir, I am saying that water is a very important thing in this country. If you look at the map of Kenya you will find that a big area is semi-desert and the rest is arable land. Therefore, to us water is not an ordinary commodity like many other countries but it is a special thing. If water is well looked after, then we shall have most of the things we want.

Mr. Deputy Speaker, Sir, in my amendment I would like to widen the scope of water. The principle here is that we have to look into water problems and then look at agriculture. I think it is wrong because we should have somebody concentrating on water and irrigation. I am, therefore, suggesting an amendment in the last but one sentence of the Motion. After the word "water" it should be added the word "irrigation". All I am saying is that this will be a big thing in our rural development. If any hon. Member wants to oppose my amendment then he is free but all I am saying is that the Ministry to be created should have a department of irrigation so that our dry land can be watered.

Mr. Mboja: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to suggest that it is necessary to amend this Motion when we know that irrigation cannot be done without water. The Ministry of Water that the Motion is asking for should be looked into first.

Mr. Deputy Speaker: The hon. Member is quite in order to amend the Motion the way he wants to do it. His amendment is not superfluous. Although it is understood that if we have water irrigation can be considered but the hon. Member is quite in order.

Mr. Nthenge: Mr. Deputy Speaker, Sir, I am not suggesting that we should not have a Ministry of Water but I am suggesting that we should have a Ministry of Water and Irrigation. My argument is that we do not want the water to be supplied and then this water is not made use of. If you look at it, you will note that once we have water then there will be development in the rural areas. We must have water going right inside the rural areas. My thinking is not concerned with the little water that we talk of. I would like, for example, a lake to be created in the high altitude areas so that the water can be distributed to the areas below it. From the created rivers which take the water below to the low area, we can have irrigation done so that the water goes right to the rural areas; so that the domestic

[Mr. Nthenge]

animals can drink water. With this we shall also be watering our crops. Mr. Deputy Speaker, Sir, a lot of our water in this country either goes to the ocean or to the lakes.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir, am I in order to ask what the hon. Member who has moved this amendment means by the word "irrigation"? I think if we have a Ministry dealing with water in this country this same Ministry will be responsible for irrigation.

Mr. Deputy Speaker: Let him move his amendment.

Mr. Nthenge: Mr. Deputy Speaker, Sir, I think here we have a problem of language. Irrigation does not exactly mean water. I am saying that we need a Ministry of Water in this country. This means that I am supporting hon. Kitonga's Motion wholly. I have added irrigation to it so that when we get this water it will be utilized in this field instead of wasting it. All I am saying is that the Ministry of Water should create an artificial lake and then there will be a department dealing with irrigation and it is this department which will utilize the water which has been found by the Ministry of Water.

Mr. arap Cheboiwo: On a point of order, Mr. Deputy Speaker, Sir, I hate to interrupt my hon. friend but is he in order to make a repetition in this House. I remember that when I was seconding this Motion I said something to the effect that if this Ministry of Water is created there should be an irrigation department instead of the present irrigation board? Is he in order to repeat what has already been said?

Mr. Deputy Speaker: But he was bound to repeat it if he was going to talk about irrigation. Mr. Nthenge perhaps you might give up your remaining minutes to somebody else so that you can get a Seconder for your amendment.

Mr. Nthenge: Mr. Deputy Speaker, Sir, very soon I will be allowing somebody else to speak.

The other point which I would like to touch on is that we have a lot of water to be piped in this country but some areas will need extensive piping because of the vastness of those areas—

An hon. Member: Who is going to second your amendment? It seems as if nobody is prepared to second your amendment.

Mr. Nthenge: Mr. Deputy Speaker, Sir, is it in order for people to talk and interrupt my speech when I am on my feet?

Mr. Abdallah: On a point of order, Mr. Deputy Speaker, Sir, who has given the hon. Member the authority to introduce an amendment to this honourable Motion? Did he consult the Mover of the Motion before doing this?

Mr. Deputy Speaker: Consultation is not necessary in these kind of things. You do not have to consult somebody before you move an amendment to his Motion.

Mr. Nthenge: Mr. Deputy Speaker, Sir, I am trying to explain the following point. It does not matter whether I will have a Seconder for my amendment or not but if my speech will be put on record I will be satisfied with that.

Mr. Deputy Speaker, Sir, the point which I think is very important is that we have two rivers which drain into the sea. One originates from Lake Victoria and pours into the sea to the north while the other one flows into the Indian Ocean. Now—

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir, do you think that this amendment will be accepted by the House taking into account the interruptions which the hon. Member is receiving in the course of his speech?

Mr. Deputy Speaker: But there is somebody who wants to second the amendment and he is seated over there. The only trouble is that Mr. Nthenge is not giving this prospective Seconder a chance to do so.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Mwengi-Nzulu: On a point of order, Mr. Deputy Speaker, Sir, do you not think that the hon. Nthenge should withdraw his amendment in view of the fact that he is being interrupted so many times?

Mr. Deputy Speaker: Many hon. Members have asked him to do that but he does not seem to be of the same opinion.

Mr. Nthenge: Mr. Deputy Speaker, Sir, all I am saying is that we want two things to go together.

Mr. Kiilu: On a point of order, Mr. Deputy Speaker, Sir, since the hon. Member seems to be confused because of too many interruptions, is it not wise for the Chair to advise him to withdraw his amendment?

Mr. Deputy Speaker: It is up to him to think what he wants to do with his amendment.

Mr. Abdallah: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member who has moved this amendment sure that he is going to get a Seconder for his amendment?

Mr. Deputy Speaker: I have already ruled on that point.

Mr. Nthenge: Mr. Deputy Speaker, Sir, since half of my time has been spent on these frivolous points of order I hope I will be given more time to move my amendment next Friday. What I am saying is that we must have these two things going together.

Mr. Deputy Speaker, Sir, since the time is over, I beg to move my amendment.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until Tuesday, 11th June, at 2.30 p.m.

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

Tuesday, 11th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—

The Economic Survey, 1974.

1974/75 Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June, 1974.

1974/75 Development Estimates.

Cereals and Sugar Finance Corporation Nairobi—Balance Sheet and Accounts, 30th June, 1973 (as per Cap. 329).

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

Certificate and Report of the Controller and Auditor-General on the Account of the Teachers Service Commission for the year ended 31st December, 1968.

Certificate and Report of the Controller and Auditor-General on the Accounts of the Teachers Service Commission for the year ended 31st December, 1970.

Certificate and Report of the Controller and Auditor-General on the Accounts of the Teachers Service Commission for the year ended 31st December, 1971.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Education (Mr. Towett)*)

ORAL ANSWERS TO QUESTIONS*Question No. 273***KIOSKS AT MADARAKA ESTATE**

Mr. Y. Ali asked the Minister for Local Government, noting the fact that the City Council of Nairobi has permitted "Kiosks" in most of the estates in Nairobi even those with established shopping centres, if he would advise the council to permit "Kiosks" at Madaraka Estate to alleviate the hardship being experienced by the residents.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

The issue of licences of the establishment of kiosks is now very much restricted because when these kiosks are established they become difficult to control. A site has been set aside by the Nairobi City Council for the establishment of a shopping centre at Madaraka and construction of the shopping centre will be started as soon as the various technicalities are finalized. In the meantime, however, there should be no difficulties in shopping by residents of Madaraka Estate as there is a well established shopping centre nearby at Nairobi West.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that for the residents of Madaraka Estate to go to the shopping centre they have to cross a major road, namely, Langata road and which has a danger of fast traffic. Already two or three children have lost their lives when going to the shopping centre!

Mr. Ogutu: Mr. Speaker, Sir, I am aware of the motorists speeding along our roads. It is not only along this particular road where children have been knocked down when going to the shopping centre. The motorists should be advised to be safety conscious. The accidents have nothing to do with the establishment of a shopping centre at Madaraka Estate. In my earlier reply, I mentioned that consideration has already been made and the land has already been set aside for the construction of a shopping centre for Madaraka Estate. Until this is done the residents of Madaraka Estate will have to use the nearby shopping centre or shop in town.

Mr. Y. Ali: Mr. Speaker, Sir, in view of the fact that the City Council has allowed the establishment of kiosks where there are established shopping centres, to give examples, New Kibera Housing Estate, Jamhuri Estate and even Woodley Estate where there is a big established shopping centre—the Adams Arcade, would he consider doing the same in Madaraka Estate? Why can the City Council not give provisions for two kiosks to alleviate the hardship being experienced by these residents?

Mr. Ogutu: Mr. Speaker, Sir, the City Council has experienced difficulties in controlling the hawkers, particularly the ones with kiosks. We have had several cases where they have been allowed, take for instance, places like Ofafa Jericho and Lumumba where we have established shopping centres. The kiosks were allowed before the shopping centres were established with a view that they will be removed after the properly established shopping centres are constructed. It has been very difficult to remove them and this applies to the areas that the hon. Member has mentioned.

If I can be assured by the hon. Member that if a kiosk is allowed at Madaraka Estate the licensee will be willing to have his licence withdrawn when a proper shopping centre is established, then, I will consider the case.

*Question No. 332***COMPENSATION FOR PLOT NO. 4 AT UKUNDA FARM**

Mr. Mwamzandi asked the Minister for Works if he is aware that Plot No. 4 at Ukunda Farm, in Kwale, belonging to Mr. Ali Salim Dzoho has been dug up by M/s. Issacco, presently constructing the Waa/Msambweni Road; and

(b) since a big portion of the land will no longer be useful, if he would consider giving adequate compensation.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

Mr. Ali Salim Dzoho has already been paid compensation for his land dug up by M/s. Issacco, who were the constructors of the road.

Mr. Mwamzandi: Arising from the Assistant Minister's reply, can he tell the House when Mr. Ali Salim Dzoho was paid? I know for certain that he has not been paid.

Mr. Keen: My information is that he has already been paid. I do not think that my field officers can give me wrong information regarding the payment of the gentleman in question. I do not know when he was paid, but my information is that he has been paid. Nevertheless, I might be able to give the information to the hon. Member tomorrow.

Mr. Mwamzandi: In view of the fact that the Assistant Minister will give me this information tomorrow, would he undertake to find out whether the payment was compensating for land or property?

Mr. Keen: Mr. Speaker, Sir, my information is that he has been paid for land. As far as the question here is concerned, there is no reference to property.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! No, Mr. Mwamzandi, as the Assistant Minister has said, he will give you details tomorrow.

Next question.

Question No. 337

REPLACEMENT OF MBITA FERRY

Mr. Migure asked the Minister for Works, in view of the fact that the motor boat which is used to assist Mbita ferry is almost out of order every week, to tell the House when he is going to replace this boat with a motorized ferry.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

I would like to inform the hon. Member for Mbita that the use of the motor boat on the existing ferry at Mbita was for trial purposes.

A new motorized ferry is under construction which will greatly improve the services at Mbita and would be launched as soon as possible, when it is ready.

Mr. Migure: Arising from the Assistant Minister's reply, Mr. Speaker, Sir, can he tell the House where the ferry is being constructed? Is it being constructed in Mombasa, Kisumu or Rusinga, Sir?

Mr. Keen: As far as my information is concerned, Sir, I am not able to tell the House exactly where the ferry is being constructed. However, all I know is that the ferry is being constructed somewhere.

Mr. Migure: In view of the fact that the Assistant Minister has no information as to where exactly the ferry is being constructed, can undertake to furnish the House with relevant information as soon as possible? It appears that he has no information now.

Mr. Keen: Mr. Speaker, Sir, some of the information required by the hon. Member is so simple that it does not require my assistance. All he should do is to telephone me at the Ministry of Works Headquarters, or the Provincial Engineer in Nyanza Province. Some of these "little" questions do not need to be asked in Parliament. Sir, hon. Members can easily see the

provincial engineers and they will get all the information they require.

Mr. Speaker: Next Question.

Question No. 348

Dr. Munene: Before I ask my Question, Sir, I would like to make a few corrections. In part (c), the third line should read "pot-hole" and not "terrible problems". In part (d), the third line should read "Kangari" and not "Kongari".

MURRAMING OF TEA ROADS IN MURANG'A

Dr. Munene asked the Minister for Works—

- (a) whether he can enumerate to the House the roads currently being murramed by the company doing the tea roads in Murang'a District;
- (b) if he is aware that some extremely bad sections in the tea areas as Kinyona Location of Murang'a District in Kigumo Division are being left out and some good areas being prepared;
- (c) whether he is aware that the road between Kangari-Njiri's-Mairi-Makambokis to Gatiru has pot-holes which need immediate repairs; and
- (d) whether he would see to it that the little section left out on the road from Kangari to Mununga is done together with other sections.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

(a) The roads currently being murramed in Murang'a District are Gatura-Ndakaini, Gatura-Gigoro, Cheso-Gigire, Chomo-Gigire and many others. At least ten roads are being murramed at the moment.

(b) I am not aware.

(c) I am not aware. If, in fact, the hon. Member would let me have a list of what he calls "terrible problems", then I would have the matter investigated. I do not understand what he means by "terrible problems".

(d) The section requested is not in the list of roads to be rehabilitated by the present contractor as it was not included in the list of roads applied for by the Kenya Tea Development Authority during the negotiations with the World Bank.

Dr. Munene: I do not understand what the Assistant Minister is not aware of in part (b). Is he telling me that he does not know that there is any tea road in Kinyona Location? This is one of the biggest locations in the division and in fact has the best in tea plantations as far as the small-holders are concerned. At the same time, Sir, I pointed out that I did not mean "terrible problems" but "pot-holes". His man at Thika told me that the Ministry cannot do them because there is a contractor undertaking all tea roads in the district. What is he not aware of?

Mr. Keen: Mr. Speaker, Sir, I agree that not all the roads in the area are at least up to gravel standard. However, it is not true that construction is being undertaken on good roads and that bad roads have been left out. My Ministry is making every effort to murram every section in the list supplied to us by the Kenya Tea Development Authority.

Dr. Munene: Arising from the Assistant Minister's reply, is he sure that his information is absolutely correct or was what he is telling us passed on to him through telephone?

Mr. Keen: Mr. Speaker, Sir, roads being constructed by contractors are normally supervised by consultants together with our engineers on the spot. We do not throw huge sums of money to contractors without any supervision to ensure that the work is being done according to specifications.

Question No. 341

KADHI FOR TANA RIVER

Mr. Jilo asked the Attorney-General since Tana River District is among a number of districts in Coast Province with the majority of its people professing the Muslim faith, if he would consider appointing a qualified Kadhi—who should be a local person—and station him at the district capital and entrust him with the task of interpreting all the Muslim laws.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

First of all I do not accept the allegation that there are more Muslims in Tana River District than any other district in the Coast Province. As far as I am concerned, Sir, there is no question of having a Kadhi in this area. What we are doing is to encourage Muslims to join the normal systems of courts.

Mr. Jilo: Arising from that reply does the Attorney-General agree with me that only two out of 18 locations in Tana River District are non-Muslim? According to our Constitution, Sir, there is freedom of worship in Kenya and therefore are these people not being denied the right of having a Kadhi? They travel for many miles to Lamu or Malindi to seek arbitration of a Kadhi and to have their cases settled in accordance with Muslim faith.

Mr. Njonjo: Mr. Speaker, Sir, I am aware of the provision in the Constitution about the Muslim faith and all the other religions practised in this country. Everybody is free to worship as he likes but hon. Member should know that a Kadhi is a court officer and he has nothing to do with religion. I have said it in this House before that our people should not mix religion with court work.

Mr. Y. Ali: Mr. Speaker, arising from that reply from the Attorney-General, would he agree with me that a Kadhi is known in this country as a person who is qualified in Islamic Law? Therefore, would he allow all Muslims wherever they are in this country to profess their religion without any hindrance or interference by providing the facilities required for practising that religion?

Mr. Speaker: That has nothing to do with the Question. There seems to be some kind of confusion somewhere.

Mr. Njonjo: Mr. Speaker, that is precisely what I think. I hope those hon. Members who are Muslims will from today cease mixing religion as a faith with the work of the court as far as the Islamic Law is

concerned. I am saying this because the man called Kadhi is a judge for Islamic Law.

Mr. Hussein: Mr. Speaker, Sir, I quite agree with the Attorney-General that a Kadhi is a judge of Islamic Law. Therefore, would he consider posting a Kadhi to Tana River District where a judge for Islamic Law is required?

Mr. Njonjo: Mr. Speaker, Sir, I think Muslims in this country will soon ask us to start establishing mosques in the near future. I am saying this—

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir, is the Attorney-General really in order to imply in this House that the Muslims in this Republic, sooner or later, are going to ask the Kenya Government to put up mosques for them while this is something which cannot happen in this country?

Mr. Speaker: He is going by the kind of question you have asked, Mr. Yunis Ali, because the question implies that it is not unthinkable that such a request could be made. I am saying this because you talked about religion in a matter concerning courts which in itself was introducing religion into court matter. Since mosques are used for worshipping, you suggested, they are part of religion which cannot be introduced in court matters. However, I do not think we are going to get very far by arguing like this. The fact is, when people start talking about religion in respect of this Question, they are obviously outside the scope of the Question.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. When we talk about a Kadhi, we mean a person who interprets the Islamic Law and this person is provided for in the Constitution which is safeguarded by the Attorney-General. Is the Attorney-General, therefore in order to refuse to honour the Constitution when he knows very well that he is the one who should safeguard it?

Mr. Njonjo: Mr. Speaker, Sir, I do not know why my Muslim brothers are arguing about this Question because I would be the first to support the Muslim faith as I would support the Christian faith and all the other religions. However, I think there is some confusion in the minds of my friends because the Sheikhs who read prayers in the mosques are quite different from Kadhis. I am saying this because Kadhis decide on legal disputes between Muslim brothers, and I have precisely said that I am not going to add any more Kadhi in Tana River District.

Mr. Jilo: Mr. Speaker, Sir, while I do not agree with the Attorney-General, is it not true that His Excellency the President did declare Idd-ul-fitr a public holiday? This in itself means that the Government recognizes this religion. Therefore, would the Attorney-General assure this House that he is going to appoint a Kadhi in Tana River District?

Mr. Speaker: Order! Order! We must go on now. Mr. Nthenge's Question.

Question No. 334

ASSISTANCE TO MBUUNI SCHOOL

Mr. Mutunga, on behalf of Mr. Nthenge, asked the Minister for Education:—

[Mr. Mutunga]

- (a) what can be done to assist Mbuuni School at Iveti/Muvuti Locations boundary which had its buildings destroyed by rain and wind; and
- (b) what action is being taken to straighten its financial records.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker Sir, on behalf of the Minister for Education, I beg to give the following reply.

I am pleased to report to the House that the local people have already repaired the buildings destroyed by rain and wind. I am also glad to inform the hon. Member that a new school committee has been appointed and is now reviewing all the financial records of the school and my field officers are assisting in the exercise and we hope these records will be straightened.

Mr. Speaker: Let us now go back to Mr. arap Cheboiwo's Question.

Question No. 292

HOUSING ACCOMMODATION—GOVERNMENT OFFICERS
IN KABARNET

Mr. Komen, on behalf of Mr. arap Cheboiwo, asked the Minister of State, President's Office:—

- (a) whether he is aware that many officers have been posted to Kabarnet but have had to go back because of lack of housing accommodation; and
- (b) what is being done for the building of officers' houses at Baringo District Headquarters.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to give the following reply.

No, I am not aware that officers posted to Kabarnet have had to go back because of lack of accommodation. Every year the Government makes funds available for pool houses in the provinces. This enables the Ministry of Works in conjunction with the Office of the President to build more houses to alleviate housing problems for civil servants. I have informed this House in the past that the Government is doing all it can to provide houses for civil servants in the field. I would like to inform the hon. Member that the position of Baringo will be reviewed along with other district headquarters. Over and above this, the Government has made efforts to build pool houses for civil servants and the Ministry of Housing, in conjunction with local authorities, has embarked on a tenant purchase and rental housing schemes to provide housing for the *wananchi* all over the Republic. Kabarnet is under consideration for these schemes.

Mr. Komen: Arising from the Assistant Minister's reply where he says that he is not aware that the officers who are posted to Kabarnet have any problem with housing, is he aware that the Trade Officer who was posted to Kabarnet has not yet had accommodation, and that the Adjudication Officer for that area is still staying in a tent since he was posted there one year ago?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am aware that some officers find it difficult to get accommodation, but I have already said that everything possible is being done to review the situation, particularly, in Baringo District.

Question No. 351

APPOINTMENT OF ASSISTANT CHIEF FOR MBALAMBALA

Mr. Speaker: Is Mr. Odha not here? Let us move on to the next Question.

(Question dropped)

Question No. 345

RECONSTRUCTION OF KIKUYU DIVISIONAL
HEADQUARTERS

Mr. Gatuguta asked the Minister of State, President's Office when Kikuyu Divisional Headquarters is going to be constructed with permanent materials, in view of the fact that the said headquarters is now built with temporary materials.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply.

Construction of Kikuyu Divisional Headquarters with permanent materials will be considered along with other divisional headquarters in the country when funds are available.

Mr. Gatuguta: Mr. Speaker, Sir, arising from this very familiar reply from the Assistant Minister, can he tell us when funds will be available? Are there any estimates during the next Financial Year for this House to approve the money for the construction of the Divisional Headquarters?

Mr. G. G. Kariuki: Mr. Speaker, Sir, although Kikuyu Division Headquarters is built with temporary materials, it is not badly hit with office accommodation. As the House knows, there are many divisional headquarters without proper office accommodation or with no office accommodation at all. Mr. Speaker, Sir, I do not, at this time, want to anticipate what is likely to come during the next Financial Year's Estimates.

Mr. Karungaru: Mr. Speaker, Sir, arising from one of the replies from the Assistant Minister, can he tell the House why he does not want to anticipate what is coming next year when he knows very well that we work under the Development Plan and not out of the Development Plan? If there has been any indication that some money is going to be provided for this particular project then it means that it has already been anticipated in the Development Plan.

Mr. G. G. Kariuki: If that is the case, Mr. Speaker, then I do not see the use of that question since the Development Plan, which is a public document, has taken care of it.

Mr. Gatuguta: Mr. Speaker, Sir, while I appreciate the financial problems which, however, are artificial in some cases, is the Assistant Minister aware that Kikuyu is one of the oldest Divisional Headquarters, and that some divisional headquarters which were established recently have permanent buildings? Why has Kikuyu been left out all the time?

Mr. G. G. Kariuki: Mr. Speaker, Sir, in my earlier reply I said that Kikuyu Divisional Headquarters is not the only "headache" we have in the country, and it is being considered along with other divisional headquarters in other places. In fact, some areas have no district headquarters, leave alone divisional headquarters.

Question No. 350

EQUIPMENT OF BOREHOLES IN MARSABIT NORTH

Mr. Araru, on behalf of Mr. Umuro, asked the Minister for Agriculture, in view of the difficulties faced by the people of Marsabit North Constituency, if he will equip the boreholes in that area in order to save the lives of those people.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

It is assumed that the boreholes referred to by the hon. Member are those formerly used by the Ministry of Works during the recent construction of the Nairobi/Addis Ababa Road. These boreholes are at present being taken over by the Water Department to be used to provide water for the people of Marsabit, and they will be equipped within the next Financial Year as soon as financial resources are available.

Mr. Araru: Arising from that answer, I do not think the Minister is right in saying that the question is talking about the boreholes along the Nairobi/Addis Ababa Road because these ones are new and are functioning very well. The ones which the hon. Questioner has in mind are Burgabo and Bubisa, which were drilled by the colonialists about 30 years ago. These boreholes have machines but since they always break down they are not serving the people. What is the Minister going to do to provide new equipment?

Mr. Nyagah: Mr. Speaker, Sir, the Question specifically asks the Ministry to equip the boreholes. I suppose he wants pumps and other equipment to be installed there. He does not want to have them repaired. So, the only boreholes that came to my notice were those which are used by the road workers along the Addis Ababa/Nairobi Road. The pumps which were being used there have been removed by the Ministry of Works and they require other pumps.

Mr. Mwithaga: Mr. Speaker, Sir, since the Minister is aware that this part of the country is normally hit with shortage of water, and the people have to travel long distances on camels to fetch water, why can he not take immediate action to facilitate water supplies in the area without inviting the Ministry of Works, who are constructing the road, to interfere with the existing boreholes?

Mr. Nyagah: Mr. Speaker, Sir, for the benefit of the hon. Member, the road is progressing very well, and that pumping of water for the road works is part of the road construction expenses. As the Ministry of Works progresses with their work they keep on drilling new boreholes and remove their equipment from old boreholes to equip the new ones. I have said that the Ministry is going to equip these boreholes, which have been left behind by the Ministry of Works and which

have no pumps now, with pumps as soon as the new Financial Year comes around.

Mr. Araru: Mr. Speaker, Sir, the boreholes along the Nairobi/Addis Ababa Road, which the Minister is talking about, are still functioning. But, the hon. Questioner is asking about Burgabo and Bubisa, which are found in Marsabit North Constituency, and which were drilled a long time ago by the colonialists. These boreholes have equipment but they are unserviceable. New equipment are needed so that they can be used again.

Mr. Nyagah: I find it difficult to agree wholly with the hon. Member. I agree with him partly that the boreholes which are found along the new road are functioning, and they are fairly near his area because the work has progressed very well. But, the other boreholes he is talking about are not shown in this question. I have this question. I have only answered the question as I have understood it. If the hon. Member wanted me to equip specific boreholes, such as the ones the hon. Member is mentioning now, he should have been specific and ask about them. I would like to invite him to come to my office so that he may tell me specifically which boreholes he has in mind.

Mr. Umuro: Mr. Speaker, Sir, I am very sorry I am late. I thank my hon. friend for having asked this question on my behalf.

Mr. Speaker, Sir, the boreholes which I am talking about are Burgabo and Bubisa, which were drilled by the colonialists but they are now out of order. I am not talking of the new boreholes. What is the Minister going to do about these old boreholes?

Mr. Nyagah: Mr. Speaker, Sir, for my benefit and that of the hon. Member and the House, the hon. Member should be specific. One cannot read more than there is in a question. This question does not specify the boreholes which the hon. Member is talking about.

Question No. 349

INEFFICIENCY OF JOGOO HOUSE TELEPHONE OPERATORS

Mr. Speaker: Mr. Nzelu not in?

(Question dropped)

Question No. 352

CONSTRUCTION OF CHORRGET/MUSKUT ROAD

Mr. Kurgat asked the Minister for Works when his Ministry will construct the road between Chorrget and Muskut Centre through Cherota-Nandi-Kippingwo in South Kericho Division.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

Chorrget is at the top of Elgeyo Escarpment at an altitude of 8,600 feet and Muskut is at the bottom of the same escarpment at an altitude of about 4,500 feet. The Ministry of Works is not going into enormous expense of constructing a new road down the escarpment when the brand new Nyeru-Kimwarer Road is only ten kilometres away. The road from Chorrget to Nyeru is being improved and the road from Kimwarer to Muskut is fairly passable.

Mr. Kurgat: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that it is only ten kilometres between Chorrget and Nyeru Road, is he aware that there is already a road existing between Chorrget and Maskut, via Cherota to Simit downwards? Could the Assistant Minister consider constructing the small part left to make it through to join the new road?

Mr. Keen: Mr. Speaker, Sir, it is very difficult for me to understand the mechanics of all these roads the hon. Member is talking about. However, the information I have is that this new road which has been constructed is nearly about ten kilometres away and it is pointless for us to spend huge sums of money to construct this other road which the hon. Member requires, over the escarpment. So, rather than use that money to construct this road, which I consider totally unnecessary, we might as well use whatever money is available to improve the other existing roads. However, I cannot say at the moment whether this is going to be done or not. I need to understand the mechanics of it and probably consult with my officers to see whether this is possible or not.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that there are people living in the place in question, citizens of Kenya who have the right to live like any other citizens in Kenya, would the Assistant Minister tell the House why he cannot construct this road to serve these people?

Mr. Keen: Mr. Speaker, Sir, I did not say that there are no Kenya citizens living in that place. I know they are Kenya citizens and they require roads like anybody else. The only thing we want to be convinced of is the economic view of constructing such a road and the mechanics of it. However, we are not convinced, at the moment, that it is necessary to construct this road. When we are convinced that it is necessary, and that there is enough traffic to justify the construction, we will not hesitate to start construction. However, at the moment, we are not convinced that it is justifiable for us to start constructing this road. If it is a question of improving the link road between the new road and the old road, then, probably this can be investigated and if we find it is justified, we will do it.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, when Question No. 349 was called out, hon. Kitonga stood up to ask and claimed to have been fully authorized to ask it on behalf of the Questioner. However, when the question was called out a second time, hon. Kitonga was absent; now, what is the position of such a question?

Mr. Speaker: He was not in his place and so the question lapses.

QUESTIONS BY PRIVATE NOTICE

COMPENSATION FOR LAND: NEW DIANI POLICE STATION

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:—

Will the Minister consider immediate payment of compensation for trees and houses which are being demolished during the construction of the new Diani

Police Station in Kwale District to enable the people concerned to plan to go and get new *shambas*?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

In the short time available, I have not been able to confirm as to whom the land in question belongs because I will have to send the Government surveyor there to confirm who is the owner of the land in question. However, at the moment I have reasons to believe that this land belongs to the Government, but as I said earlier, as for now, I am not capable of confirming that until a surveyor is sent there.

Mr. Speaker: I do not know whether you are requesting to be given more time to sort this out or whether you said you cannot do it because you have to know the owner of the land in question, Mr. Kariuki?

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which is rather funny in the sense that my claim is about the trees and houses which are currently being demolished by the contractors, to build this police station: the question is, apart from the land issue, which the Assistant Minister has not been able to know the owner—why can the Ministry not start paying compensation for the trees and the houses which have already been demolished?

Mr. G. G. Kariuki: Mr. Speaker, Sir, as I said earlier, if the claimants have any right to claim for whatever is being destroyed, that is if they legally belong to that place, action will be taken to compensate them.

Mr. Mwamzandi: Mr. Speaker, Sir, there is a point which I would like the Assistant Minister to make very clear. The police station is being built now and yet the Assistant Minister does not know to whom the land belongs. Why did the Ministry find it fit to construct Government houses before they knew the owner of the land? Is that not theft without violence?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I think what is more important here is that we expected the hon. Member to have information at hand which would have disclosed to us who owns the land in question. However, my information is that the land belongs to the Government and nobody has even settled on that land and, therefore, nobody has any right to claim anything on it.

Mr. Araru: Mr. Speaker, Sir, arising from that answer that the land belongs to the Government and I heard him saying that it is trust land, if that is the case—there is this Trust Land Act, and according to this Act, before anybody makes use of such land, this has to be processed by a Select Committee and if possible the matter goes to the court if there is any claim made by anybody. Can the Assistant Minister tell the House why this procedure was not followed in this particular case?

Mr. G. G. Kariuki: Mr. Speaker, Sir, where a dispute is taken to court is when land has been acquired under the Land Acquisition Act, but not when Government has set aside land for the purpose of development.

Mr. Araru: Mr. Speaker, Sir, before the Government makes use of any trust land they must give a notice to the county council concerned. Is the Assistant Minister, therefore, in order to tell the House what he is saying now?

Mr. G. G. Kariuki: What I said is that if any land belongs to the Government, which happens to be the case here, we do not need to go anywhere to protest against the action by the Government. One has to be satisfied with whatever the owner of the land does with his land, and in this case, the Government owns the land. However, if one has a genuine complaint about something one would like to be compensated for, the district commissioner of one's area will be requested to go to the site and make sure that he has recorded whatever is being demolished, while awaiting the final decision.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that the ten-mile strip of land at the coast formerly belonged to the Sultan of Zanzibar, and that when the hon. Leaders of this country went to Lancaster House to negotiate for our independence, this piece of land was declared the property of the Kenya Government, is the Assistant Minister now telling us that the Government can take over any part of that land, notwithstanding what there is therein, and without compensation?

Mr. G. G. Kariuki: The hon. Member is defeating his own case. If a piece of land belongs to me, no matter what you would like to do with it, it will remain mine. This land belongs to the Kenya Government, and, therefore, it is for the Government to consider whether or not there is a need for somebody to be paid any compensation while he has been settling on that land illegally.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the assumption—the Assistant Minister is not replying from facts—that the land might belong to Government, whereas I assume that this land is trust land, would the Assistant Minister, regardless of whether the land is state land or trust land, consider paying compensation for permanent developments on that land, that is for the trees and the buildings, because whether or not the land is trust land or state land, the Government can still acquire it?

Mr. G. G. Kariuki: Mr. Speaker, Sir, my replies here are quite clear, and I am not working on any assumptions. When I said that I need to send a surveyor there, it is for the sake of identifying some of the areas which we still consider were not given to the police station, and also to ascertain whether or not they belong to the Government. Therefore, it is quite clear that my information reveals the fact that the land there belongs to the Government because it was during the leasehold by Mrs. Wells and the Agriculture Board under Management Order that it was acquired, and after that, it was handed over to the Ministry of Home Affairs for the construction of a police station. I say it is difficult to accept to pay any compensation at present because we are not satisfied that the people who have been living there have been there with the authority of the owner of the land.

Mr. Araru: On a point of order, Mr. Speaker, we would like to get some clearance here as to whether this particular land is trust land or state land, because the hon. Member claims it is trust land whereas the Assistant Minister claims it is state land. Now, there are

two Land Acts in this Republic, one which covers Government land, which is called the State Land Act and the other covering trust land, and which is known as the Trust Land Act. Therefore, could we have some clearance here because if this particular land is trust land, then the Assistant Minister is misleading us, and if the land is state land, then the hon. Member is misleading us, and we would like to know which one of them is actually misleading us.

Hon. Members: Hear, hear, that is a good point of order!

Mr. Mwamzandi: It is general practice at the Coast that you can build your house on a plot and have seven children, after which you hear that either an Arab or an Asian has the title-deed for that particular land, or that the land belongs to the Government. They do not—

Mr. Speaker: Order! We want facts and not along stay.

Mr. G. G. Kariuki: Mr. Speaker, Sir, that particular land is state land.

Mr. Speaker: Let us now move on to Mr. Araru's question.

ARREST OF CHIEF ADAM KALE

Mr. Araru: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:—

(a) What led to the arrest of Assistant Chief Adam Kale of Godoma Sub-location in Moyale area on 16th April, 1974, who was put in police custody without appearing in court?

(b) Why was he refused bond?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, on behalf of the Attorney-General, I beg to give the following reply.

Mr. Speaker, Sir, the reply is that— No, I think I have the wrong reply. Just a moment, Sir.

Hon. Members: Hear, hear!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): I apologize for that, Mr. Speaker.

However, I beg to reply.

(a) The assistant chief in question was charged with having misappropriated, for his own use, bags of maize entrusted to him for distribution by way of famine relief. He was then arrested on 16th April, 1974, and charged before the district magistrate at Moyale.

(b) As it was feared that the accused would interfere with prosecution witnesses, he was remanded in custody, pending the hearing of his case.

Hon. Members: Hear, hear!

Mr. Araru: Mr. Speaker, Sir, I do not quarrel with his arrest because he did something that was quite wrong. However, Sir, it is a long time now since 16th April, 1974, and this man is still in the custody of the police. Since he is a citizen of this country, why can he not be released on bond?

Mr. Speaker: Order! That has already been covered in the earlier reply.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that we have such cases all over the country, which involve individuals working in the Government, would the Attorney-General confirm to this House that he is not going to sympathize with such wrong-doers, and that they will not be given any chance to—

An hon. Member: Oh, no, that is a matter for the court to decide; you cannot do that here!

Hon. Members: On a point of order, Mr. Speaker!

Mr. Speaker: Order! No, that question is not fair, Mr. Wachira. As the man is still being held, you cannot prejudice him. You must wait until he defends himself.

Mr. Mwamzandi: On a point of order, Mr. Speaker, according to the reply from the Assistant Minister, it appears that this matter is *sub judice*. Now, I wonder whether the Chair could rule that we do not discuss it any further?

Mr. Speaker: Order, Mr. Mwamzandi, that is in fact, why I ruled Mr. Wachira out of order. However, you can ask questions which do not interfere with the case.

Mr. Lotodo: Mr. Speaker, Sir, is it not the practice sometimes that if somebody is likely to interfere with the witnesses, he is warned—

Mr. Speaker: No, no. Now, you are interfering with the case. What you are going to say is that the magistrate was wrong or somebody was wrong. That is not allowed at this stage, Mr. Lotodo.

Mr. Karungaru: Mr. Speaker, Sir, would the Attorney-General be kind enough to process the machinery of dealing with this case, so that the case of this man who was not allowed to be released on bond can be heard in the interest of justice?

Mr. G. G. Kariuki: Mr. Speaker, Sir, that question is quite fair, and everything is being done to make sure that he is brought to court. In fact, he has already been taken to court, but the hearing will come a little later on.

Mr. Speaker: I think we will leave it at that.

Mr. Gatuguta: On a point of order, Mr. Speaker, we have had several cases of this nature and, in fact, I wanted to raise this matter with the Attorney-General. Now, what happens is that people are arrested and put into custody for three, four or even six months, and when the case is heard, they are found to be innocent and are freed, whereas they have already suffered for all those months. My question is whether the Attorney-General could consider releasing people on bond and especially people who cannot run away from this country and people who are known where their families and properties are so that they do not suffer unnecessarily in police custody and—

Mr. Speaker: Mr. Gatuguta, I think you are getting too far. The explanation given was that there was fear that this particular person would interfere with prosecution witnesses. Now, we do not want to follow that issue. What you are asking could be put in general terms but, I think we are not in a position to reply to you, Mr. Gatuguta. It could be better for you to probably put that to the Attorney-General himself as a

matter of principle as you said and not by relating it to this particular case which is still before the court.

Next question, Mr. arap Keino.

SHORTAGE OF SCRAP METAL

Mr. Komen: Mr. Speaker, Sir, on behalf of Mr. arap Keino, I beg to ask the Minister for Commerce and Industry the following Question by Private Notice:—

Since there is a serious shortage of scrap metal (ferrous) and since imported scrap metal is very expensive in comparison to what is available in the country, could the Minister consider prohibiting, with immediate effect, the exportation of scrap metal?

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

Yes, Sir, we have already received applications from some of the companies dealing with steel such as the Emco Steel Works at Dandora and the Kenya United Steel Company Limited of Mombasa with regard to this matter of exporting of scrap metal. However, in the light of the above and also in the light of the question by the hon. Member, the Industrial Protection Committee of my Ministry will be meeting soon to consider the necessary action to be taken to restrict the exportation of our scrap metal.

Mr. Speaker: All right. Next Order.

Mr. Lotodo: On a point of order, Mr. Speaker, Sir, I do not know what is wrong with the Speaker today because normally, the Speaker does not allow a Member to ask a Question by Private Notice on behalf of another Member but he has allowed it today. Why? What is happening?

Mr. Speaker: Yes, I think, Mr. Lotodo has a point there! I think because of what was going on before, I overlooked the fact that it was not Mr. arap Keino himself asking his question but it was Mr. Komen asking it on his behalf. Anyway, Mr. Komen has saved us the trouble by not asking a Supplementary Question!

I think we had better leave it at that.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Minister's reply, would he also consider undertaking along with what he has already undertaken, to make sure that the imported cars are also restricted from being exported because we are also suffering from the lack of imported cars and we are also lacking spare parts for cars because they are always exported to Uganda and that is the reason why we are suffering a lot? Can the Minister undertake to do that?

Dr. Kiano: Mr. Speaker, Sir, I think the hon. Member has put two things together. I think there is this question of spare parts and that of imported cars. I do not think there has been any public cry at all by people who want to own cars as far as shortage of cars is concerned. I think the main question is one of spare parts and I share the feelings of the hon. Member for Embakasi that the spare parts imported to this country should remain in this country and not be taken out. There is a serious shortage of spare parts and, therefore, I sympathize with the Questioner.

Mr. Y. H. Mohamed: Mr. Speaker, Sir, arising from the Minister's reply, can he tell the House how this shortage occurred because if these people were given enough time to import these things, I do not think we could have any problem at all with spare parts?

Dr. Kiano: Can he repeat his Question because I did not hear him well?

Mr. Y. H. Mohamed: Mr. Speaker, Sir, could the Minister tell the House how this shortage of spare parts occurred because I am sure that if these people who are carrying on this work of importation were given enough time then, we could not be having this shortage of spare parts. Can he tell us how it occurred?

Mr. Speaker: No, Mr. Mohamed, the Question asks about "exportation" of scrap metal and not "importation" of scrap metal.

Next order.

POINT OF ORDER

DELAY IN GIVING A PROMISED MINISTERIAL STATEMENT

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir. I think the House will recall that I asked the Minister for Agriculture a Question by Private Notice on 4th June, 1974 concerning the crops being destroyed by the Mathogoni Estate at Juja Constituency. The Minister said that the papers were on the way to his Office and asked for more time to reply to the question. He promised to make a statement to the House and I have waited for this statement since then, but I have not heard from him. Some of the crops are likely to be destroyed tomorrow. So, what is the Minister for Agriculture going to do about that?

Mr. Speaker: Mr. Nyagah, you promised the House that you were going to make a statement to that effect. You said that you were still waiting to hear from your officers in the field. Have you anything to say to that effect?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I left the matter to my Assistant Minister, Mr. Khaoya, who is not here at the moment and, therefore, I am not ready to report any progress on that.

Mr. Speaker: All right then, could we have some idea of what is happening? When are we likely to hear from you?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, in anticipation of another Motion, if it was disposed of quickly then, I will go back and chase this particular issue.

Mr. Kahengeri: Mr. Speaker, Sir, I have a notice here from the management of the Mathogoni Estate given to several people. For instance, there is Mr. Kilonzo Kilulu, Mr. Muebu Mbitu, Mr. Kibinzu Nzao, and Mweu Masao whose crops will be destroyed tomorrow, 12th June, 1974. Therefore, can the Minister take action today before this crop is destroyed and to prevent this crop from destruction because in Donyo Sabuk area if this kind of crop is destroyed, then we know what we would expect in this country?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, it is not because the maize is lacking but all the same I will take action to that effect.

Hon. Members: Hear! Hear!

PERSONAL STATEMENT

REBUTTAL OF ALLEGATION ON POLITICAL CONFUSION IN BUSIA

Mr. Ebu: Mr. Speaker, Sir, I would like to make a personal statement in connexion with the reply given to Question No. 330 last week.

Mr. Speaker, Sir, on Thursday, 6th June, 1974, an Assistant Minister for Agriculture, Mr. Khaoya, in reply to Question No. 330 which had been asked on my behalf by the Member for Busia East, the hon. Masibayi, made certain allegations which implied that the delay in the payment of cotton farmers for their crops recently arose out of a feud between me as Member of Parliament for Busia North and Mr. Oduya Oprong. To say the least, Sir, these allegations are very misleading and malicious too. The truth of the matter, Sir, is that the first cotton buying in Busia District was in the hands of non-citizens. This situation as we all know could not be allowed to continue since it had become incompatible with our policy of Africanization. Therefore, the Government recently gave assistance to the *wananchi* with a view to enabling them to take over both buying and ginning of cotton in the district. Indeed, one ginnery in Luanda has already been taken over by *wananchi*. Consequently, during the last season, the last cotton season, Government preferred this exercise so that cotton buying was for the first time handled by our people through their marketing co-operative unions; where these ones existed. In other places, unions were resurrected to deal with this particular exercise. However, since this was a new field, where large sums of money were to be handled, Government took a precautionary measure against embezzlement and limited the amount of cash advances to the new cotton buyers by the Kenya Co-operative Bank. Cheques were only countersigned by a gentleman stationed at Kibos.

Now, the above arrangement, Sir, was unfavourable since it involved a lot of expenses in time and money both for the buyers and the farmers. Often it was very difficult to trace the countersignee. This, in my view, was the reason why the farmers had to wait for long periods after delivering their crops before payment was forthcoming and I expected Mr. Khaoya to say so.

As for the Lukolis incident which, for reasons best known to the Assistant Minister, he has decided to dramatize, I would like to inform this House that the temporary closure of the buying centre was prompted not by an alleged feud existing between me and Mr. Oduya Oprong, but because of interference in the affairs of Lukolis Co-operative Society, an affiliate of Nambare Farmers' Union responsible for the buying of all cotton in that area, by some officials of the newly resurrected Malaba/Malakis Farmers' Union. This interference, which posed a threat to the rule of law and order was in fact, triggered by a certain official of the Cotton Lint and Seed Marketing Board, when

[Mr. Ebu]

knowingly or unknowingly he issued a permit to this union to buy cotton in the Nambare cotton zone. Fortunately, after repeated appeals both the Member for Busia North and the Nambare Farmers' Union, the Cotton Board eventually intervened and cancelled the wrongly issued permit and directed that Malaba Malakis Union cease to buy cotton at Lukolis area. This directive, belated though, was later followed; thanks to the police and the district commissioner and the district co-operative officer who occasionally risked personal molestation by thugs employed by the Malaba/Malakis Union officials.

Mr. Speaker, Sir, I would like to add that the allegation or the charge that absence from this House last Thursday was an attempt on my part to avoid a reply which for all intent and purposes appeared to have been calculated to cause embarrassment to me was unfounded. My absence was prompted by an urgent business in my constituency which I had to attend to.

MOTION

SESSIONAL PAPER NO. 6 OF 1974: GOVERNMENT GUARANTEE FOR OVERDRAFT TO CHEMELIL SUGAR COMPANY

THAT, before giving its approval to Sessional Paper No. 6 of 1974 on Government guarantee of overdraft facilities to the Chemelil Sugar Company Limited, this House wishes to satisfy itself that the said company is being managed with efficiency and economy and along sound commercial lines with a view to assisting Kenya to reduce and ultimately eliminate its dependence on imported sugar.

(Mr. Seroney on 5th June, 1974)

(Resumption of debate interrupted on 6th June, 1974)

Mr. Speaker: Mr. Ogalo was speaking.

Mr. Ogalo: Thank you very much for allowing me to continue with my speech on this Motion on whether we can give our industry guarantee to get a loan in order to do the improvement they want. I know Sir, that the Chemelil Sugar Company is facing some problems just as some other industries in the country are doing. If we can allow the loan to be granted to the Chemelil Sugar Factory, I am sure the employees there will do a better job for Kenya. At the present time, the sugar we import from outside is even more than—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, would we know what the hon. Member is reading. He is constantly reading and not speaking; is he in order to do so?

Mr. Speaker: Actually, looking at a piece of paper does not mean that you are reading all the time. You could just be looking at it without reading anything. He does not sound as if he is reading.

Mr. Ogalo: Mr. Speaker, Sir, that is his character always— He used to read while speaking and he thinks I must be doing the same.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, first of all, when I stood on a point of order, the hon. Member was still on his feet. He did not resume

his seat when you allowed my point of order. Do you not agree with me that he is also doing that without knowing that he is out of order? Could you direct him that when a point of order is being raised he should sit down?

Mr. Speaker: I am not quite satisfied that you have justifiable reason for wanting to interrupt Mr. Ogalo. It is quite true that it was wrong for him not to sit down when you were raising your point. But you accused him of reading his speech and I said that he was not doing so; he was referring to his notes.

Mr. Ogalo: Thank you very much for your protection. The hon. Member seems to be bankrupt in as far as what a point of order means.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, are you going to accept that insinuation when you have already given a ruling on the matter? It is provided in our Standing Orders that when you see a Member reading you should point out the fact to the Chair. What rules have I contravened which makes him believe that I do not know my Standing Orders?

Mr. Speaker: The impression I get is that the hon. Members now feel that they have exhausted this subject and, therefore, it seems useless carrying on if hon. Members feel that they do not wish to continue. Mr. Ogalo, will you stick to your speech and leave Mr. Karungaru alone? He had a valid point when he complained that you did not sit down when he stood up to make his point of order. He was quite right. Therefore, he is not bankrupt; that was an unfair statement coming from you, Mr. Ogalo.

Mr. Ogalo: I must obey your ruling.

I was at the point of saying that we would like to see Chemelil Sugar Factory and some other sugar factories in the country giving Kenya more sugar so that we do not depend on imported sugar. This is why I am opposing the present Motion. Let us pass the Sessional Paper No. 6 as it is without any delay. The people at Chemelil are ready to work for this country. As a person from the area, I know that there are some mistakes which must be corrected but this cannot be mixed with the overdraft facilities which are to be given to the factory. While speaking as a Member for Nyando I know some hon. Members may accuse me of behaving like a Minister in protecting this Sessional Paper; however, I would like to state that I am not. I am only trying to tell the House the true picture of what there is as a person from the area. At the moment we have a new general manager who has brought a new system of dealing with the workers, finance and other things. I am sure that what will be produced from Chemelil will be appreciated by nearly every Member. Therefore, I appeal to the hon. Members not to look at this paper as a document which is for those people from Nyanza. In this factory we have people from Western, Coast and Central Provinces; we even have people from North-Eastern Province. Therefore, when we talk of Chemelil we talk of a place where all races and tribes of Kenya are represented, employment-wise.

Mr. Speaker, Sir, the expansion which is going to be done in this factory will increase the production of sugar in the country. The capacity of the factory will

[Mr. Ogalo]

go up to 65,000 tons a year. This will save Kenya about K£7 million in foreign exchange. That is why I am appealing to the House to see that we pass the Sessional Paper which is before us without any amendments and without undue delay.

Mr. Speaker, Sir, yesterday I was with the workers at Chemelil Sugar Factory and found that the way they see Chemelil today is not the way they used to look at it last year. Things are improving everyday in the factory. After the production of sugar has been improved even the salaries of the workers should be improved. I told the Minister for Agriculture to see to it that the salaries of the workers are increased so that they can produce more sugar for the country. The workers should be given more incentive to produce more sugar by way of increasing their salaries.

With those remarks, I beg to oppose the present Motion.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, in view of the fact that this is a very suggestive Motion and also bearing in mind the fact that we have other more serious matters to discuss today in form of Procedural Motions dealing with financial matters, may I move that the Mover be now called upon to reply?

Mr. Speaker: I think, I will put the question and it is up to the House to decide.

(Question that the Mover be now called upon to reply put and agreed to)

Mr. Seroney: Mr. Speaker, Sir, I do not think I agree with the Deputy Leader of the Government Business that there are more important things to be discussed after this Motion. I think we have only two Procedural Motions which can be disposed of in no time at all.

An hon. Member: Did you mean to say the Leader of the Government Business or his Deputy?

Mr. Seroney: I am sorry, I meant to say the Deputy Leader of Government Business because he is the one who has moved the closure of the debate.

Mr. Speaker, Sir, in replying to this Motion I must say that I am very surprised by the attitude of two Ministers who have spoken on it. I am referring to the Attorney-General and the Assistant Minister for Agriculture, Mr. Khaoya. Perhaps there is some misunderstanding in the mind of the Attorney-General.

The Minister for Housing (Mr. Ngei): On a point of information, Mr. Speaker, Sir, I hope the Member for Tinderet will not say that I am disturbing him. But he has been reliably informed that the figures he is trying to mention, that is 13 and 43 are not correct. This misinformation has now been corrected. Therefore, if the Member for Tinderet wants to say that the two Ministers varied in their statements he would not be doing justice because he has already been informed about the position of the matter just 15 minutes ago.

Mr. Seroney: I am not quite sure that I understand what the Deputy Leader of the Government Business wants to say because he anticipated what I was going to say before I said it. Mr. Speaker, Sir, I am referring to our Standing Orders and not to the question of

figures, whether they were right or wrong. The position is that—and I would like the Attorney-General, who is not here to note—under the Guarantee Act, Chapter 451 of the Laws of Kenya, Parliament has from time to time to fix a limit on the money which can be guaranteed by the Government. If a Minister wants the Government to guarantee any loan or overdraft—after all, an overdraft is a loan—he has to lay on the Table a Sessional Paper, and if the paper is not queried by any Member, then it is taken that the House has approved it. The Minister is not required to move a substantive Motion for the adoption of the Sessional Paper. I thought I would make that point clear. Therefore, the position is that if I had not brought this Motion, then the Minister would have been free to take it that the National Assembly approves the guarantee. But having raised a query, then, of course, I would like to refer to the actual Motion itself to see its implication and what it means; but before doing that the Assistant Minister for Agriculture, hon. Khaoya, stood on a point of order and stated to the House that the figure I had given, of 25 expatriates, was wrong and that, in fact, there were only 13 expatriates in that company. I noted that the following day the new chairman of Chemelil Sugar Company issued a statement to the Press in reply to my speech and in that statement he said that the number of expatriates at the factory was 13 and that 12 more were expected in the near future. Mr. Speaker, Sir, I regret to say that the Assistant Minister for Agriculture was very badly misinformed on this matter. I wish he was here today because he would have had to withdraw his statement or explain to the House how he got his figures. It seems that the Assistant Minister got his information from somebody in Nairobi. Presumably, he could have got his information from the management of this company, which we are discussing at the moment. Over the weekend I went to Chemelil, which is near my constituency, and talked to the employees of the Chemelil Sugar Company and they gave me a list of the expatriates currently employed by the Chemelil Sugar Company. This list shows that there are, on the management side, 30 expatriates and that out of this number, nine are British and German technicians who are there, I think, to install a boiler. These nine expatriates are temporary, but still, they are employed by this company. There are also another 21 expatriates whose names I have here. When I was moving my Motion I did give the designations of the posts occupied by the expatriates but not their names. Therefore, Mr. Speaker, Sir, I beg to lay on the Table a paper containing a list of names of 21 expatriates who are at the moment working with the company in question.

(Hon. Seroney laid the Paper on the Table)

Besides the 20 expatriates whose names I have given there are secretaries employed by the same company and they also happen to be expatriates. However, I was not given their names. Three of the 21 expatriates I have mentioned are working in Nairobi. For instance, the Purchasing Manager, by the name of Mr. Tulomp, is stationed in Nairobi. Also the Resident Director, by the name of Mr. Cussons, is stationed in Nairobi. Of course, his expatriate secretary is bound to be in Nairobi

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also. According to the information I have a total of 30 expatriates are at the moment on the payroll of the company in question. In a very short time to come the company hopes to recruit 12 more expatriates. This will bring the total number of expatriates working with the Chemelil Sugar Company to 42.

Mr. Speaker, Sir, perhaps hon. Members would like to know the circumstances which led the Government to bring to this House this Sessional Paper. For the information of the House, in the very early stages the German Government loaned the Kenya Government some money to be used in building the Chemelil Sugar Factory. This loan was to be repaid over a period of six years. However, since the German Government did not have people experienced in the manufacturing of sugar, the former Minister for Agriculture looked for a management. There were two contenders for the position of management of Chemelil Sugar Company. In the first place there was an American Company called Facta. I think the former Minister for Agriculture did not like that company, and as a result he went to Britain and recruited the Bookers Management on his own initiative. I am advised that he did not consult any of his colleagues in Government on this issue. The Booker Company agreed to come to manage the Chemelil Sugar Factory. This company was so confident at the beginning that they went to the extent of saying that they would repay the loan given to the Chemelil Sugar Company by the German Government in a period of three years. However, this company has not only failed to repay the loan, but up to this day it is depending on an overdraft which is guaranteed by the Kenya Government. This company also hoped that their contract will be re-newed for another period of six to ten years.

Mr. Speaker, Sir, since the Bookers Management has not invested any money in the factory, and realizing that the same company has not made any profit to enable the Government to repay the loan to the German Government, I hope the House is going to agree with me that in the end the Kenya Government will be forced to repay the loan from the Consolidated Fund. Therefore, it is important that this company makes a profit so that it can repay the loan. In the first place there is no reason why the tax-payers should be forced to repay that loan. I am sure that the Minister concerned agrees with me that this company should be made to work efficiently so that it can save itself. My interest is not to block the overdraft asked for by this Motion because I am sure that the Government has already entered into some kind of agreement with these people. I also know that there are very many *wananchi* who are working with this company.

Last week the hon. Member for Nyando wanted to know the right I have to raise in this House something which mainly affects his constituency.

Mr. Ogalo: This company helps your constituents!

Mr. Seroney: The hon. Member for Nyando is telling me that this company caters for sugar-cane growers in my constituency. Mr. Speaker, Sir, for the information of the hon. Member, 55 per cent of the sugar-cane

treated at this factory comes from Tinderet. Therefore, I think I have a better right to discuss the efficiency of the company than the Member for Nyando. As the hon. Member for Bondo said, 30 per cent of the sugar-cane treated at the factory comes from the nucleus estate which is owned by the company itself. For the information of the hon. Member, only 15 per cent of sugar-cane treated at the factory comes from Luoland.

Mr. Ogalo: On a point of order, Mr. Speaker, Sir. While agreeing with the hon. Member that every hon. Member of this House is free to discuss any area in this House, will he tell the House the names of the societies which bring sugar-cane from Tinderet to Chemelil Sugar Factory?

Mr. Seroney: Mr. Speaker, Sir, I do not know why the hon. Member is under the impression that only societies can bring sugar-cane to Chemelil Sugar Factory. However, for the information of the hon. Member Kimwani Farm, which is owned by the Agricultural Development Corporation, has more than 2,500 acres planted with sugar-cane. This farm sends sugar-cane to the Chemelil Sugar Factory. There is another farm, known as Mbelele Farm, which is also owned by the Agricultural Development Corporation. This farm also supplies the Chemelil Sugar Factory with sugar-cane. There are two farms owned by the Member for Nyando. The hon. Member's farms are over 1,200 acres and are planted with sugar-cane. These two farms supply Chemelil Sugar Factory with sugar-cane. However, the hon. Member should understand that he supplies sugar-cane to the Chemelil Sugar Factory as an individual but not as a "society", a word he is very fond of. There is also a society which was started by the hon. Member for Nyando, known as Owiro Co-operative Society, which also supplies sugar-cane to the Chemelil Sugar Factory. There is also the Chemelil Sugar Sisal Estate which has more than 8,000 acres planted with sugar-cane. The estate supplies the Chemelil Factory with sugar-cane. Mr. M. V. Pater, and Mr. Odede, who was an hon. Member of this House, have sugar-cane. I do not know whether the hon. Member is satisfied. The names I have just read out and those that I have not read out all together contribute 55 per cent of the cane supplied to the Chemelil sugar Company Limited.

Mr. Ogalo: On a point of order, Mr. Speaker, Sir. The reason why I said so was because the whole total area planted with sugar-cane in Tinderet is 800 acres while Nyando Constituency has 1,200 acres of sugar.

Mr. Seroney: Mr. Speaker, Sir, that was not a point of order, but I did not want to be unfair to the hon. Member, therefore, I gave him a chance to give the information.

In terms of benefit to *wananchi* this factory is supposed to help the people of Tinderet, which includes Chemase Co-operative Society. I am interested in this company because I have received complaints from farmers in my constituency that proper delivery of their sugar-cane is not effected because of the inefficiency of the Chemelil Sugar Company. In terms of people dependent on this company, I tend to disagree with the figures given by the hon. Member as well as by Mr. Wamalwa, who is the chairman of the Company. I am told that

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since he was appointed, a few weeks back, he has not set foot in Chemelil and, therefore, the information he gave was as result of what he, himself, had been given. The total labour force of Chemelil Sugar Company is 1,200, but from time to time they take on casual labourers at Sh. 5 per day and the number varies from nothing to 200. There is contract labour which is used to cut the sugar-cane and this labour is about 200 and they are paid Sh. 3/90 per day. That is the benefit that these people get.

With regard to the Luo co-operatives, they are no longer getting any assistance from this company since the assistance has now been taken over by the Germans themselves and if they want anything from this company they have to pay for it. Therefore, I think it is in the interest of everybody, including the hon. Member, to have this company run efficiently.

It is not necessary to have 42 expatriates to do a job which could be done by four people. I want the House to note that. I told the House when I was moving this Motion that Muhoroni or Miwani sugar company employ about four expatriates. One company has three and the other one four. Therefore, it is my contention that all these 42 names, some of which I have laid on the Table, are not necessary. They are only there as *mirija* syphoning away money from Kenya. I am told that they can chose to be paid in their countries and subsist only on allowances here. Therefore, it is not necessary to employ any of these people. You will note that I have marked with an "X" all the names that are not necessary. This leaves only the factory manager, who has to be an all-round engineer. If we require an expatriate, let us have one factory manager and then have a *mwananchi* to understudy him so that after some time he can take over. We should also have a maintenance engineer, since this is a technical job. We can have an expatriate here, but we should also have somebody to understudy him. We have a lot of chemists in this country and, therefore, we do not have to import chemists from England. We do not need an expatriate as production manager, maintenance superintendent, and so on—why do we have to have these people? They are not necessary. The first thing to do to reduce the cost of this operation is to reduce the number of employees by getting rid of most of these expatriates who are not really doing any service.

I do not agree with the Attorney-General that we must thank these people for exploiting us. If we think they are unnecessary, then they should go. Those that we need, we shall thank them for performing a service which we cannot perform. Therefore, I suggest seriously to the Minister that since the Sessional Paper itself is doubtful about the future of the Chemelil Sugar Company in that we are now expected to help it get money to take the company up to the end of this year—I am seriously urging the Minister not to agree to these people's suggestion in any reconstruction he may undertake. He has appointed Mr. Wamalwa as the chairman but I feel that this position is *sinecure*. I do not know whether they want to reward Mr. Wamalwa for his public services and that is why they gave him this *sinecure* position. I challenge the Minister to appoint Mr. Wamalwa as the general manager of

that company. The reason why I say this is because as chairman he will not be able to do anything as long as there is a general manager and a resident director. Where does the chairman fit in and what is he going to do? I suggest that Mr. Wamalwa be appointed as the general manager and we retain the services of a few technical people and discard the others.

Mr. Speaker, Sir, I see the Minister for Agriculture nodding his head because most of the weaknesses of this company are known to him. One weakness—

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir. I wonder whether the hon. Member is right to commit me. I was actually talking to my friend next to me and I nodded my head towards him but not towards the speaker.

Mr. Seroney: Mr. Speaker, Sir, the Minister has all sorts of information because complaints have been sent to him and his Permanent Secretary and, therefore, there is no complaint which we can bring to his notice which he is not aware of.

The first weakness which I am going to point out is that all the statutory bodies, including many that are under his Ministry, for which we guarantee loans lay their accounts on the Table of the House every year. What about this one? Why has it not produced annual reports and audited accounts since 1966? What are they trying to hide? I suggest that the Minister, as part of the exercise of satisfying the House, makes sure that public funds are not squandered. He should force the company, now that he has an African chairman, to be producing annual reports showing its profits and losses. I am sure this will reveal quite a lot. Since this has not been done, in the immediate future the Minister should get all the audited accounts. If he wants, I can tell him the auditors who will help him. He should approach Mwangi Bell House and Company, who, I am sure, will have the accounts audited and a report prepared to be laid on the Table of this House.

So, Mr. Speaker, Sir, I would like hon. Members to note that there is nothing in this Motion which suggests any desire whatsoever either to refuse these people overdraft facilities or to block overdraft facilities being given to them. I would only like the Minister to tell them that this is the last time. If they have a new management, then, of course, our attitude may be different. I would like the Minister to tell them that unless they show profit next year, they should not come to this House to ask for another overdraft.

As I was saying, Mr. Speaker, Sir, this Motion is doing no more than what any banker would do. Supposing, Sir, I went to the bank and told them that I have a company and that they should give me an overdraft. Well, the bank will ask for my accounts and then they will ask for security. They will also want to know the record of my successes in business. Now, unless I can satisfy the bank about these things and also on how I am going to repay the overdraft, no bank can give me an overdraft.

The Attorney-General, Mr. Speaker, Sir, argued that there are many people to the agreement and mentioned the Kenya Commercial Bank, the Commonwealth

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Development Corporation, the Agricultural Development Corporation and so on. He implied that if they are not worried, then why should we be worried? I think, Mr. Speaker, Sir, that is irresponsibility because it is not these banks and organizations which are being asked to guarantee, but it is the Government which is guaranteeing. Now, if the Government is foolish enough to guarantee something, why should private concerns bother? I suggest, therefore, Sir, that while allowing the Minister to get away with this overdraft, he should undertake a drastic re-organization of the company. I say this because we have to repay the Germans the loan they gave us to build the Chemelil Sugar Factory. So, all the Motion is asking is that all these weaknesses should be brought to the attention of the Government. We hope that the Minister will take them in the spirit in which they are given and will not regard the Motion as an attempt to block overdraft facilities. There is no sinister motive of any kind other than a genuine public-spirited desire to safeguard the interests of those to whom we are going to be answerable in a few months time.

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

Hon. Members: Hear! Hear!

(Question put and agreed to)

PROCEDURAL MOTIONS

LIMITATION OF DEBATE ON FINANCIAL STATEMENT

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move:—

THAT this House orders that the debate on the Financial Statement on the Annual Estimates be limited to four days, exclusive of the Mover's speech and reply.

Mr. Speaker, Sir, according to Standing Order No. 132, this debate is limited to seven days. However, the Sessional Committee felt that the exhaustive debate on the Development Plan covered matters of a general nature and which are similar to Annual Estimates. Hon. Members will have an opportunity to discuss Votes of various Ministries after the debate. It was only last week that hon. Members were talking on the Development Plan, which is a sister or brother to the Annual Estimates and that is why we are asking the House to reduce the number of days from seven to four. I believe, Sir, that these are sufficient reasons to warrant this Procedural Motion. I do not want to tire the House on an obvious matter like the one before us; it is just like seeing the sun or the moon.

With those few remarks, Sir, I beg to move.

The Assistant Minister for Agriculture (Mr. Wanjigi): Thank you, Sir. I rise to second the Motion and wish to say that it is important for this House to become business-like. I certainly feel that we have had a very good time to discuss general financial and economic matters through the Development Plan.

Mr. Speaker, Sir, I feel that four days are more than adequate to express our position as regards general budgetary matters before we get to the more meaty

aspects of discussing various Ministries. I hope that those of us who did not have an opportunity to express their views during the debate on the Development Plan will this time be able to contribute to the debate on the Annual Estimates. Mr. Speaker, Sir, I think this is the kind of Motion we should all support. It should, in fact, be supported by all the hon. Members who want us to be business-like in this nation.

With those few remarks, Mr. Speaker, Sir, I beg to second.

(Question proposed)

The Assistant Minister for Labour (Mr. Kibisu): Thank you, Mr. Speaker, Sir, for allowing me to say something on this Motion. Sir, I rise to support the Motion.

Normally, Sir, Budget days are meant to give hon. Members a chance to criticize fairly and rightly the activities of Government and, indeed, the activities of constituent Ministries. In this way, Sir, they bring forward suggestions on how the Government services could be improved. Since the beginning of this year, Mr. Speaker, Sir, we, in this House, have been exposed to criticizing and correcting Government by discussing the Ndegwa Commission Report and the 1974/78 Development Plan.

I hope, Sir, that hon. Members would not like to repeat themselves during the Annual Estimates by trying again to flog what would appear to be a dead horse. I think the criticisms that hon. Members have levelled against Government have been taken in good faith. Therefore, hon. Members should take the forthcoming Budget, being the last one before we go for General Elections, as an aftermath of what they have already done.

With those comments, Mr. Speaker, Sir, I beg to support.

Mr. Karungaru: Thank you, Mr. Speaker, Sir. I rise to oppose the Motion. I have decided to oppose this Motion on the grounds that the Deputy Leader of Government Business is assuming that hon. Members have exhausted their materials following the debates on the 1974/78 Development Plan and the Ndegwa Commission Report.

The truth Mr. Speaker, Sir, is that during the debate on the Development Plan I had only 15 minutes and, therefore, I was only able to advance very few points. I had a lot of material, most of which remained unutilized. I am sure that many hon. Members are with me on this one. It is therefore, incorrect to assume that because the hon. Mover has exhausted his material, then all the Members, of this House have exhausted their material on the Annual Estimates.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir. Is it in order for an hon. Member, who is also a Member of the Sessional Committee, and who agreed to this Motion being moved in the House when we were in the Sessional Committee, to come here and speak in the way he is doing? Are we going to trust the hon. Member, Mr. Speaker, Sir?

Mr. Speaker: I must say it sounds rather strange because the purpose of having a Sessional Committee is to enable a smaller group of hon. Members to come

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to some definite and practical conclusions regarding certain matters and then bring their decision to this House. The House is free to disagree with the Sessional Committee, but at least, the Members of the Committee should feel morally bound by the decision in which they took part. I am saying this because it really sounds like a betrayal of a commitment to come here and turn against the committee when you had already agreed on a certain issue in the Committee. You are supposed to come and represent that committee in this House.

The Assistant Minister for Labour (Mr. Kibisu): On a point of order, Mr. Speaker, Sir. In view of what you have said, would I be in order to ask the Chair whether the Member for Embakasi, being a Member of the Sessional Committee, should be allowed to continue to speak against the committee?

Mr. Speaker: No, a Member of this House has every right to speak and the Chair has no power to stop him from speaking in the way he wants unless he is out of order. All I am saying is that it sounds strange for a Member of the Sessional Committee to come here and more or less denounce his own committee when a certain matter is being dealt with in a plenary meeting like this one. Although Mr. Karungaru has the right to speak and oppose this matter if he wishes, it still does not sound right for him to do so. I have no backing of the Standing Orders to say he should not do it and, therefore, it is not out of order, but it sounds unreasonable and unexpected.

Mr. Karungaru: Mr. Speaker, Sir, the Deputy Leader of the Government Business has confronted the wrong person. I am saying this because on the day this matter was discussed in the Sessional Committee—and I would like him to check his records—I was away from Nairobi. I was not present in the Committee; I was attending another meeting—

The Minister for Housing (Mr. Ngei): On a point of information, Mr. Speaker—

Mr. Karungaru: No, Mr. Speaker, Sir. I do not need any information.

The Minister for Housing (Mr. Ngei): On a point of order then, Mr. Speaker.

Mr. Speaker: Order, Mr. Karungaru! Let us have order here.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, has the Member for Embakasi any right to say that I am misinforming this House when I have not said a word?

Mr. Speaker: Order! I think we are trying to confuse ourselves even more. The fact that a Member has not attended a Sessional Committee meeting does not exonerate him from being bound by the decision of the committee. If he feels so strongly against the decision of the Committee, he is free to resign; otherwise he is still bound by the decision of the committee just as if he was present in the committee. He can make his point to the committee when they meet again or by any other means. However, he does not have any justification whatsoever to come here and try to disclaim having been involved in this decision. He could try to air his

views privately, but he should not do it the way Mr. Karungaru is now trying to do it because it sounds a betrayal of the committee for any Member in the committee to come here and say he disagrees with the decision.

Mr. Karungaru: Mr. Speaker, Sir, things are rather funny today. I expect all these things to come and go, but I would like to say that there is no question of collective responsibility whatsoever on the part of that Sessional Committee. I am saying so because I am a Member of the Committee and, secondly, I would like to say so because I am an elected Member of this House and, therefore, I can differ with any other hon. Member in this House. I am entitled to give my opinion in this House whether or not it is contrary to a certain Mr. X's opinion. I go by conviction and, therefore, I have to act on what I believe to be my own conviction. Mr. Speaker, it is the first time in the history of this House, that I feel—

Mr. Araru: On a point of order, Mr. Speaker, Sir. Is it really in order for the hon. Member to go against what you have ruled just now? You have ruled, Mr. Speaker, that every Member of the Sessional Committee, whether he was present in the Committee or not, is bound by the decision of the Committee. The hon. Member now stands up and says that there is no collective responsibility in the Committee. Is he really in order to say this when you have already ruled on it?

Mr. Speaker: I am trying to explain what I believe to be the proper duty and function of the Sessional Committee; otherwise, there would be no point of having any committee of this House at all because we could use this House as a committee whereby hon. Members would speak freely as they do in the Committee of the Whole House. I am saying this because no issue is taken to the Sessional Committee to be discussed after having been considered by the Committee of the Whole House. Therefore, the whole idea of having a Sessional Committee is so that matters can be sorted out before a recommendation is made to the whole House. A Member of that committee is, therefore, committed by any decision taken there. He may not agree with it, but it is absolutely improper to come here and say that you did not agree with the decision of the committee when you are still a member of that committee. This is not how the committee system works anywhere.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir. I am sorry to disturb you on this matter once more. Do you, Mr. Speaker, not think it is a betrayal of the confidence of this House for a Member of the Sessional Committee to come here and sort of show that he does not have any confidence in this House? When the list of the Members of the Sessional Committee was brought to this House for approval, the name of the said hon. Member was not there, but later on the House decided to have him in the committee—now he shows he has no responsibility to this House—

Mr. Speaker: I am not telling Mr. Karungaru not to express his views. All I am advising him to know is that it is the wrong way of doing it because if this was to be the system, then there would be no use in having

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committees at all, because it defeats the very purpose of having a committee and I am sure this is not difficult for Mr. Karungaru to understand. However, he is right to say what he wants to say because he has the privilege to do so in this House.

Mr. Karungaru: Mr. Speaker, Sir, I am a free person in a free country and I am protected by the Constitution of Kenya.

Mr. Ogalo: On a point of order, Mr. Speaker, Sir. We all know that we have to respect the Standing Orders of this House, but the Member for Embakasi, who is very keen to see that we follow our Standing Orders, does not seem to respect his position as a Member of the Sessional Committee. Would I be in order, Mr. Speaker, to ask hon. Karungaru to resign from the committee so that he can give his views without any fear of acting against the committee?

Mr. Karungaru: Mr. Speaker, there is no such provision in our Standing Orders. If he thinks there is, I would like to ask him to quote the particular Standing Order so that we may know that he understands what he is talking about. Mr. Speaker, Sir, we have been in this House long enough to know what we are talking about. It is true that any hon. Member has the right to differ with other hon. Members in any committee. In this particular case, I did not even attend the committee meeting in question and even if I had attended the committee I would have differed with the other committee Members and I would be fully entitled to do so. The argument now being produced by the Deputy Leader of Government Business is that I should resign. I would like to inform him that I am not worried about resigning. For his information, I was not even included in the list of Members of the Sessional Committee. I am saying this because I was not appointed in the normal method which was used in appointing the other Members, but I do not want to imply that I am not a Member of the Sessional Committee. What I am saying—and I would like to repeat it—is that I oppose the idea of reducing the number of days to which we are entitled on Motions like this one. I am opposing this idea because the Mover of the Motion has claimed that the Members have exhausted their material. I would like to make it crystal clear that I did not exhaust my materials. I am quite sure that even the other hon. Members did not exhaust their materials as it has been alleged. So, we are not going to work with assumptions; we are going to work with what we think is going to help this country.

If you are given only 15 minutes to make your observations on the Budget Speech, by implication it means that you are not given permission to speak. Experience has shown that if time is reduced not all Members will get a chance to speak. Even when we are discussing other matters, at times you find that there is no quorum, although the Members who are devoted to their duty always sit here and make contributions to the deliberations of the House. At times they find themselves at a loss. When there is a sensitive matter about Government you find the House full. That is what happened when we were discussing the Sessional Paper on the Ndegwa Commission. As you can see today,

since there is no sensitive matter, there are Ministers here. They only come here to bulldoze things.

What I am saying, Mr. Speaker, is that we should be allowed to use the democracy provided under in our Constitution to say anything we want. We are not compelled by any individual Member to do this or that; we are entitled to speak our mind because the nature of our position is such that we are representatives; we are elected to come and air the grievances of our constituents, who cannot come to this House and represent themselves. We have been elected to come here and represent their views. It would be wrong for any Member of this House to impute improper motives on another Member with a view to discrediting him. I am not going to accept this Motion even if I have to go to the grave for that. In fact, even my ghost will say what I am saying now! I am opposed to this idea because, Mr. Speaker, if you accept it you create a precedent whereby tomorrow they will come up with something else and ask us to approve it hurriedly and so in the end this House will be reduced to nothing. We want to protect the integrity of this House. We want to make sure that this House has a say in all the business it is supposed to deal with. In fact, tomorrow they might seek to reduce the 20 days allotted to Annual Estimates debates to 13 or less days. If we accept this Motion we shall be subjected to all other malpractices. If you give part of your property to a certain person another person will come to you later and say, "In view of the fact that you gave your property to that other person, why can you not give me some also?" After that person another one will come to you the following day.

Mr. Haji: On a point of order, Mr. Speaker. I am seeking your guidance here. I think the hon. Member is repeating himself. He is saying the same thing repeatedly.

Mr. Speaker: Yes, that is quite true. Even Mr. Karungaru himself must be aware that he is repeating himself. He has made the same point again and again. So, unless he moves to something new he will have to stop there.

Your point has gone home, Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, I would hate to be the subject of a conflict with the Chair as I understand—

Mr. Speaker: No, you are not going to argue on that, Mr. Karungaru! I am satisfied you are repeating yourself.

Mr. Karungaru: I would not like to be the subject of a conflict.

Mr. Speaker, Sir, I know the gravity of this matter, and since I know that it is not possible for this Motion to go through in the manner and form it is in now, I strongly beg to oppose.

Mr. Araru: Thank you very much, Mr. Speaker. This House is ours and we know what goes on here. We have to speak the truth. It is not good to ask for something which we know cannot be done. For instance, right now in the House less than half of the Members of this House are present. When we decided that we discuss the Development Plan for 14 days we only took six days. When we decided to discuss the Ndegwa Commission for four days we discussed it in only two days.

[Mr. Araru]

Mr. Speaker, Sir, you witnessed that the Mover was called upon to reply because there were no Members wishing to speak.

Mr. Speaker, Sir, I am one of the Members of the Sessional Committee and I know we considered this matter at our meeting and agreed that since the House is normally empty we should not take too long in discussing the Budget Speech. We felt that we should take only four days to say "Thank you" to the Government. In fact, it would be all right even if we took two days only to discuss the Budget Speech. This being the last Session of the current Parliament we now know everything because we have been here for the last five years. All we need to do is to say "Good-bye" to the House.

With these few remarks, I beg to support this Motion strongly.

The Vice-President and Minister for Home Affairs (Mr. Moi): Mr. Speaker, Sir, I suppose we are all hon. Members. When we make decisions we go on the consensus of opinions.

In fact, I was listening to what the Member for Embakasi was talking about. When we meet as a Sessional Committee we do not necessarily require that 100 per cent of the Members have agreed with the points which are expressed. However, naturally, when we come to this House, as Members of the Sessional Committee, we must support the decision of the majority. I heard the hon. Member challenge the Deputy Leader of Government Business by saying that no Standing Order provides for what the Motion is asking now. The hon. Member ought to know that when there is a consensus of opinion, naturally, we do not have to refer to the Standing Orders. Supposing an hon. Member wants to go to the toilet, are we going to follow Standing Orders on that decision? I am very serious about this matter, Mr. Speaker, because we are supposed to be hon. Members. We should not disown the decisions which we ourselves have made.

Mr. Speaker, Sir, as the Leader of Government Business, I sometimes agree with what the majority of the Members in the Sessional Committee say. I do not need to go back on the decision of the committee when I come to this House. I must abide with the majority decision. Therefore, Mr. Speaker, I find it strange that a Member of the Sessional Committee can stand here and say that he is entitled to his own opinion. If that is the case, then, I think, he does not deserve to be a Member of that committee. If he does not believe in the rule of the majority, then he should resign and rest.

With those few remarks, I beg to support.

Dr. Munene: Mr. Speaker, Sir, while I agree with the Members of the Sessional Committee, and also with the last speaker, that the business before us has a lot of connexion with whatever we have been discussing here, namely, the Development Plan and the Ndegwa Commission, there is, however, something which the Sessional Committee overlooked here. How are we assured that what the Financial Statement will reveal tomorrow will not be controversial and that four days will be enough to debate it? I think we are anticipating that the Financial Statement will just be like the Development Plan or the Ndegwa Commission Report. As

far as I am concerned, I am only concerned about this hasty attitude of the Government in bringing this Motion before we have seen the Financial Statement. Probably the Sessional Committee did not have anything else to give to the House after hon. Seroney's Motion and that is why they decided to introduce this Motion prematurely. They are sort of giving us something while it is still in their pockets, before we have even seen what it looks like! We would be prepared to pass this Motion if the Leader of Government Business or his deputy stands up and assures the House that the Financial Statement will be so smooth that even the four days we are talking about will not be necessary. If we got that assurance from the Leader of Government Business, I would be prepared to accept the four days, otherwise I think it is too short a time.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. Three Members, that is the Leader of Government Business, his Deputy and the Member for Nyando have repeatedly asked me to resign as a Member of the Sessional Committee simply because I have disagreed with whatever decision they made in my absence. I am now seeking your guidance on this. What is the procedure for resignation from the Sessional Committee? Would I be in order to say here that I have resigned in protest because I do not accept words being put into my mouth?

Mr. Deputy Speaker: The procedure for any resignation from any committee is to indicate that you do not wish to serve on that committee in writing. You can, however, resign from here if you feel quite strongly that there is nothing else you can do.

I heard all that went on here. The Speaker ruled, and I agree with him absolutely, that if you are a Member of a Committee of this House, the decisions of that committee, whether you attended their meetings or not, are binding on you. That is only commonsense because it cannot be otherwise and especially for a committee such as the Sessional Committee which deals with the order of the matters coming before this House. Once the committee has decided on something in their room upstairs and they have put the matter before this House, every Member of that committee is bound to agree with the decision whether he disagreed originally or not, or whether he attended the meeting or not. If you wish to resign, then you will write to the chairman of that committee telling him that you should no longer be considered as a member of that committee.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Deputy Speaker, Sir. I regard this as a very serious matter. Is it right for the Member for Embakasi to mislead this House by saying that he did not consent to his appointment to this committee while he has attended several meetings of the Sessional Committee and he has never shown his dissatisfaction over the work of the committee?

Mr. Deputy Speaker: You know that appointment to the Sessional Committee is done through a Motion passed in this House. Once the Motion has been passed, it is taken for granted that those who have been nominated to serve on that committee accept not only the

[Mr. Deputy Speaker]

nomination but the election by the House and that they agree to serve as an arm of this House. Now, between that election and now—as everybody knows, that the Sessional Committee was elected at the beginning of this Session—there has been ample time for the Member for Embakasi to indicate his disagreement with either the membership or the decisions taken by that committee. I cannot see the reasoning behind his argument. I cannot see how the Member for Embakasi can have his cake and eat it in this matter. If the hon. Member disagrees with what has been decided and feels that it is fundamental to his way of looking at things, then he will indicate that in the way of a letter to his Chairman or the Speaker, or, alternatively, resign.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. It is in the history of this House that today is not the first time that a Member of the Sessional Committee has opposed what has been decided on in the Sessional Committee. Why is it that simply because it is the Member for Embakasi who has opposed this idea of reducing these days from seven to four, then there must be debate on the matter?

Mr. Deputy Speaker: I have no knowledge that anybody else has ever opposed the decision of the Sessional Committee being himself a Member of the same committee. If it has ever happened, then, definitely, it was wrong that he did so. That is very improper. If a decision has been taken by your own committee, fully constituted with the chairman and with the attendance of the Speaker, then, on these matters of procedure, there can be no question of conviction. If you think that the time allotted is not sufficient, then you should indicate this to the committee but not to the House.

The Assistant Minister for Labour (Mr. Kibisu): On a point of order, Mr. Deputy Speaker, Sir. In view of your repeated directive on this matter, would you now direct that the debate on the substantive Motion resumes and that the matter between the hon. Member for Embakasi and Sessional Committee ends there?

Mr. Deputy Speaker: That is the normal procedure.

Mr. Wachira: Mr. Deputy Speaker, Sir, I beg to oppose this Motion for the simple reason that we are now faced with rising prices of goods and services. Nobody in this House knows exactly what the Minister for Finance has in store for us. So, it is my conviction that it would be very unfair for us to stand here and say that we should reduce the number of days allotted to the debate on Financial Statement from seven days to four. If we did that and then all the prices of goods, including the spectacles I am wearing today, went up by 100 per cent tomorrow, it would be difficult for us to go to *wananchi* and tell them that we are not responsible for that. They may even call the present House the agent of rising prices—

The Assistant Minister for Labour (Mr. Kibisu): On a point of order. I hate to interrupt my hon. friend and I have no need to quarrel with him. However, are you not satisfied that he is, in fact, anticipating the debate on the Financial Statement? The matter before us is on the reduction of the normal time we use in debating the Financial Statement to four days, irrespective of what the Minister will say.

Mr. Deputy Speaker: Order! Let me rule on this particular point because it is very important. We are only concerned with whether or not to agree that the debate on the Financial Statement will be limited to a maximum of four days, and that is all.

Mr. Wachira: Thank you, Mr. Deputy Speaker, for your ruling. Now, I do not want to start an argument with my friend—

Mr. Mutunga: I am sure you said you were listening to the debate in your office earlier on. Now, if I can remember rightly, the Member for Vihiga, hon. Kibisu, did say that we have spent so much time discussing the Ndegwa Commission Report and the Development Plan, which looks more or less like what is coming tomorrow. Therefore, on what authority did he quote that? How does he know what is coming tomorrow? He did say this, and if he refutes it, HANSARD will bear me witness.

Mr. Deputy Speaker: No, I heard what the hon. Kibisu said. I was listening throughout his speech, and I heard exactly what he said. His argument was that we have had the opportunity to discuss these matters, and he quoted the last one, which was the Ndegwa Commission Report, and I think everybody knew that the Development Plan was before that. Now, his argument was that we would be in danger of repeating ourselves, and he said, if I remember rightly, "It is like flogging a dead horse". I think I heard these words from upstairs. Now, if those were the words, then I must have heard all that he said, and I am suggesting that he was not anticipating debate then. If you merely give reasons why you should not go and discuss these matters for so long, you do not really anticipate the actual Financial Statement. In fact, for all intended purposes, the Statement is out; I mean, it is not a secret, except for the details. There is a Development Plan which it must fit, and if it does not fit it, then the Development Plan falls by the wayside.

Mr. Wachira: Mr. Deputy Speaker, Sir, I do not want to start an argument with the hon. Member. However, it appears that he knows the details of what is coming tomorrow.

In any case, Mr. Deputy Speaker, Sir, most of us do not know anything about it. Therefore, we would rather have the seven days, because there are over 100 Members in this House. Therefore, it is wrong to suggest that we can discuss the Financial Statement in four days only; I am unable to figure how we can do that. Therefore, I suggest that we debate this statement for seven days. The people who sat down and decided to make it a procedure that the statement will be debated for seven days, were well aware of what we are supposed to debate. This is a budget or a financial issue and involves every *wananchi* in Kenya. Therefore, we must have enough time as the representatives, to talk on behalf of the 12 million people of our country. Therefore, we should not reduce the period; we should let it remain at seven days.

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

Mr. Mutunga: Thank you very much, Mr. Deputy Speaker. I rise to oppose the Motion.

Hon. Members: Hear, hear!

Mr. Mutunga: I am sure that Members know what is going to come next; we will be asked to limit the time of debate to ten minutes for every Member speaking. Now, what can you do in ten minutes for a matter of national importance like discussing our economical problems?

I would ask the Government not to become difficult about this because we only require time to air our views. In any case, Sir, ten minutes is a very little time, and one can talk very little in that time. They have said that these things will be covered by individual Ministers; but when you are dealing with a Ministry you will be confined to that particular Ministry and, therefore, you will not have a chance to speak about other Ministries.

There is also this danger of some people not catching the Speaker's eye within the four days. Therefore, I would appeal to the Government to take note of these things. The Leader of Government Business, who is also the Vice-President, in whom we have a lot of respect, says no, but we will prove it otherwise when we come to voting. Therefore, I would appeal to them to accept hon. Members' views, otherwise, why allow us to defeat them?

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

The Assistant Minister for Health (Mr. Jahazi): Mr. Deputy Speaker, Sir, I think we should take the heat out of this debate and instead use good reasoning and understanding to advance our points. People seem to be a little suspicious about this and that. However, I want to take the House back to the latest trend in debating very hot issues here, which have given us the opportunity to debate everything under the sun that affects prices and other things. I think hon. Members had 15 minutes each to contribute all their philosophies on what they think about development, prices and every other thing that they think is affecting our country. However, Mr. Deputy Speaker, Sir, with all the experts we have here, I heard very little expert knowledge being imparted to us. Therefore, the normal period allotted to this particular debate has been reduced by half. We cannot overlook the point that all of us were here, none of us was sick, and if there was anything that was to be said, it was said. What remains is about what may come tomorrow. Now some hon. Members are already suspicious about prices going up. We have had ample time to talk about prices all along. We have been talking about prices, and I do not see why this Motion should blind us to the situation as it is today. There is nothing so embarrassing as to argue that we want more days only to find that in the end after only two days there is hardly anybody who can contribute anything new.

Mr. Deputy Speaker, Sir, this has happened in respect of two very important issues in this House. Now, anybody who reserved this comments on a wide issue like the Development Plan, which covers a period of four years, from 1974 to 1978, because he thought it was not important, I think deserves to lose the opportunity

to speak because in that particular debate each Member was allowed to speak for 15 minutes whereas here only ten minutes will be allowed for each Member. If somebody sacrificed 15 minutes—

An hon. Member: Where were you?

The Assistant Minister for Health (Mr. Jahazi): I spoke on it, Mr. Deputy Speaker. Therefore, let us be reasonable; let us be legislators and not fellows who just argue without any grounds. We want to argue this point, that within four days—

Mr. Karungaru: On a point of Order, Mr. Speaker, Sir. The hon. Member is calling other hon. Members "fellows". Is he in order to do that, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: No, he is not. They are hon. Members, Mr. Jahazi.

The Assistant Minister for Health (Mr. Jahazi): I meant those fellows who are listening to us outside. I did not refer to hon. Members as fellows. Mr. Deputy Speaker, Sir, the hon. Member seems to be heated up, and I do not know what happened to him during the lunch time. However, whatever—

An hon. Member: He has been asked to resign!

The Assistant Minister for Health (Mr. Jahazi): Well, if he has been asked to resign—well, I am not responsible for that. Mr. Deputy Speaker, Sir, if I was not satisfied with the committee, I would act like a man and resign; but resignation has nothing to do with the Motion we are debating.

What I would like to say is that we should play our role properly as legislators. Let us not argue over small and minor points. We know that four days may seem to be a short time and inadequate for the debate on the Financial Statement, and we know we will have ten minutes for every speaking Member. Now, it has been proved that ten minutes are enough to make a general remark about everything. If somebody wants to speak about the Ministry of Health, he will have an opportunity to do so. However, I think we have already had a general debate on the Financial Statement. If somebody wants to repeat himself or to impress voters or any other person, I think it is a bit too late to start doing that after four years. I think we should have been able to impress those who are supposed to be impressed in the last four years. As for those who are not impressed, I do not think the ten minutes we will have for Budget debate will be enough to sway them. Therefore, Sir, I support the Motion, and I want to appeal to hon. Members to agree that we reduce the period to four days. After that, if it is found that four days are not enough, I think we can always make a special request for extension of the period by, say, two days. However, before that, there is no need to argue.

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

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, this is really a very simple issue before the House today: four days as against seven days. Mr. Deputy Speaker, Sir, we have had an astonishing revelation this afternoon on a Member of our own Sessional Committee deserting the other Members and

[The Attorney-General]

deciding to change his attitude in the House. Now, we know that there are some hon. Members who, instead of having political meetings outside the Chamber, hold political meetings in the House.

Hon. Members: Hear! Hear! Who are they? Name them.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. Would you allow that insinuation by the Attorney-General, which is directed at me? He is saying that I do not hold meetings outside the Chamber. Actually, I hold meetings outside the Chamber and, therefore, if he has any hon. Members who do not hold meetings outside this Chamber, then, he had better mention them because he is addressing this to the wrong person.

Mr. Deputy Speaker: That is not a point of order, Mr. Karungaru!

The Attorney-General (Mr. Njonjo): I think, Mr. Deputy Speaker, Sir, you had better be strict about these points of order because hon. Karungaru, who has, in fact, sat on that Chair, assuming the Office of a Speaker, should know better what a point of order is because he is misusing the procedure. For instance, where he disagrees with the speaker, he stands up on a point of order; which, in fact, is a point of disagreement with what the speaker is saying! However, I am saying this that there is a tendency now of having political campaigns in this House instead of having meetings outside the House and addressing constituents.

Hon. Members: No! No!

The Attorney-General (Mr. Njonjo): Now, if that is not the case why do we keep on saying that the Voice of Kenya is not covering us well and that newspapers are not publishing what we are saying and so on?

Mr. Deputy Speaker, Sir, I think that the Members who are serious about this debate— What we are discussing now is what Mr. Kibaki is going to say tomorrow: the Budget Speech. It is being suggested by the Sessional Committee that we discuss that speech for four days. In fact, it can be discussed for two days and we finish with it, but the Sessional Committee, in its own wisdom, has suggested that we discuss this speech for four days. I think this is enough.

Dr. Munene: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Deputy Speaker: Is it a point of order or a point of disagreement?

Dr. Munene: It is a point of order, Sir. Is the Attorney-General now telling us that he has read Mr. Kibaki's speech and seen that what is contained in that speech does not even deserve a four days' debate? Is he in order to suggest that?

The Attorney-General (Mr. Njonjo): Now, Mr. Deputy Speaker, Sir, if that is a point of order then— The hon. Member has just come back from his clinics—

Hon. Members: Hear! Hear!

The Attorney-General (Mr. Njonjo): I am sure that he is better versed in medicine than points of order!

Mr. Deputy Speaker, Sir, all that I am saying is that those of us who are serious and want to debate this matter so that we finish all the matters before the House, will agree that four days are sufficient for debate on the Financial Statement. In fact, some Members are suggesting that one day is even enough! Well, after all, the Minister for Finance and Economic Planning is going to take, perhaps, one hour.

An hon. Member: No! No!

The Attorney-General (Mr. Njonjo): One hon. Member says "No"! I would like to tell him that the speech on the Financial Statement takes one hour at most, and the hon. Member can time it tomorrow, if he has got a watch.

Mr. Deputy Speaker, Sir, with those few remarks, I support the Motion.

The Minister for Health (Dr. Onyonka): On a point of order, Mr. Deputy Speaker, Sir. We have all very keenly listened to the pros and cons of this matter. I know that this is one of those topics on which hon. Members are likely to agree or disagree. I think it is appropriate, therefore, that we should call upon the Mover to reply.

Hon. Members: Hear! Hear!

Mr. Deputy Speaker: Yes, I think it is appropriate now to call upon the Mover to reply. I will put it to the House to decide for itself.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I would like to say that the consequences of shunning a responsibility are serious. It may impair one's integrity. I am saying so because we have heard one hon. Member heckling every speaker today for reasons best known to himself. However, the facts are stated and we have stated in this House today that we want four days to debate the Budget Speech. A comment or a point can be made in a matter of a few minutes and somebody can talk for well over a year but not make an impact.

This is an old House since Members have been here for five years now. I am sure that they know their work; they know their home-work; they know their statistics and they know our economic problems. Therefore, I do not see the reason why an inference should be made to the effect that the House may take a long time to normal discussion and procedural businesses.

Mr. Deputy Speaker, Sir, hon. Members have been involved in many things concerning the prices of various things and they are fully aware of what is happening in our country. Therefore, their contributions are automatic; if I may put it that way.

Mr. Deputy Speaker, Sir, I would like to say that you can even see that the hon. Member for Embakasi is as unsettled as a haggard bird and I wish we could chain him to his chair so that he could also listen to other Members—

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. I think I am still entitled to know from the Chair the reason why the Minister has made such

[Mr. Karungaru]

a remark using my name. We know that time and again some Assistant Ministers have defied and even gone to an extent of criticizing the Government yet I have only given an opinion and as a result a nasty remark has been made about me. These Assistant Ministers have never been asked to resign. However, today the Member for Embakasi, probably because he is very important, has been made to resign from the Sessional Committee and now the Deputy Leader of Government Business has made a nasty remark against him, which the Chair has heard and is, apparently, ignoring. Now, I want to know from the Chair whether we are going to allow such remarks in the House. The remarks have been made by the Minister who is replying to debate. He is forgetting the Motion; he is now discussing the Member for Embakasi. Is he in order?

Mr. Deputy Speaker: No, the hon. Minister is discussing what you have said and not "you". Therefore, as long as his statements are not offensive and as long as they stay within the provisions of the Standing Orders, I will be bound to allow them. However, your comparison with Assistant Ministers is quite another matter altogether. I have insistently said that this was not a matter for this House; that was a matter for the Government to sort out outside this House. Another reason is that you were dealing with a decision of a committee of which you are a member; a decision of a fully-constituted committee which sat and had a quorum. That is different from expressing an opinion about matters which no decision has been taken. That is the position.

Mr. Karungaru: But I was not there, Mr. Deputy Speaker, Sir!

The Minister for Housing (Mr. Ngei): Mr. Deputy

Speaker, Sir, the jerks of a kangaroo are better known to Australia rather than this House.

I beg to move.

Mr. Deputy Speaker: That is uncalled for! The name of the hon. Member for Embakasi is "hon. Karungaru" and not the "hon. Kangaroo"!

An hon. Member: But, it sounds the same!

(Question put and agreed to)

LIMITATION OF SPEECHES IN FINANCIAL STATEMENT
DEBATE

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I beg to move:—

THAT, this House orders that during the debate on the Financial Statement on the Annual Estimates each Member speaking be limited to a maximum of ten minutes except the Mover who shall be limited to 30 minutes in replying.

I beg to move.

(Question proposed)

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, since this is a Motion like the ones we have every year, would I be in order to ask that the question be put?

(Question that the question be put and agreed to)

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: That concludes the Business on the Order Paper. The House is therefore adjourned until tomorrow, Wednesday, 12th June, at 3.30 p.m.

The House rose at twenty minutes past Five o'clock.

Wednesday, 12th June, 1974

The House met at twenty minutes past Three o'clock.

[*Mr. Speaker in the Chair*]

PRAYERS

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

(*Mr. Speaker announced the arrival of His Excellency the President, the hon. Mzee Jomo Kenyatta, M.P.*)

(*Hon. Members rose in their places while His Excellency the President took his seat in the Chair of State*)

COMMITTEE OF WAYS AND MEANS

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Finance and Economic Planning

(*Mr. Kibaki*): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

THE PURPOSE OF THE BUDGET

Mr. Speaker, the Budget is an occasion when the Government announces, in detail, how it proposes to implement the economic strategy set down in a national Development Plan. This year we have published a new Development Plan designed to bring us closer to the type of society we seek on the longer-term—namely, a society defined by our basic political objectives. Those political objectives include a free and democratic society in which the attainment of social justice and equity are an obligation on us all. In accordance with our fundamental political creed of African Socialism, every effort must be made by all, and particularly the Government, to protect the poorer, weaker members of the community. It is these poorer members of society who are in danger of being pushed aside in the rush of the richer and stronger members to protect and improve their own economic status. In the difficult economic and financial circumstances in which we now find ourselves, as a result of the raging inflation throughout the world, that obligation to protect those less fortunate must be paramount in our minds.

But the Budget must not only give protection, it must also give a lead and point the way. It must direct our national energies towards the economic goals set down in the Plan, for without an expanding economy, we shall be unable to realize other economic and social objectives.

And yet, it would be a mistake to suppose that the Government, through the Budget, can do everything. As His Excellency the President has said on so many occasions, it is the people themselves who determine whether or not our objectives are realized. Yet there is a naive belief still prevalent that Government can do everything; that by some magical means all problems would be solved if only the Government were more enlightened, more energetic and more efficient. I am not suggesting that we could not be more enlightened, more energetic, or more efficient—I am sure we can be. But our society and our economy is made up of Government and people, and neither can work with-

out the other. The Government, including all Members of this House, have an obligation to lead, to persuade, to convince and to show the way that has already been illuminated by our own President. It is only by our own efforts and harder work that we can improve the economic circumstances of our country as a whole.

Nothing, Mr. Speaker, is going to be easy. Nothing is free. Everything has to be paid for. Many hon. Members will, I am sure, rise during the Budget Debate and ask why a road, or a bridge, or a school in their constituency has not been included in the Estimates. It is right that hon. Members should bring such proposals to us: but in spite of the progress we have made, we cannot do everything at once and at the same time. We have to draw up a list of priorities and implement projects in that order, depending on what the country can afford. Budget day is the day the planned expenditures are proposed and decisions are announced about how they are to be paid. Development, certainly involves a burden. Even at this early stage of my speech, I will not hide from you that if we are to keep up development efforts, in spite of world inflation, an expanding population and rising social expectations, new burdens have to be imposed—that is, we have to make extra efforts. My Budget is aimed at reallocating resources for the development effort, and at distributing the burdens of that reallocation as fairly as possible.

Mr. Speaker, as is usual, hon. Members will have received and have, I hope, had time to study the Economic Survey for 1974 and the Estimates of Expenditure for 1974/75. Copies of the Revenue Estimates and the Financial Statement for 1974/75 are being distributed to hon. Members as I am speaking. These four documents, together with my present statement should all be considered as essential parts of this year's Budget. Although my statement will endeavour to bring together the main threads of these four documents, it is necessary, for hon. Members to study each of the individual parts in order to understand the whole.

RECURRENT EXPENDITURE, 1973/74

I would now like to turn to the level of Government spending in the current year, 1973/74. Hon. Members may recall that, last year, I budgeted for an increase in recurrent spending over 1972/73 of approximately 11 per cent. I emphasized then the importance of Ministries managing their programmes within the expenditure budget they were provided. Although it was necessary for me to come to the House with supplementary recurrent estimates totalling K£10.6 million, it is, I think, fair to say that Ministries have been more successful in containing their expenditures than in the past.

This apparent contradiction is explained by the fact that the main part of the supplementary recurrent estimates brought before the House was represented by the increased cost of personal emoluments, arising out of the salary award made to lower grade civil servants and also, of course, the abolition of primary school fees in Standards I to IV. In the face of the rise in the cost of living, the salary award was reasonable

[The Minister for Finance and Economic Planning]

and just, but if it had not been for that amount, for which Ministries could not have budgeted in the first place, the supplementary provision requested this year would have been very small indeed.

DEVELOPMENT SPENDING 1973/74

Although the House has approved Development Estimates totalling more than K£71 million, I do not expect development spending to exceed K£65 million in the current financial year; not much more than actual expenditure last year. Ministries have still not achieved the important objective of spending all money provided for new development projects.

On the other hand, as I have mentioned to the House on previous occasions and touched on today, Ministries are now in a position to implement a much higher level of development spending than the Exchequer can possibly afford. It is, therefore, absolutely necessary to select development projects more carefully on the basis of national priorities, and to implement the projects selected as soon as the necessary funds are voted by this House without further delay. Ministries must not ask for provisions which they are not able to spend, as this will prevent other projects which are ready from going ahead.

RATE OF INCREASE IN TOTAL GOVERNMENT SPENDING

Overall, in the current financial year, the Government will have spent approximately K£230 million, about 14 per cent more than in the previous financial year. Allowing for the increased cost of salaries and supplies, this rate of increase in expenditure is not extravagant in the light of our development needs. In order to keep the budget down to this rate of growth, I have restrained new spending proposals very strictly. It has not been easy, and I know that some Ministries feel that they have been hardly dealt with.

I am, however, encouraged by an increasing awareness within Government that it is the responsibility of all Ministries, and not simply that of the Treasury, to control expenditure within the limits of what the country can afford. I am anxious that this awareness should become widespread and that everyone involved in the formulation of expenditure proposals, at whatever level of Government, should come to appreciate that the responsibility of restraining the growth of Government spending, and of obtaining a good return on any money spent, rests with every single official of the Government and, indeed, Ministers and Members of this House, and not simply with the Minister for Finance and the Treasury.

FINANCING OF THE 1973/74 EXPENDITURE

It is fortunate that, bearing in mind the total of K£8 million supplementary expenditures approved by the House and expected to be spent, recurrent revenue has been particularly buoyant in the current year. I now expect that final receipts of recurrent revenue on an "Estimates basis" to be approximately K£172 million or nearly K£30 million higher than expected when we drew up the revenue estimates last year. The main reason for the higher level of revenue is that the rate of inflation—

particularly the rate of increase in the prices of imported commodities—has been higher than we expected last year. Revenue from *ad valorem* duties goes up at the same rate as price changes—hence the increase in revenue.

The new, and much maligned, Sales Tax was particularly helpful here. Indeed, I feel strongly that if the House had not approved the new Sales Tax last year, the country would be in very severe financial difficulties now, as a result of the present inflationary situation. Although all sorts of economic ills have been laid at the door of the new Sales Tax, the effect of the new tax has been to achieve what I set out to achieve in my Budget last year—a revenue system much more elastic to the growth of money incomes than we had before; and one that does not bear on the very poorest members of the community.

As a result of the growth of recurrent revenue, I now expect to have a cash surplus on recurrent account of nearly K£24 million, which, if achieved, will represent the highest recurrent surplus ever. As has been my practice in recent years, I shall transfer the whole of any surplus left in the Recurrent Exchequer to the Development Exchequer on 30th June and I would ask the House to accept this statement as notice of my intention to do so.

Mr. Speaker, the recurrent surplus is a rough measure of Government saving, and represents an important part of the self-help efforts of the nation to finance its own development spending. In the Budget last year, I suggested that it would be necessary to depend heavily on short term finance from the banking sector to finance the level of spending proposed by the Estimates: in the event, it seems likely that we shall manage this year without any net increase in short term borrowing. Indeed, on an Exchequer basis, I may even achieve the first overall budget surplus occurring in recent years. In the light of inflation and our balance of payments situation, of which I will speak later, this has been a very welcome and, indeed, much needed improvement.

Domestic long term borrowing is expected to total nearly K£19 million—a little less than budgeted last year. But because of the continuance of a higher level of international money rates, I have thought it prudent not to borrow from the *international* commercial money market this year as we did in 1972/73. We have, however, continued to enjoy substantial financial support from the World Bank Group and from friendly countries and I expect that aid receipts in the form of concessionary loans and grants in the current year to total some K£21 million—less than 10 per cent of total expenditure. Once again, I must say how grateful I am for the financial assistance we receive from overseas. Without it, our development programme would be significantly smaller and our rate of economic growth would be lower.

Overall, I can say that it has been possible to finance expenditure this year in a way that is generally non-inflationary. The steep rise in import prices, particularly crude oil prices, and the pressure this places on our

[The Minister for Finance and Economic Planning] balance of payments, makes it necessary that we continue with this policy.

THE ECONOMY, 1973

The out-turn of the main economic indicators in 1973 was much as I forecast in my Budget last year. In some ways a little better; in some ways a little worse. The real growth of the economy was lower than the average achieved in recent years, although at current prices, the increase in gross domestic product was estimated at about 12 per cent. For the second year running, the money incomes of farmers as a group improved faster than the incomes of the economy as a whole. The improvements were, however, uneven. For instance, maize receipts were up by 18 per cent; sugar by 47 per cent; coffee by 34 per cent and sisal by a remarkable 278 per cent. On the other hand wheat, pyrethrum and horticultural incomes had their incomes down and the small improvement in milk and beef incomes was entirely due to higher prices. Thus, while some farming sections were significantly better off, others did not do so well.

Manufacturing had a very good year, with the volume of production achieving a rise of over 10 per cent. Manufacturers concerned with the processing of agricultural commodities did particularly well, as did the beverages and tobacco industry.

Tourism had its worst setback for some years. The number of tourists coming to Kenya was 9 per cent lower than in the previous year. Tourist expenditure is estimated to have fallen by 11 per cent. Hotel building, however, continued in anticipation of future recovery. I am sure that those investment decisions will be justified, on the longer term; but the tourist industry may go through a difficult period as a result of economic difficulties in the countries from where our tourists originate.

All in all, the year can be regarded as one of reasonable economic progress in spite of sustained drought in many areas. The performance of the economy was, however, below the targets set out in the new Development Plan.

BALANCE OF PAYMENTS

1973 was a year of remarkable trade expansion with the value of our exports increasing by 31 per cent, partly due to an improvement in export prices of 17 per cent (of which coffee and sisal were particularly notable) but also due to a remarkable increase of 14 per cent in the volume of our exports overseas.

The value of imports increased by 14 per cent; but since import prices are estimated to have risen, on average, by nearly 14 per cent also, this represented little increase in import volume. The volume of imports is, in fact, still lower than it was in 1971.

As a result of exports increasing faster than imports, the merchandise gap in the balance of payments narrowed. If it had not been for expensive imports of wheat and sugar, food crops which we could very well grow for ourselves, the improvement in our trade gap would have been substantially better than it actually was.

Net invisible receipts were lower, largely due to the fall in tourist income but partly due to higher payments abroad of investment income. Overall, the current account deficit was very much the same as in 1972.

Capital receipts were also much the same, although a little higher than in 1972, so that, overall, our balance of payments achieved a surplus of the same order of magnitude as in 1972.

THE VALUE OF THE KENYA SHILLING

World currency markets remained in turmoil throughout 1973. The United States dollar declined against other major currencies for three-quarters of the year; and so long as the Kenya shilling was pegged at a fixed rate to the dollar, this meant that our currency declined as well. Two small upward adjustments of the shilling against the dollar were, therefore, made in March and June; but once the dollar recovered in the last quarter of the year, we reverted to the previous shilling/dollar parity.

The search for a more stable international monetary system seems no nearer success than it was a year ago. Indeed, the unprecedented escalation of oil prices, pushing nearly all the major industrial economies into balance of payments deficits, has introduced a new element of fundamental instability into the system. This carries serious dangers for the world economy as a whole. To the extent that the major trading nations are forced into restrictive policies to safeguard their balance of payments, developing countries such as ourselves will inevitably suffer. An international solution to this dilemma is required urgently—and we are exerting all the influence we can in international discussions on these matters. The attainment of Kenya's development objectives is heavily dependent on the maintenance of a buoyant world economy.

DOMESTIC PRICES

Undoubtedly, the biggest immediate problem we have had to face in the last year has been the steep rise in domestic prices. The cost of living has risen faster than at any time since independence. The problem has been debated in this House and in the correspondence columns of the press. Even so, it would seem that very few appreciate how little can be achieved with *any* system of price control, or indeed, appreciate the problems we create for ourselves in other directions if we do not administer a price control programme sensibly. Further, not many seem to recognize that the causes of higher prices are external and, quite often, there is nothing we can do about them.

The phenomenon of severe inflation is world wide. In most countries, the problem is much worse than in Kenya. But this is no comfort to us. Indeed, quite the opposite, since our economy is heavily dependent on imported capital and raw materials. It is the prices of capital goods and raw materials which have been rising most steeply. Since we have to import such goods, or go without and forgo development and production, we have no choice but to pay the market prices for those goods, and agree that the increased costs which they represent can be, and must pass on in the prices of

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the goods made with them for sale in the domestic market. There is no alternative. Those who talk of widespread subsidies simply demonstrate their ignorance of the economic situation facing us.

A year of exceptionally dry weather in Kenya made the price situation worse. Shortages of food crops led to steep increases in the prices of vegetables and fruit, and restricted the production of crops such as wheat and sugar, necessitating a higher level of expensive imports than would otherwise have been the case. Most of the cost of those imports had to be passed on in the form of higher consumer prices for bread and sugar.

Increased fertilizer, fuel, machinery and labour costs reduced the profitability of farming and Government had, in all fairness, to authorize higher producer prices for essential food commodities, such as maize, wheat, sugar and meat. But if food prices are raised on the farm, that increase has necessarily to be passed on to the consumers. On the whole, the farmer has, I feel, been treated fairly in the matter of price awards in the last year, and it is the urban consumer who has borne the brunt of rising prices. To some extent, this corrects an imbalance that had been growing between the rural and urban areas for a long time, but I believe now that the farmers must realize that they are not the only ones in Kenya who are carrying the burden of world inflation. The most important way that Government can hold down increases in the cost of living of the urban workers, is to hold down farm prices of important food commodities. The correct and fair balance between interests of the farmer and the interests of the urban worker in determining food prices is extremely difficult to find. What is clear, is that both sections have got to show restraint if we are to control domestically induced price increases.

I wish I could say to hon. Members that I can see some improvement in the price situation. Frankly I cannot. The prices of crude oil and other vital imported commodities such as fertilizers, paper and machinery continue to rise. Present indications are that the average price of all our imports taken together, excluding crude oil, will rise by approximately 15 to 20 per cent in the current year. There is no way whatsoever of isolating the Kenya consumers from these price increases.

The time has come, I feel, for us to reassess exactly what we can hope to achieve by price control policy. Attempts to control the prices of all commodities can themselves create shortages. Price control can delay the timing of price increases but, in the end, if the product is not to disappear from the shops altogether, an increase has to be authorized. We can reduce the mark-up allowed for importers, manufacturers or retailers but we run the risk of creating a situation in which importers do not import; manufacturers do not produce, or at least do not expand investment; and retailers do not stock.

All these situations have occurred in the last year and some may be occurring now as I speak here, Mr. Speaker. In these circumstances, I begin to feel that we might best realize our objective of restraining increases

in the cost of living by concentrating our attention more on those few commodities which are most important to the cost of living of the wage earner. We should examine the complete price structure from farm to consumer of items, such as maize meal, wheat flour, bread and meat; and be less concerned with the prices of the full range of all commodities, most of which are beyond the budget of the average worker anyway.

WAGE POLICY

It is appropriate now that I should say something about wage policy in present inflationary conditions. During the last few months, we have clarified the instructions given earlier to the Industrial Court on the determination of wages. Although it is not our wish to see existing wage agreements broken, we have said that the Court need not object to increases in wages designed to compensate the workers for increases in their cost of living. No one can deny that the wage earner has been hit by the increase in the cost of living over the last twelve months. But then, very few people have been able to avoid some reduction in their standard of living over this period. This is unavoidable when the movement of the external terms of trade is adverse, for there is a loss of real income in the country as a whole. This loss of real income for some people, has been worse than the official statistical averages indicate, since producers of coffee, sisal and more recently tea, have been able to increase their incomes faster than prices. As a result, they are better off—which tends to mask the fact that others are worse off.

Until we raise production to replace the loss of real income caused by the adverse movement of the terms of trade, there is no way that a reduction in the standard of living for some can be avoided. All we can do, and all I can try to do, is to see that the people whose standard of living is reduced are those that are best able to afford it. It is for this reason, that the Industrial Court has been asked to give preference in its awards to the lowest paid workers.

EMPLOYMENT POLICY

A primary concern of both wage policy and budget policy is to create a climate of economic growth in which the number of jobs increase to absorb the regular increase of those seeking work. During the last year, Government received a very interesting report from the International Labour Organization on Employment Policy in Kenya. This House had the opportunity of debating that Report and the related Sessional Paper prepared by the Government. In large measure, the Government accepted the findings of the Report and is now in the process of implementing them.

The Mission's Report recommended a fairly significant restructuring of the fiscal system and the expenditure priorities of the Government. I had already started on that programme of fiscal reform, in particular the introduction of the Sales Tax, before receiving the I.L.O. Report; but in some areas, particularly the reform of the external tariff, I have still some way to go. The Expenditure Estimates, this year, reflect an attempt to give greater priority to projects that will have employment impact in the rural areas, although it is not easy

[The Minister for Finance and Economic Planning] to swing the balance of spending priorities as quickly as we would like. We have tried to cut down on expenditure on office buildings, and gradually we shall reduce our expenditures on the trunk road system in order to afford more widespread improvements in rural roads.

If our employment policy is, however, to be successful it is essential, as the I.L.O. Report emphasized, that wages are not pushed up to the extent that employment of labour becomes uneconomic. It will be no help to the country if two people are employed at Sh. 1,000 a month when five people are pushed out of employment because the employer cannot afford to employ at that wage.

It is the wish of any sensible person that real wages in this country should be raised. We can, however, only raise real wages to the extent that the real income of the country can afford such an increase. It is for this reason that we have a wage policy as defined in the guidelines of the Industrial Court. We are concerned with the interests of the mass of the wage earners and not just the relatively few in a strong industrial bargaining position and already enjoying relatively high wages compared with other groups.

ECONOMIC PROSPECTS

If it were not for the difficulties anticipated in respect of the balance of payments, I would expect the next twelve months to be a period of reasonable income and production for the Kenya economy. Agricultural output should be maintained overall, with higher sisal, pineapple, sugar, livestock and, perhaps, maize production, offsetting lower production of coffee and tea. Export prices, particularly of sisal, coffee and tea are good and still will remain.

Manufacturing should have a good year, provided we can obtain the needed raw materials. The Manufacturers' Export Compensation Scheme, recently passed by this House, could give great impetus to industrial production, if manufacturers take advantage of the opportunities available as soon as the scheme is put into effect, which I expect to be in a matter of days now. The new increased capacity at the oil refinery and the opening of the Webuye Paper Mill will also give additional impetus to production.

Tourism may not enjoy a year of significant growth but the decline in tourism seen last year should not be repeated.

Building and construction may turn back a little as Government's self-imposed restrictions on its own building programme makes itself felt. There are, however, still substantial housing projects underway.

Overall, if it were not for the balance of payments, and problems arising from continued inflation, I would expect an average year.

However, as I have already warned the House, the balance of payments outlook for the next twelve months is grim. The cost of oil imports is expected to rise by at least K£50 million in a full year and, although we shall recover part of that sum from higher exports of petroleum products manufactured at the Mombasa

refinery, we shall still be left with a foreign exchange deficit on oil account of some K£15 million. In the past, we have generally achieved a foreign exchange surplus from our trade in oil products.

The period of economic readjustment in the face of what is rightly described, "as the oil crisis" will be painful. At this time last year, crude oil purchased for refining in Kenya cost \$1.59 per barrel. That same crude oil today is costing \$9.66 per barrel, and the price is still tending to rise. Apart from hydro-electricity, the modern sector of our economy is almost completely dependent on energy derived from petroleum. Even if we cut back the somewhat extravagant use of motor-cars in this country, we would find it difficult, if not almost impossible with present knowledge, to forgo the use of diesel fuel that powers our tractors and railway locomotives; aviation kerosene that fuels the planes bringing tourists; and industrial fuel oil that drives our factories and thermal power stations. An increase in the price of energy by six times in a space of twelve months is a crisis indeed. It is the opinion of the World Bank, an opinion which I share, that Kenya has been harmed relatively far worse than most other countries by the oil situation.

Yet the prices of other imports are also still rising steeply, and we would have been in serious balance of payments difficulties already if it had not been for the fact that coffee, tea and sisal prices have improved sharply in 1974 to off-set these higher costs. Naturally, we hope that our export prices will remain at their present levels, or even improve further, but there are already indications that the prices of primary commodities generally are falling back. Unfortunately, there is little indication that the prices of manufactures are coming back at the same time.

ECONOMIC STRATEGY

We have no option, Mr. Speaker, but to base our economic strategy in 1974/75 on the need to preserve a balance on external account. I hope, however, that we can achieve this without any serious restriction on imports through licensing, and that we can achieve the balance we are seeking through restructuring of the Government budget, restricting demand for imported consumer goods, particularly petroleum products, and by increasing our borrowing from the international agencies as a stop-gap while we endeavour to reorganize our economy to the new situation that faces us.

I propose to ask the World Bank for a programme loan and the International Monetary Fund for a loan under the special oil facility that has been proposed to help all countries facing this wholly unexpected but devastating increase in oil prices. If we are not to bring development to a complete halt, a country such as ours must have time to allow our more fundamental measures to work. I hope I can secure such loans to give us this time.

We have already taken steps to be more selective about the new projects included in the Development Estimates, in order to achieve a higher rate of economic return from our expenditures. We propose to postpone building projects that can, without too much hardship,

[The Minister for Finance and Economic Planning] be held back for a year or so. Further, I have placed under requisition K£11 million of expenditure contained in the current year's Development Estimates. I shall speak about this in more detail later on. The forward Budget for 1974/75, on which we are already working, will be reviewed even more stringently, in order to give priority to projects that have a low foreign exchange cost and which will give us a higher economic return.

I am not convinced that we receive all the foreign exchange that we should from tourists who come to Kenya. Accordingly, to protect our balance of payments, and in order to increase our benefits from this industry, regulations will be published whereby tourists will be required to pay all their hotel bills and domestic tour bills with foreign exchange. In addition, all hotels and tour companies will be required to conduct all foreign exchange and other financial transactions over a single bank account which will be open to inspection by the Exchange Control.

On the more positive side, the Export Compensation Scheme for manufactures will be brought into effect as quickly as possible. I look to our manufacturers to respond to the incentive this will provide.

CREDIT AND SAVINGS POLICY

In view of the sharp increase in the import bill and consequent fall in our foreign reserves, it must be expected that domestic credit will be very tight. I shall, therefore, say something about how I propose that the limited amount of credit will be used.

In present circumstances, the requirements of the Cereals and Sugar Finance Corporation for the finance of domestic crops must have priority, and any Government needs must also be met without excessive expansion of the money supply. Accordingly, domestic credit to the private sector from the banking system will only be permitted to increase this year at an annual rate of 12 per cent.

In order to achieve this, the Central Bank will review all borrowing limits allocated to foreign controlled companies to ensure that local borrowing by any such company is brought back to 20 per cent of the amount of the foreign investment, unless there are very strong reasons to justify exceptional treatment.

If it is necessary to tighten credit further than I envisage now, it may well be necessary to set a standard below 20 per cent: we shall adopt a flexible attitude to this. There has been pressure from foreign-controlled companies who wish to take advantage of the low rates of interest ruling in Kenya to borrow substantial sums from the local banks; but citizens and locally-controlled businesses must be given priority in the allocation of domestic credit.

Further, the banks will be required to raise their minimum lending rates, from 7 per cent to 8 per cent. This increase will mainly be felt by the large companies, especially foreign-controlled ones, which now borrow at the "prime rate". It will also add to the borrowing costs of some Government institutions. However, the increase in the minimum lending rate should not, *and I underline this*—lead to proportionate increases in other

lending rates. Further, the increase in the prime rate should allow the banks to put up the rates allowed on savings and deposit accounts, with the minimum rate being fixed at 5 per cent. The Central Bank will issue the necessary instructions to the commercial banks.

There is now an even greater need to mobilize savings for development, and I propose to introduce legislation to increase the deposit rate paid by the Post Office Savings Bank in line with that of the commercial banks. The more savings we can mobilize within Kenya, the less will be our need for foreign capital.

The tightening of credit will create financing problems for a number of foreign companies, particularly those that are concerned with purchasing imports at inflated prices. I appreciate these problems but those companies must appreciate why we are having to do this. Many foreign firms try to operate in this country on a capital base, as represented by their shareholders' funds, which is unreasonably small. They must, therefore, try to put this right by retaining a greater part of the profits they earn; so that they can finance their own operations with less dependence on local credit. However, where a foreign firm needs more time to do this, but is making genuine efforts towards this end, the Central Bank will allow such firms to borrow overseas at rates of interest higher than those now permitted.

In the difficult balance of payments situation in which we find ourselves, we have a need, even more than in the past, for additional investment from overseas. We are, however, now unable to provide domestic credit to finance the operations of foreign investors in Kenya and they must, therefore, find that credit outside Kenya and bring it with them to finance their operations here. This is not a measure aimed against foreign investment. It is simply designed to give priority in the use of Kenya savings, to Kenya-owned businesses. Foreign investment is as welcome in Kenya as ever. Until the credit situation eases, however, they must be prepared to find any finance they require abroad.

EXPENDITURE 1974/75

But if, through restrictions on the supply of money, I place some restraint on the private sector, I must also try and restrain the Government sector in the coming year. This is, however, difficult, if the overall level of Government services is to be maintained, and if the new Development Plan is to get under way. The problem is made particularly difficult by the inexorable growth of education expenditures. In 1964/65, just after independence, gross recurrent spending on education, when local authorities were largely responsible for primary education, represented 7½ per cent of total recurrent spending. This year, the proportion is 25 per cent. Next year, the proportion will be 27 per cent. Even allowing for the earlier neglect of education and the importance that we all attach to providing good schooling for our children, we must define some limits to expenditure on education. We are now providing the first four years of primary education to everyone without fees. The opportunities exist for any child of ability to go to secondary school. The most able of all can go on to University. But there is now a real risk that the

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expansion of secondary and University enrolment is proceeding at a rate which the country cannot afford. As a result, other services, such as agricultural credit, are not receiving a reasonable share of the resources available. Education must be planned within the structure of overall national resource availability, if we are to exercise control over recurrent spending generally, and if we are to follow a balanced development strategy.

In the coming year, 1974/75, total Recurrent Expenditure, net of Appropriations-in-Aid, as you can see from your copies of the Estimates, will be about K£170 million. On a gross basis, this represents expenditure of K£186 million, an increase of 12.6 per cent over Recurrent Expenditure this year. Half the increase in voted expenditures will be spent on education. As I have just said, this is a matter to which we must all give the most heart searching thought. Effectively, proposed recurrent spending next year is lower than the planned recurrent expenditure for 1974/75 indicated in the Development Plan, if adjustment is made for price changes. If our overall economic strategy is to be successful, it is, however, essential that this restraint is imposed.

Total Development Expenditure, gross of Appropriations-in-Aid, is shown in the Estimates as K£88 million, an increase of 37.5 per cent over the expected level of spending this year. In a period of restraint, this might seem, at first sight, to be an unreasonably rapid rate of increase in spending, but if you look closely at the Estimates, you will observe that I have "requisitioned" some K£11 million of the expenditure provided. Those projects marked as being requisitioned will not be permitted to proceed until Treasury approval is given explicitly. The reason for this is that we are in the process of negotiating aid finance for projects costing some K£7 million but project agreements have not yet been finalized and signed. Once we have firm commitments from a donor in the form of a final project agreement, the requisition will be lifted and the project allowed to go ahead. This means that we shall be able to match revenue with expenditure.

There is also a K£4 million item requisitioned which has nothing to do with aid finance. This provides, in the Vote of the Ministry of Agriculture, for a loan to the Central Agricultural Board. The purpose of this loan will be to fund the longer term debts of the Central Agricultural Board relating to short term crop advances, so that these debts are not carried by the Cereals and Sugar Finance Corporation beyond a single season. This can be regarded as a book transaction between two Government accounts and there will be no net economic effect arising from the expenditure.

Ignoring details such as I have just described, the Estimates taken together provide for expenditure of K£274 million, nearly 20 per cent higher than the current year. In spite of our difficulties, I am determined that we shall continue with the task of national development. Although I have placed a restraining hand on Recurrent Expenditures, I am still seeking to move forward, on the Development side, as proposed by the new Plan.

THE FINANCIAL OUTLOOK

Overall, Mr. Speaker, I require an additional K£20 million for recurrent spending and an additional K£23 million for development spending. How are we going to pay for this?

The financial outlook for the coming year is, in part, dependent on the extent to which I have to hold back the expansion of the economy in order to preserve a balance on external account. Generally, as I have indicated, the outlook for production and income overall is reasonable. Similarly, the outlook for the revenue would also be quite fair, except to the extent that it is necessary to restrict the economy to safeguard the balance of payments.

There are, however, three special factors that will restrict the growth of revenue in 1974/75. Firstly, the windfall payments of 1970 company tax the revenue has received over the last four financial years will have come to an end. We have been collecting about K£3 million a year from these windfalls which will no longer be available.

Secondly, I have to allow for the fact that the export compensation payments to manufacturers will be deductible from Customs and Excise Revenue. This is more difficult to estimate but I have allowed K£3 million for this also—although I hope to recoup part of this amount in the form of taxation of higher profits.

Thirdly, *appropriations-in-aid*, which are used to finance ministry expenditures directly, will be more than K£3 million lower next year. There are a number of reasons for this, amongst which, of course, are the lower receipts from school fees. Since I have been considering gross expenditures, I must take those lower appropriations into account.

When all factors are taken into consideration, I expect ordinary revenue to increase from K£172 million in the current year to K£185 million next year, an increase of K£13 million. Appropriations-in-aid will be K£3 million lower. Gross revenue, therefore, is estimated to rise by only K£10 million.

Fortunately, I have reason to expect that the volume of aid next year may be K£8 million higher than in the current year. I am confident of securing K£25 million, and as I indicated a moment ago, if aid under negotiation is not finally secured, the projects earmarked in the Estimates to be financed by such aid will not be permitted to go ahead. Some K£6 million of aid comes into this category but I am confident that the main part of this will be secured and there is reason to believe that an even higher total may be available. I have taken no account of any special World Bank or I.M.F. loans such as I mentioned a moment ago.

This year, I have secured K£19 million by way of long-term domestic borrowing. Next year, I am aiming at K£20 million, an increase of £1 million.

Thus, from revenue sources available to me I expect to collect an additional K£19 million, compared with an increase in spending of K£43 million. There is a gap of K£24 million, or K£20 million if I exclude the K£4 million book transaction of which I spoke a moment ago.

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FINANCIAL PROPOSALS

A gap of K£20 million is a very large one—certainly much more than I can finance through the banking system, without risk in present economic circumstances. Before I explain how I propose to cover the cost of the additional expenditures, I would ask you, Mr. Speaker, to regard the rest of my Speech as being Notice of a Motion to be moved before the Committee of Ways and Means.

PAPERS LAID

1974/75 Estimates of Revenue of the Government of Kenya for the year ending June, 1975.

1974/75 Financial Statement.

(By the Minister for Finance and Economic Planning (Mr. Kibaki))

(Resumption of Minister's Speech on Financial Statement)

Before I outline the particular measures I propose to cover the gap, I would ask, Mr. Speaker, that all hon. Members recall what I said about the purpose of my Budget right at the beginning of this speech. I said the Budget should, among other things, be used as an opportunity to fulfill our obligations to the poorer members of the community. In times of economic difficulties, it is sometimes impossible to isolate every one completely—but at least I shall try today.

With a Budget gap as large as I have indicated, there is, I am afraid, no escape from new taxation measures. I have strived, however, to find new sources of revenue that fit in with the overall fiscal strategy I described at some length last year, to the extent that this will not undermine the standard of life of the poor. I feel in these circumstances that I can tax the non-essential expenditures, some of which members of this House have themselves suggested could bear a higher level of taxation.

BETTING TAX

Firstly, I propose to raise the rate of tax on off-course betting from 5 per cent to 7½ per cent. This is not a major measure, and is only estimated to provide me with an additional K£80,000 but if people can afford to lose their money by betting, they can also afford to lose a little in extra taxation and contribute to the welfare of their fellowmen!

SALES TAX

Secondly, I propose to raise the rate of sales tax on beer, cigarettes and tobacco, and petrol.

The price of a half litre bottle of beer will go up by 25 cents, of which the revenue will earn 21 cents. The remaining 4 cents will compensate the breweries for part of the cost increases that I have insisted they carry in recent months. From this measure, I expect the Exchequer to earn an additional K£3.4 million.

The price of cigarettes will go up by varying amounts depending on the brand. A packet of Sportsman—the most popular brand—will go up by 25 cents. More expensive brands will go up by 50 cents a packet; the

cheapest brand will go up by 15 cents. Imported cigarettes—if smokers can't live without them—will go up by Sh. 1 per packet. There will also be a change in the cigarette and tobacco excise but the price changes I have just outlined will follow from the combined effect of the proposed change in sales tax and excise taken together. The Exchequer will gain over K£1 million from increased tobacco taxes.

Petrol taxation—and the price of petrol—will rise by 20 cents per litre. As I described earlier, the oil crisis is to a large extent the root cause of our own present problems. I must, therefore, enforce greater economy in the use of petrol. Those that are not prepared to economize will have to pay higher taxation. I also propose that the normal rate of Sales Tax should apply to all lubricants and greases which are free of Sales Tax at the present time. I expect the Exchequer to profit by K£3.3 million from increased taxation of petrol and lubricants.

Thirdly, I propose to create a higher rate of sales tax for a number of items of personal expenditure which in present circumstances must be regarded as luxuries. The rate of sales tax will be raised from 10 per cent to 15 per cent on the following items—wines, spirits, travel goods, domestic refrigerators and washing machines, other electrical appliances, cameras, films and photographic equipment, watches, gramophone records, cassettes, tape recorders, dictating machines, mechanical handling equipment—and finally—motor cars. I hope to raise an additional K£800,000 from the increased rate of sales tax on what I believe must be regarded as "luxuries".

In addition on Sales Tax, I propose to make one fairly major concession. Manufacturers who produce tax exempt goods are not at present permitted to register as manufacturers under the Act. As a result, they are not able to purchase their raw materials free of tax as they would if their own products were taxable. I now propose that the law should be changed to enable them to do so and I calculate that this will reduce raw material costs of the firms involved by K£600,000. We shall of course expect those cost savings to be passed on the consumer—most of them should relate to agricultural chemicals and supplies.

Taken together, the changes in Sales Tax, I have announced this afternoon, are estimated to provide the revenue with an additional K£7.6 million in 1974/75. They will take effect from mid-night tonight.

INCOME TAX

Regarding Income Tax, although our new Kenya Income Tax Act has only been in operation for a few months, there are one or two anomalies I should like to clear up. I will not describe all these proposals in detail, since they are set out in the Finance Bill published today, but they are designed to clarify certain sections of the law where difficulties of interpretation have arisen and to ease the working of the law.

More substantively, I propose to make two changes in income tax that will affect the revenue. In a period when I am asking everyone to show restraint—particularly the wage earner in his wage demands—I feel that

[The Minister for Finance and Economic Planning]

I must place some greater restraint on profits. Accordingly, the rate of tax on company profits will be increased from 40 per cent to 45 per cent and the rate of tax on the profits of foreign branches will be raised from 47½ per cent to 52½ per cent. These changes will apply to the year of income 1974.

I am, however, persuaded that there is a case of exempting the profits of life insurance companies from the proposed increase in corporation tax and I am setting a special rate of corporation tax of 40 per cent for profits earned by *resident* companies on their life funds.

In addition, from mid-night tonight, the rate of tax on dividends paid to non-residents will go up from 12½ per cent to 15 per cent. This tax can of course be avoided so long as profits are retained in the business and dividends are not paid. The rates of withholding taxes on resident dividends will also go up to 15 per cent but, as now, those dividend taxes will be set off against personal tax under assessment, so that, in the end, no additional tax will be paid by a resident individual.

I estimate that the increased taxation on profits and dividends will earn the revenue K£3½ million.

CUSTOMS DUTIES

I spent some time during my speech last year explaining why I thought our external tariff had become outmoded and why it was leading to some misallocation of resources in our economy. Under the East African Treaty it is, however, necessary that we introduce any changes in concert with the other partner states. To this end, agreement has been reached to study the impact of a general reform of the external tariff on an East African basis.

In the meantime, however, we have generally agreed that there is a need to reduce the level of protection afforded by the tariff on food items. We, therefore, propose, jointly, that the rate of duty on meat, fish and milk products in the first three chapters of the tariff will be reduced from 50 per cent to 25 per cent. In addition, the duty on fixed vegetable oils will be reduced from 40 per cent to 20 per cent and the duty on margarine will be reduced from 50 per cent to 25 per cent.

Mr. Speaker, I gave notice last year that I intended to reduce some of the higher protective duties in the tariff: the reductions this year are an earnest of my intentions for the future. Our economy must become more competitive.

There are a number of minor changes none of which have any significant revenue effects and which are largely designed to correct anomalies in the tariff. They are all listed in detail in the Finance Bill.

Two will, however, perhaps be of interest to some of the ladies. The Customs Department have had great difficulty in knowing where to classify false eyebrows, false eyelashes and hair switches. These vital female accoutrements will from now on be classified with wigs and taxed at 30 per cent. Also, the rate of specific duty applying to individual items of women's outer garments will be raised to the same level as for men's

outer garments, that is Sh. 6. In these days of uni-sex, the Customs are unable to decide, always, whether a garment is for a male or a female. By taxing male and female garments at the same rate the difficulty is removed.

Taken together the changes in the Customs tariff this year are relatively minor. Overall, I am giving up K£100,000 of revenue.

These then are my Budget measures. In all, I expect to raise a total of K£11.4 million from the higher taxes I have announced today. Even so, this will still be insufficient to cover the gap of K£20 million I mentioned earlier. The difference of some K£9 million will, if necessary, be financed by an increase in short-term borrowing from the banking sector. I believe that this level of short-term borrowing need not be dangerous to our general financial strategy and to increase taxation more than I have proposed would cause some hardship.

As things stand now, if I may summarize, if you drink, smoke or drive, you will have to pay more in taxation. If you are among the fortunate few who can afford cameras, refrigerators, tape recorders and the like, you will also pay more tax. If you own a company earning profits, your company will pay more tax. If, however, you are an average Kenyan, struggling to make a living from the land, you cannot afford the things I propose to tax this year. I have not taxed food—indeed some of the food taxes have been lowered—I have even not taxed *pombe*—when made at home. There is a burden of additional taxation to bear; but the people who will have to bear this increased taxation are I believe the ones that are best able to afford it. This is in accord to the well-known principle of social justice—namely, “from each according to his means”.

I am prepared to risk the charge that my Budget is taxing the pleasures of life, and is therefore a “spoil-sport” Budget. In times of difficulty, those that can afford it must give up some of their pleasures, so that others do not go short of food. In the circumstances, I believe my Budget is fair, and I believe it carries a stage further my long-term programme of fiscal reform. It will enable us to continue to implement the important parts of our development programme in spite of all the economic difficulties we face.

Mr. Speaker, I have talked about the very difficult economic problems that we face in the coming year. I would like to reaffirm my conviction that we shall pull through. Our success is, I feel, assured for two reasons: First and foremost, we shall continue to enjoy the strong and dedicated leadership of the Father of our Nation who for fifty years has always given us the inspiration to overcome problems far greater in their magnitude and intensity than those that we now face. With him at the helm the ship of state will, without doubt, maintain course and sail to the harbour through the economic storms that we face. Secondly, Mr. Speaker, we shall pull through because we are a free people in a free society and I personally have the greatest faith in the ability and willingness of our people to work harder and produce more. In a free

[**The Minister for Finance and Economic Planning**] society such as ours, every individual citizen will work hard in the full knowledge and confidence that he will enjoy the fruits of his labour in tranquillity.

Mr. Speaker, this Budget will be the last one that I present before all of us members of this House go back to the people in search of a new mandate. It is fitting, therefore, that on behalf of each one of us, I should reaffirm our faith in the Parliamentary Democracy. Mr Speaker, despite all the problems, delays, and frustrations of democratic decision-making processes, our Nation must, at all costs, continue to defend and extend the democratic institutions whose foundations we have so firmly laid over the last ten years. So it is my hope and prayer that the processes of elections will be conducted in an atmosphere of peace and freedom and in the spirit of true sportsmanship—and may the best man win!

Mr. Speaker, I beg to move.

(Question proposed)

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Hon. Members, it is now His Excellency's pleasure to take his leave.

(Hon. Members rose in their places while His Excellency the President left the Chamber)

ADJOURNMENT

Mr. Speaker: That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Thursday, 13th June, at 2.30 p.m.

The House rose at forty minutes past Four o'clock.

Thursday, 13th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Vote on Account—Financial Year 1974/75.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

The Tea Board of Kenya Annual Report and Accounts for the year ended 31st December, 1973.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Agriculture (Mr. Nyagah)*)

The Local Government Regulations, 1963.

Legal Notice of 1974—The Local Government Elections (Postal Voting) Rules, 1974.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Local Government (Mr. Osogo)*)

NOTICE OF MOTION

ROAD BARRIERS AT OYUGIS TRADING CENTRE

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

THAT, noting the frequent fatal traffic accidents which occur at Oyugis Trading Centre and which have increased since 1969 despite the installation of sufficient traffic signs by the Ministry of Works, which some motorists fail to observe around the centre, and since these signs have not helped to reduce the death toll this House calls on the Government, as a matter of urgency, to construct metal barriers or humps along the highway within Oyugis in order to reduce the high death rate suffered by the residents of the said centre.

ORAL ANSWERS TO QUESTIONS

Question No. 353

BEE-KEEPING IN KERIO VALLEY

Mr. Kurgat asked the Minister for Agriculture what encouragement the Ministry has given to the people of Kerio Valley in bee-keeping and whether an expert could be sent there to advise on this profitable project.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

The Ministry of Agriculture, recognizing the importance of bee-keeping as a profitable enterprise, has in the recent past embarked on campaigns aimed at encouraging the bee-keepers in the whole country including the Kerio Valley to adopt the new Kenya Top Bar Hive bee-keeping. These services include visits by the Ministry's personnel to advise on the spot. Demonstrations in bee-keeping are also given at farmers training colleges, the 4K Clubs and also during agricultural shows. On other occasion bee-keeping literature, etc. are distributed to the bee-keepers and, depending

on the availability of financial and staff resources, these services will be greatly expanded.

Mr. Speaker, Sir, as far as part (b) of the question is concerned, the answer is, yes. Upon request a bee expert can be sent out on short-term basis to advise on *ad hoc* basis also but in future, when trained staff is available, these staff can be stationed permanently at Kerio Valley.

Mr. Kurgat: Mr. Speaker, Sir, arising from that satisfactory reply given by the Assistant Minister, and in view of the fact that I have not seen the demonstrations which he has spoken about, and also bearing in mind that the people of Kerio Valley have never been visited by the Ministry's bee-keeping experts, will the Ministry undertake to send a bee-keeping expert there?

Mr. Khaoya: Yes, Sir, I will undertake to do that. However, let me take this opportunity to inform the House that we in the Ministry think there is money in bee-keeping. We have so far set aside a department with 14 officers in the various technical fields covering the whole of the industry. As the hon. Member has said, if only I could know where the services are required I will make sure that we make these officers available. Secondly, I would like to advise the hon. House and the nation as a whole that we reckon that if a farmer kept one bee-hive it is possible for him to get Sh. 141 per year by selling honey. It follows that if a farmer could keep about 10 bee-hives he can easily earn Sh. 1,410 per annum. We therefore think that there is money in bee-keeping and that everybody who is in a position to do so should keep bees and get the money.

Question No. 386

TRADE OFFICER FOR SAMBURU

Mr. Lentaya, on behalf of Mr. Lenayiara, asked the Minister for Commerce and Industry when he will post a trade officer specifically to look after Samburu as the number of traders, who are scattered all over the 10,000 square miles district, has increased greatly.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, I beg to give the following reply.

It is the intention of the Government to have a trade officer in each district of the Republic. This will be implemented when there will be sufficient funds to establish new offices. Samburu is, however, at the moment adequately served by the trade officers stationed at Nyahururu.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, is he aware that the trade officer who is stationed at Nyahururu is responsible for three districts, which are Nyandarua, Laikipia and Samburu? If he is aware of that, what makes him think that Samburu district is being served adequately by this officer?

Mr. Wood: That is a very good question, Mr. Speaker, Sir. What I would like to tell the Hon. Member is that since the middle of last year the commercial trade has improved very greatly in the districts I have mentioned. For this reason my Ministry has tried to do its best to apply for some money from the Treasury to

[The Assistant Minister for Commerce and Industry] enable us to appoint a trade officer for Samburu District. I would like to promise the hon. Member and the House that this matter is now in very good hands and in due course the district will have a trade officer, that is as soon as we get money from the Treasury.

Mr. Kiilu: Mr. Speaker, Sir, could the Assistant Minister tell the House what qualifies a district for a trade officer?

Mr. Wood: What qualifies a district for a trade officer is a really extensive trade.

Mr. Speaker: Next Question, Mr. D. M. Amin.

Question No. 384

TITLE-DEEDS IN WAJIR

Mr. Speaker: I have just remembered that Mr. D. M. Amin is sick. We shall go on to Mr. Yunis Ali's Question.

(Question deferred)

Question No. 293

CLASSIFICATION OF KIPCHERE/YATIA ROAD

Mr. arap Cheboiwo asked the Minister for Works when a road from Kipchere via Sibilo to Yatia will be constructed and classified.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

From the next Financial Year, starting on the 1st July, 1974 the road from Kipchere to Sibilo via Karoto will receive funds for maintenance as a minor road and it will continue to be the responsibility of the Ministry of Works to maintain it. The road to Sibilo via Yatia was not classified, but if the hon. Member feels that it should be taken over by the Ministry he should take up the case with the District Development Committee—many districts have district development committees—and finally to the Provincial Development Committee so that it can be reviewed together with the other roads being recommended for maintenance by the Ministry of Works.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the reply to part (b) of the Question, where the Assistant Minister said that the road from Sibilo to Yatia will be classified, and that if I have an interest on this road I should go to the District Development Committee, could I inform him that this road has already been recommended to the Baringo District Development Committee? This being the case, what is the Ministry proposing to do about this road because we have already forwarded our recommendations to the district development committee?

Mr. Keen: Mr. Speaker, Sir, I am not in a position to give an undertaking that this road will be classified during the next Financial Year. However, I would like to assure the hon. Member that as soon as funds are available this road will be classified.

Mr. arap Cheboiwo: Mr. Speaker, Sir, is the Assistant Minister aware that the road from Kipchere to Yatia via Sibilo is among the roads which are known as "security roads" and, as such, it should be tarmacked immediately?

Mr. Keen: Mr. Speaker, Sir, I am aware that this is a security road, but as I have said on several occasions in this House, before a road can be tarmacked we have to make sure that we have enough funds to do that. Every year we use all the money we are given by the Treasury to maintain given roads in the country. However, if, due to lack of funds, it is not possible to tarmack a certain road, then we have to wait until such a time that we have enough funds to finance such a project. I am sure that a road of this importance is going to receive due consideration by the Nakuru Provincial Engineer.

Question No. 333

COMPENSATION FOR LOSS THROUGH CONSTRUCTION OF A ROAD

Mr. Mwamzandi asked the Minister for Works if he will give reasons which led to the delay of payment of compensation for trees and houses demolished during the construction of road No. (d 547) from Mrima to Kikoneni.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

The road from Mrima to Kikoneni is not No. (d 547) but (c 106). Trees and houses were demolished during the road construction from August to October, 1972. There were some problems in identifying the owners of the trees and houses but as soon as that problem was solved payment vouchers were prepared and a cheque was sent to the Provincial Commissioner for Coast Province in November, 1973.

As this procedure normally takes from nine to 12 months, the delay in this case is normal.

Mr. Mwamzandi: Mr. Speaker, Sir, since the trees and houses in question were destroyed in 1972, will the Assistant Minister tell the House why he says that the delay in this case was normal? Is the Minister aware that "Kikoneni" which is in Kwale District is in most cases mistaken for "Kokoneni", which is in Kilifi District? Did he point out that distinction to the provincial commissioner before he sent the cheque, to avoid confusion?

Mr. Keen: Mr. Speaker, Sir, as far as my Ministry is concerned, a cheque was sent to the Provincial Commissioner for Coast Province. All that the hon. Member would have done is check either with the District Commissioner, for Kwale District or the provincial commissioner. However, I would like to assure the hon. Member that I am going to investigate the matter and establish the cause of the delay in this case.

Mr. D. M. Kioko: Mr. Speaker, Sir, since we have already entered another Financial Year and in view of the fact that this case took place in the 1972/73 Financial Year, will the Assistant Minister tell the House why the provincial commissioner did not take immediate action as soon as he received the cheque in question?

Mr. Keen: Mr. Speaker, Sir, with your permission, may I ask the hon. Member to repeat his question because I did not hear what he has said?

Mr. D. M. Kioko: Mr. Speaker, Sir, since everybody in this House is aware that if, in a given year, some

[Mr. D. M. Kioko]

money is not spent by a Ministry it is normally sent back to the Treasury, and in view of the fact that the cheque was sent to the provincial commissioner in November last year, will the Assistant Minister tell the House whether this cheque has been sent back to the Treasury? Will he also tell the House why the provincial commissioner did not take immediate action as soon as he received the cheque?

Mr. Keen: Mr. Speaker, Sir, I am sure the hon. Member will agree with me that I am not concerned with what takes place at the provincial commissioner's office in Mombasa or, for that matter, in any other place. However, as I have just said I will investigate the matter with a view to establishing the cause of the delay in this case. If it is true that the cheque was sent last year, definitely, the payment should have been made by now.

Mr. Mwamzandi: Mr. Speaker, Sir, the Assistant Minister has said that it is not his business to know what happens after a cheque has been sent from his Ministry to any of the provinces. Does he not agree with me that it is irresponsibility on his part not to mind about this? I believe it is his duty to see that the right people have received their money and on time.

Mr. Keen: Mr. Speaker, Sir, normally, when a cheque is sent to a district or provincial commissioner in any area for payment of people whose properties have been destroyed during the construction of a road, the Chief Accountant in my Ministry assumes that proper action will be effected accordingly. That is the reason why I am saying that I am not responsible for what takes place in Mombasa or Garissa.

Question No. 375

PROVINCIAL ENGINEER FOR WESTERN PROVINCE

Mr. Ebu asked the Minister for Works when Western Province will get a provincial engineer.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

My Ministry has no immediate plans of establishing a provincial engineer's office in Western Province. Before we can think of posting a provincial engineer to Western Province we need to have a large depot to house his office and workshops. Although suitable land is available for this purpose my Ministry does not have funds to finance such a project at the moment. Design work is, however, proceeding, and I hope that as soon as funds are available the depot in question will be built. Due to geographical factors my Ministry finds it economical to have Western and Nyanza Provinces under one provincial engineer who is stationed in Kisumu where there is a very large depot with very many workshops. I am satisfied that this officer has been doing his work efficiently and so far no complaints have been raised against him. I therefore think it will be a luxury but not a necessity to post a provincial engineer to Kakamega.

Mr. Ebu: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, is he not aware that Western Province has the right to have a provincial engineer to look after the roads there which are in a very bad condition?

Mr. Keen: I am not arguing that Western Province has no right to have a provincial engineer stationed there. As I have said, we have instructed the provincial engineer stationed in Kisumu to look after roads in Western Province as well. So far we have not received any complaints that this officer is not doing his work properly.

Mr. Masibayi: Mr. Speaker, Sir, does the Assistant Minister agree with me that due to the fact that the two provinces, Nyanza and Western, are developing very fast each province should have its own provincial engineer to look after its roads? The Assistant Minister should not tell us that the reason why there is no provincial engineer is because there are no housing facilities in Kakamega because, for his information, there are plenty of houses.

Mr. Keen: Mr. Speaker, Sir, for the information of the House the Provincial Engineer stationed in Nairobi also looks after roads in Kajiado, Machakos, Kitui and North-Eastern Province. The areas I have mentioned, when put together, are more than four times the size of Western Province. That is the reason why I feel that the Provincial Engineer stationed in Kisumu can adequately look after the roads in Nyanza and Western Provinces.

Mr. Karungaru: Arising from the Assistant Minister's reply, and in view of the fact that we had a nasty experience with the roads in that province when we lost a former Member of this Parliament in a road accident—this happened because nobody is taking care of the roads in the area—would he ensure that roads in that area are well cared for? Sir, many people have died in that area due to bad roads.

Mr. Keen: Mr. Speaker, Sir, I do not agree with the sentiments expressed by the hon. Member when he says that roads in Western Province are so bad that they are the cause of fatal road accidents. The Mombasa/Nairobi tarmac road is the worst killer of our people. So, the hon. Member cannot convince me that the causes of deaths and accidents in Western Province are bad roads and lack of a resident provincial engineer.

Mr. Speaker, Sir, it is not simple to organize a province because we need workshops, stores, offices and so on. We do not have funds for these things at the moment. In fact, if we were to embark on the construction of all these things now, it would mean that the money which we would use would be the money voted for the maintenance of roads. Sir, workshops and other ancillary facilities are not prime concern to us at the moment because we need to construct new roads and maintain the existing road network in Western Province. We know that we can adequately maintain these roads from Kisumu.

Mr. Ebu: Mr. Speaker, Sir, in the Minister's reply, he stated that if finances became available he would do something about giving us a provincial engineer. What efforts has he made to request for the finances? Has he done anything or is he just waiting for a miracle to make the money available?

Mr. Keen: Mr. Speaker, Sir, I have already said that design work is being carried out by my Ministry at the moment. We will soon post a provincial engineer

[The Assistant Minister for Works]

to Western Province. We have seven provinces in Kenya and when finance becomes available we will post a provincial engineer to every province of the Republic. However, for the time being, we feel that all development work could be carried out from Kisumu until such a time that the study and design work are completed. Therefore our development programmes will continue to be supervised from Kisumu.

*Question No. 373***SPEED GOVERNORS—PUBLIC TRANSPORT VEHICLES**

Mr. Nthenge, asked the Minister for Power and Communications, since some public service vehicles have governors to avoid dangerous over-speeding while some cars used for transporting the public have no governors, why governors are not made compulsory for all public service vehicles.

Mr. Speaker: Nobody from the Ministry of Power and Communications to reply to this question? Next question.

*Question No. 383***KASIGAU GAME SCOUTS' CAMP**

Mr. Mwamunga asked the Minister for Tourism and Wildlife whether, now that all game reserve areas around Kasigau in Taita have been turned into registered cattle ranches owned and run by *wananchi* he will consider moving the game scouts' camp from Kasigau to a more central place like Mwatate, from where the farmers who are harassed by wild game could call them as need arises.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply.

Kasigau, Mr. Speaker, Sir, is within the former hunting Blocks 25 and 26 where there is considerable hunting. The game scouts there are responsible for controlling hunting activities, game damage as well as poaching in these areas. Mwatate is about 10 miles from the game station at Voi where there are sufficient number of game personnel to deal with the game problems around the area.

Sir, game scouts from the Game Department at Voi serve Mwatate area and there is no need to move game scouts from Kasigau to Mwatate.

Mr. Mwamunga: While appreciating the fact that the area around Kasigau is a former hunting block and that *wananchi* have now been allocated the area for ranching purposes, and they adequately patrol land alienated to them, what is the work of game scouts in the area? The land now, Sir, is a private land; what more work are the game scouts doing there?

Mr. Shako: Mr. Speaker, Sir, it is not true to say that all the land there has now become private land. Since there is a lot of poaching going on in that area, we still need a game station at Kasigau.

Mr. Nthenge: Mr. Speaker, Sir, will the Minister tell this House what game scouts are doing in cattle ranches? Sir, could it not be that they are encouraging poaching in the area?

Mr. Shako: Mr. Speaker, Sir, the work of game scouts is two-fold. Their first duty is to control poaching. The second duty is to control game and also to protect people and their property. Therefore, they are there to protect people and to control poaching.

Mr. Mboja: Arising from the Minister's reply, where he says that the purpose of keeping game scouts in the area is to control poaching, how many poaching cases have been reported to his Ministry by the game scouts within the last 12 months?

Mr. Shako: I cannot answer that question off-hand, Mr. Speaker, Sir.

Mr. Mwamunga: Is the Minister aware that the game scouts have very little work in the area and that they are now terrorizing the people? They do not have any work to do really.

Mr. Shako: Mr. Speaker, Sir, I am not aware of that and, as I have said, there is still a considerable area which is still a game reserve and therefore, game scouts are still needed in that area.

Mr. Mwamzandi: Mr. Speaker, Sir, if game scouts in the area are almost a nuisance to land-owners and they are stationed there specifically to guard wild animals, would the Minister consider sending more game scouts there to move out all the wild game so that people can live peacefully?

Mr. Shako: First of all, Mr. Speaker, Sir, game scouts are not a nuisance to the people. In fact, they are protecting the lives of the people as well as their property. Secondly, Sir, we are encouraging private farmers to keep game on their farms in order to attract tourists so that they can get direct financial benefits either from game viewing or game hunting.

*Question No. 395***AID TO NJABINI HEALTH CENTRE**

Mr. Kabingu-Muregi asked the Minister for Health whether he would give some financial aid to Njabini Health Centre which is being built on self-help basis.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply.

Sir, self-help projects are supposed to be completed by the groups initiating them. The Ministry of Health will only be involved in taking over and running the completed projects.

Mr. Kabingu-Muregi: Arising from the Assistant Minister's reply, and in view of the fact that the former health centre was abandoned because it was almost collapsing, why can the Ministry not aid the new health centre?

Mr. Jahazi: Mr. Speaker, Sir, I do not understand what the hon. Member is trying to say. Maybe I need some clarification on that subject. Does the hon. Member intend to say that there is one health centre, which is operating, but it seems to be collapsing, so that another one has already been built on a Harambee basis, and the people have moved from the old one to the new one? If that is so, there is no problem at all. The exercise does not require additional staff. If this was done between the Ministry and the self-help group which put it up, then I am sure there is no need for

[The Assistant Minister for Health]

the hon. Member to ask a question here. If, however, the Harambee group initiated the project without the knowledge of the Ministry then, Mr. Speaker, Sir, I think we should have a little more discussion on this matter outside the Chamber.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, this Question has been asked here because of the promise which the provincial medical officer made, but nothing has been done about it. If the Assistant Minister is aware of that, then I hope the situation will improve.

Mr. Speaker: That is not necessary, Mr. Kabingu-Muregi.

Question No. 381

PROMOTION OF SOUTH NYANZA TEACHERS

Mr. Migure asked the Minister for Education:—

- (a) how many teachers from South Nyanza District have filled in forms for promotion, after acquiring the necessary qualifications, and have not been considered; and
- (b) when he is going to consider their cases and why it has taken him so long to promote them.

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

(a) Out of 280 teachers from South Nyanza District, who have submitted their forms to the Ministry of Education for promotion, there are only 11 applications which have not been processed.

(b) I am not aware that there has been any undue delay in processing these applications and the 11 pending cases will be dealt with as soon as important information, which is now missing, and which has already been asked for, is supplied by each individual applicant.

Mr. Migure: Mr. Speaker, Sir, while I appreciate what the Ministry has done, I would like to know from the Assistant Minister whether the 11 teachers, whose applications have not been considered, will get their promotion from the time they passed their examinations or whether they will be promoted with effect from the time their applications will be processed.

Mr. Rubia: Mr. Speaker, Sir, as I have indicated, as soon as they submit the required information their cases will be speeded up. With regard to the question as to whether their promotions will be backdated to the time of their applications, I would like to say that whenever you apply for anything you receive it when your application is approved.

Mr. Araru: Mr. Speaker, Sir, arising from the earlier reply from the Assistant Minister, where he said that the Ministry is waiting for some important information before the 11 applications can be processed, what type of information is he talking about? Can he give the House more light on that?

Mr. Rubia: There are, seemingly, some small points which have to be cleared, but they are really very important and technical. Such points include teachers' certificate numbers. In some cases, names have been mixed up and we would like to have the correct identity

of the applicants. For example, an applicant may mention three of his names instead of two names which are in the registration book, and so on. There is also the question of index numbers, and so on. In some cases teachers have submitted their applications to the Ministry direct instead of channelling them through their education officers. These are some of the small points, but they are very important.

Question No. 399

SECONDARY SCHOOL FOR MARAKWET

Mr. Kurgat, on behalf of Mr. Cheserek, asked the Minister for Education whether he is aware that there is no Government-aided secondary school in Marakwet Division; what is being done towards take-over of either Chebara or Marakwet Harambee secondary schools by Government.

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

It is surprising that the hon. Member should ask a question like this, especially when he himself comes from Marakwet Division. Chebara Secondary School was taken over by Government in 1965. Since then it has been functioning as an aided secondary school. I might add that it is misleading to the extreme for the hon. Member to create an impression that there is no Government-aided secondary school in that division.

Mr. Kurgat: In view of the fact that Chebara is not fully aided by Government, would they consider taking it over fully instead of taking over part of the school services and leaving the rest, such as provision of blankets, sheets and food, to the parents?

Mr. Rubia: Mr. Speaker, Sir, even if the school was taken over by Government in 1965 it is possible that there are certain things which are still needed by the school. That is not an isolation. It is a question of how much money we can afford to provide. With regard to the points which the hon. Member has raised about blankets and so on, surely, that can be dealt with at the school level by the board of governors and so on.

Mr. Kurgat: In view of the fact that Marakwet Division is one of the backward areas of Rift Valley, can the Assistant Minister consider taking over this very important school, known as Marakwet Secondary School, which is now coming up?

Mr. Rubia: Mr. Speaker, as indicated in the 1974/78 Development Plan, Government is not going to take over any more Harambee secondary schools. However, a system of assistance will be employed, and Marakwet Secondary School will be considered in that light. The idea of taking over any Harambee secondary school is out of the question according to the Motion which we passed here last week.

Question No. 274

ASSISTANCE TO HURUMA ESTATE PLOT-OWNERS

Mr. Y. Ali asked the Minister for Local Government, considering the fact that Christian Council of Kenya has recently donated money to the city council to assist *wananchi* who were allocated plots at Huruma Estate, he would state why the plot-owners have not been assisted with the money in question.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I apologize for not being here earlier to answer this question.

I beg to reply.

It is true that the Christian Council of Kenya has agreed to donate some money to Nairobi City Council for the purpose of assisting plot-owners to construct houses in Huruma Estate. This money has not, however, been released to the council by the National Christian Council of Kenya. There has been some hold-up while discussions were held on availability of the supervisory staff. This hold-up has now been resolved, and as soon as the money can be released to the council the work on the estate will start immediately.

Mr. Y. Ali: Arising from that answer, Mr. Speaker, is the Minister aware that the plots were allocated to *wananchi* at the same place on condition that the Christian Council of Kenya, in conjunction with the City Council of Nairobi, will immediately make money available for the assistance of the poor *wananchi*? Since it is now over one year since these plots were allocated, what is the Minister thinking about the financial position of these *wananchi*?

Mr. Osogo: Mr. Speaker, Sir, I am at sea! I have just stated that we had difficulty in getting supervisory staff. The National Christian Council of Kenya insisted that there be some technical people to supervise the construction of these houses. The people themselves are not technically qualified. So, the National Christian Council of Kenya insisted that there be some technically qualified people to assist them. These people were not available at that time, but we have just concluded that we will have to assign a few of these technically qualified staff of the City Council to the supervision of the construction of these houses. After these discussions, we hope the National Christian Council of Kenya will release the money and the construction work will start immediately.

Mr. Araru: Arising from the Minister's reply, I am surprised because normally, when we ask the Government to put up buildings for the police or for some other important use we are told that there is no money. Since somebody else has provided some money and Government is only being asked to provide technical advice, is it not surprising to hear them say that they do not have the people? Where do we stand as far as the Government policy is concerned?

Mr. Osogo: Mr. Speaker, Sir, if the hon. Member does not know which way we are standing, then we are standing this way! However, to be on a more serious note, Mr. Speaker, Sir, the type of technical people that are required to supervise these people are very few in the country and even the City Council has got very few of them at the moment. However, they are prepared to sacrifice the few they have for this particular project.

Mr. Y. Ali: Mr. Speaker, Sir, in view of the fact that the City Council recently issued notices of repossession of plots due to non-completion of houses, will he now, following upon his statement that there was a technical hold-up, advise the City Council not to repossess these plots because it was not the owners fault that their houses have not been completed?

Mr. Osogo: Mr. Speaker, Sir, that statement is strange to me. In fact, it is very new to me; if it represents the true situation, then I will follow up the matter.

Question No. 373

SPEED GOVERNORS—PUBLIC TRANSPORT VEHICLES

Mr. Nthenge asked the Minister for Power and Communications, since some Passenger Service Vehicles have governors to avoid dangerous over-speeding, while some cars used for transporting the public have no governors, why governors are not made compulsory for public service vehicles.

Mr. Speaker: Anyone from the Ministry of Power and Communications to reply to the Question.

We shall go to Question by Private Notice.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

HOUSE ALLOWANCE MUNICIPAL COUNCILS' EMPLOYEES

Mr. Speaker: Mr. Mwithaga not here to ask his Question?

Next Question Mr. Mutua.

(Question dropped)

COMPENSATION—LOSS THROUGH CONSTRUCTION OF THUCI ROAD

Mr. Speaker: Mr. Mutua not here also to ask his Question?

Next Order.

(Question dropped)

POINT OF ORDER

TIME FOR MAKING PROMISED MINISTERIAL STATEMENT

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir. The day before yesterday I raised a Question about the destruction of crops at Gatuanayaga and the Minister for Agriculture promised to make a statement in this House. Now, he has not made this statement this afternoon—

The Attorney-General (Mr. Njonjo): He is getting ready! That is what he told me.

Mr. Kahengeri: When? Am I entitled to request that this statement be made here and now by the Minister for Agriculture because we are tired of waiting? Some of these crops were to be destroyed yesterday. Therefore, we want to know what happened. Did he take any action?

Mr. Speaker: Actually, the Minister for Agriculture is not here now and—

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, the Minister for Agriculture told me that he has, in fact, taken action and he will make a statement to this House tomorrow.

Mr. Kahengeri: Thank you for the information.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance and Economic Planning on 12th June, 1974)

(Resumption of Debate interrupted on 12th June, 1974)
(First Day of Budget Debate)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I stand to support the Motion—

An hon. Member: No, you are moving the Motion!

The Attorney-General (Mr. Njonjo): No, I am not moving the Motion; I am supporting it. I am supporting the Minister for Finance and Economic Planning. I know the procedure very well. The Minister for Finance and Economic Planning moved the Motion and, therefore, I am supporting his Motion.

I think, Mr. Speaker, Sir, the House will agree with me that we were all very moved by a very masterly exposition of the Government policy contained in the Financial Statement made by the Minister for Finance and Economic Planning, Mr. Mwai Kibaki, yesterday afternoon. I think we can also say that we are very lucky to have a man of that stature and education as our Minister for Finance and Economic Planning. Mr. Speaker, Sir, I, myself, cannot imagine another person, including myself, who can really run our financial affairs as efficiently as the hon. Kibaki has already done for the last few years.

Mr. Kitonga: I can do it better than him!

Hon. Members: Shame! Shame!

The Attorney-General (Mr. Njonjo): Now, Mr. Speaker, Sir, all I can say about the gentleman who has interjected me is that I am sure that God will help us and save us from him! I am sure that the House will agree with me that this is a very important Ministry and, therefore, it requires somebody with education, intelligence and keenness to understand the financial matters of our country.

Now, Mr. Speaker, Sir, I am not going to make any apologies for saying what I am just about to say. We know that there has been a lot of dirty "whispering" campaigns against the Minister for Finance and Economic Planning as a person because—

Hon. Members: No! No!

The Attorney-General (Mr. Njonjo): This is true and I am going to say it and I need no apologies for saying it. I am not defending the hon. Kibaki, but I think, Sir, that it is fair that our people and, in particular, the housewives know what the position is. Mr. Speaker, Sir, about two months ago there was this "whispering" campaign that "Oh, the price of sugar has gone up! It is Mr. Kibaki who has put it up. Oh, the price of unga has gone up! It is Mr. Kibaki who has put it up!" We too, in this House, have taken part in this campaign! That is very bad. Sir, instead of disabusing our people and telling them the factual position, we have supported this campaign which is going on outside the House. I do not think I would be wrong, Mr. Speaker, Sir, in saying that, in fact, the campaign originates from this House, from ourselves.

Mr. Araru: On a point of order, Mr. Speaker, Sir. Although we are very appreciative of what the Attorney-General is trying to explain about the Minister for Finance and Economic Planning, he has made some very serious allegations. He has said that there is a "whispering" or campaign against the Minister coming from this House. Now, Sir, this House includes all of us and even you, Mr. Speaker, Sir. Could we know specifically who are campaigning against the Minister from this House using the increases in the price of sugar and other commodities, claiming this to have been done by the Minister for Finance and Economic Planning?

Mr. Speaker: Well, Mr. Njonjo did not say that everybody here was involved. However, I am quite sure that if we went through HANSARD we would find some remarks which could be interpreted as promoting that idea.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, in fact, I did not say "a serious campaign" but I said "a whispering" campaign: "sho-sho-sho" all over the place!

Hon. Members: Hear! Hear!

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. I am seeking your guidance because it looks as if the Cabinet is fearing responsibility. The public, and particularly housewives, say that it is hon. Mwai Kibaki who has increased the price of sugar or other commodities, and we know that the money accruing from the increases does not go to him as a person; but he is the Minister responsible for finance, and therefore, he is responsible for these increments. Therefore, is somebody not right in suggesting that hon. Kibaki is the Minister responsible for finance and, therefore, taxation, he is also responsible for these price increases?

Mr. Speaker: No! Obviously, anybody who thinks that way must be very short in his thinking. It is obvious that if Mr. Kibaki went today, we would have another Minister for Finance. So, you cannot make it a personal matter, as the tendency has been. He is the Minister for Finance, but the attack was directed to him as a person, as if he was doing it on his own volition without reference to Government or anybody else.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, my time has been taken up by these irrelevant points of order and, therefore, I hope I will now be allowed to use the next five minutes without any interruptions. I know what I am saying is true. However, if it is not true, then, let the hon. Member who speaks after me dispute it or challenge me.

Mr. Speaker, Sir, I am saying that it is not Mr. Kibaki as such who has put up these prices. The Government decided, as a Cabinet, that the prices must go up. Therefore, it is not Mr. Kibaki himself, as an individual, who has done it. I was part and parcel of this decision and this House also supported this move. Therefore, for goodness sake, Mr. Speaker, Sir, let us not deceive our people outside and campaign against any individual when we know that it is a Government decision that has brought about these increases. These increases have come about because of the oil deal in which our friends have let us down. We know that if the prices of oil did

[The Attorney-General]

not go up and if the Arabs had helped us, we would not be in the situation we are in today. Therefore, if the prices have gone up this is not of our own making; it is outside Kenya and Kenya is not peculiar in this case. In fact, high prices have affected the whole world because of the oil crisis. We hope the Arab countries, because we supported them in their moves, will come to our help and reduce the price of oil.

Mr. Speaker, Sir, I commend this Budget to this House and say that it is a humane Budget. As somebody said yesterday, we could not have had a better Budget than this even if somebody else tried. Therefore, we congratulate the Minister for Finance for the excellent exposition and clarity in which he explained the Budget. Certain foodstuff, milk products and milk have gone down, and so it cannot be said by those who speak for the poor that this Budget will hit the poor people. However, this Budget will affect those of us—including every hon. Member in this House—who can afford to pay the taxes which were introduced yesterday. We also congratulate him for introducing some measures against the foreign companies which instead of bringing money from outside the country, buy small companies here and later on try to buy big companies. We encourage foreign investments but at the same time feel that these foreign companies should bring money from outside Kenya, but not try to borrow money in this country to run what is basically a foreign company.

Mr. Speaker, Sir, I am not going to take all my time bearing in mind that we were arguing yesterday on whether to take four or seven days for discussing this Budget. I am sure that if every Member speaks to the point instead of rumberling and saying unnecessary things, we can say what we want to say by way of criticisms in a very short time provided we are constructive.

The Member now trying to interject is one of who rumble and, in fact, does not—

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Do you not think that the Attorney-General should not be making these remarks in this debate but should have made them when we were debating the Motion on the reduction of days allotted to Budget Debate?

Mr. Speaker: He can still make them.

The Member now trying to interject is one of those fit he can wear them. However, that is all I want to say now.

Mr. Speaker, Sir, I beg to support.

Mr. Ahmed: Thank you very much for giving me this opportunity. The Minister was serious when he moved this Motion. The Attorney-General is not helping him he just wants to provoke us into attacking the Minister. We have no grudge against, or problem with Mr. Kibaki; I think he is the only Minister who can listen to your problems when you approach him. His mind is stable, he would sit with you and talk over your problem. I think he is the best man we have in the Cabinet. The Attorney-General was contradicting himself when he said that there was a whispering campaign against Mr. Kibaki and that he is not the only person

who increases our taxes. At the same time, the Attorney-General said that we should congratulate Mr. Kibaki for the clear exposition of our Budget. How can we congratulate him and yet this was the decision of the Cabinet? I would like to appeal to the Minister to note that there are backward as well as advanced or developed areas in this country. The Minister, including the whole Cabinet, should reduce the gap between the developed and the backward areas so that the under-developed areas can catch up.

It is true that there is inflation in the whole world and, therefore, prices will go up gradually. We should have consideration for others even though we might be having healthy accounts. Some of us may not be feeling the pinch because when the prices go up we just joke in the House and talk of other things. We must feel this pain. For example, we have so many things which are going on unchecked in Nairobi. Go to any shop to buy something and you will be surprised to note that the price of almost everything has doubled. A car's spare part which was costing Sh. 40 recently is now costing Sh. 140; this is over a 200 per cent increase. Therefore, we must have people checking on such things.

I do not want to take much time of the House, but the Attorney-General should know that we have a good Minister for Finance and Economic Planning, Mr. Kibaki, and we like him very much as a person and congratulate him, and wish him to have him back to this House after the coming elections.

With these few remarks, I beg to support.

Mr. Kurgat: Thank you, very much Mr. Speaker, Sir, for giving me chance to speak on this Motion. I support the Financial Statement made by the Minister for Finance and Economic Planning. I congratulate him for raising the cost of things like false eyebrows, false eyelashes which have been classified with wigs. This will reduce the importation of these items. This is because some of them are made of sisal, which is exported from this country only to come back in the form of wigs. Therefore, such things should be taxed even by a 100 per cent increase. For this reason I would say that the 30 per cent tax is still low.

If I may speak on the question of cigarettes and tobacco products I would say that I still believe that this is a cancer carrier item. Therefore, the Government should tax tobacco very highly. Governments of other countries of the world are trying to get rid of tobacco by replacing it with less poisonous stuff. I have the experience, Mr. Speaker, because I smoked a cigar one day and became unconscious for quite some time because I did not know that the smoke should not be swallowed. I used to swallow the smoke of tobacco and puffed it out through the nose. However, the smoke of a cigar is quite different. Therefore, Mr. Speaker, Sir, this habit of smoking should be stopped because it is very dangerous.

I support the Minister, Sir, for saying that he will introduce new prices for goods which are produced locally. For instance, Mr. Speaker, he should increase the price of foodstuffs, so that farmers may be induced to plant more.

[Mr. Kurgat]

I congratulate the President as well, Mr. Speaker, for having himself started a campaign for growing of wheat all over the country. I would also like to congratulate the Minister for Agriculture for having visited such places as Narok, Kericho and Nakuru. He should also extend this campaign to parts of Elgeyo-Marakwet so that the people there can also plant wheat. This is the time they can plant wheat, because it is already late for them to plant maize. Therefore, the Ministry should bear in mind that the people are now out to plant wheat.

Mr. Speaker, Sir, I would like to express sentiments similar to those expressed by the Members of the East African Legislative Assembly in connexion with water. We are wasting the water that goes down the Nandi Hills and on into the Mediterranean Sea through the Nile River. Mr. Speaker, Sir, this water should be sold to the Arabs because it is as much a natural resource as the Arab oil. Therefore, we should sell our water to the Arabs in return for their oil. They did not create this oil, it was created by God, and so was our water. Therefore, Mr. Speaker, for every barrel of oil the Arabs sell us, we should sell them a barrel of water. We need a lot of this water ourselves to irrigate the arid parts of our country. However, we are now giving this water to the Arabs, and I think God will curse them if they refuse to give us their oil. Mr. Speaker, Sir, if Arabs refuse to give us their oil, we should also refuse to give them our water. Mr. Speaker, Sir, we severed diplomatic relations with Israel hoping that Arabs would supply us with oil. However, it looks as though they have just taken it for granted that they can blackmail us with their oil. However, we have water running down our rivers into the Mediterranean Sea, which they use for their own purpose. This is very good water created by God. Therefore, we should also charge them for utilizing our water until we reach an agreement whereby they will also understand our situation.

Hon. Members: Hear, hear!

Mr. Kurgat: Mr. Speaker, Sir, coming to my third point, I would like to say something about the misappropriation of Government funds, as was revealed by the Public Accounts Committee. I have just one quarrel here, Mr. Speaker, and this is in connexion with the recommendation that Accounting Officers should be surcharged for such misappropriations. This, Mr. Speaker, I think is not the remedy. The problem here, Sir, is that most of these Permanent Secretaries are not concerned with the accounting mechanism used in their Ministries for the money allocated to them. Mr. Speaker, Sir, if you consider the case of the Ministry of Home Affairs, particularly where the Commissioner of Prisons is to be surcharged, you feel that the move is quite unfair since the Commissioner of Prisons is not himself an accountant. He is only in charge of the Prisons Department and he does not know anything about the accounts. Furthermore, Mr. Speaker, Sir, how many prisoners are sent to jail from the courts every day? They are very many. Therefore, the Commissioner of Prisons should not be surcharged because this money was used to feed prisoners. Now, how can he be surcharged if he did not put this money for his own personal use? However, if he took the money himself,

he should be taken to court and prosecuted for having misappropriated Government money. However, I do not think he misappropriated this money. It is the police who go out and arrest many people, who are prosecuted and sent to prison—now, you cannot know the number of prisoners who are going to be sent to any particular jail at any time of the year. Therefore, surcharging these particular officers is not a cure in itself. I feel that we should have efficient officers, who have undergone training in accounting work, answerable to the Public Accounts Committee, instead of just picking on an individual and saying that he has misappropriated funds while he has no control over accounts.

In fact, Mr. Speaker, the Prisons Department is doing a lot of work. This Department is running industries of its own as well as farms. Now, how can you be said to have misappropriated money while you are, in fact, bringing money to the Government?

Mr. Speaker, Sir, my fourth point is about the schools broadcast programme. In some schools in the Kerio Valley—I do not know whether this applies to all of them—it is very difficult for pupils to listen to the programmes because the reception in the valley is very poor. As a result, Sir, the pupils there find it very difficult to follow the lessons in these programmes. Therefore, I would urge the Ministry concerned to supply powerful radios to these schools, some of which are 4,000 feet above sea level.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I would like to join my colleagues who have congratulated the Minister for Finance and Economic Planning because if we were all to believe what the newspapers wrote, we would have had a different Budget altogether. However, he has proved to a number of people that their speculation was not correct.

Mr. Speaker, Sir, I think it is fair that the ordinary person is going to have it in a very good way, and only those of us who want to be extravagant will suffer. I am hopeful, Mr. Speaker, that the new tax on beer will reduce the number of drunkards we see in certain parts of this country.

An hon. Member: No, what about those who drink *chang'aa*. They are unaffected!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, we all know that *chang'aa*. They are unaffected!

However, I feel, Sir, it is not advisable to tax them at this particular moment, because they cater for those who cannot afford to buy beer. However, Sir, for those who can afford to pay for beer, an increase of 25 cents has not made much change. Some of these people say, "After all, it is the same 25 cents which I would have given as a tip to the waiter. However, I will now keep this 25 cents and buy a beer instead". Therefore, Mr. Speaker, the Minister was very wise in taxing some of these commodities.

On reading through the newspapers, Mr. Speaker, I have learnt that some gentlemen are complaining that

[The Assistant Minister for Commerce and Industry] some people will get some hardship in buying petrol for driving their children to school. My only answer to their problem, Mr. Speaker, is that they tell their children to walk to school, and that is the simplest answer. If you think you cannot buy petrol to enable you to drive your children to school, let them walk and get some exercise. Mr. Speaker, Sir, we have a tendency to make children live in a world of their own, whereby they lead a luxurious life and, as a result, if they get a difficult job they cannot do it because they imagine that their parents were well-off.

Mr. Speaker, Sir, we have seen that the children of well-to-do parents find it difficult to organize themselves when their fathers disappear from this world. I think we should not really complain about children needing cars to take them to school or women wanting to drive around when their husbands are busy in their offices. I think they should try to restrict their driving to necessities. However, at one time we were informed that because of the current money crisis in the world the Government was thinking as to whether it was not necessary to restrict the importation of certain vehicles of certain capacity. I wonder what has happened to this statement which was made by the Minister himself? We would like to know why it is necessary to import certain cars which are really not necessary. I know we have friends in this House who want them, but I do not think it is necessary to import these cars. I am not saying this because I cannot afford to buy one, but I think we can do without them, especially when they are to be bought for Government purposes. I think they are unnecessary.

Mrs. Onyango: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that we should stop women from driving around in cars when their husbands are in the offices? Is he in order?

Mr. Speaker: It depends on what they are doing when they drive around.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I also decided not to say what they were doing because some of them could be doing some useful work, but what we see occasionally leaves a lot to be desired. Some men, I am sure, do the same. They just drive around doing nothing.

However, I was telling the Minister to consider very seriously whether he should import certain cars which are really luxurious, especially when they are to be bought by the Government and for Government purposes, to be used by a few of us. I think it is not fair because when the officers we have know that petrol is more expensive, they will tend to use Government vehicles more than they used to do rather than using their own cars.

Mr. Speaker, Sir, it is my hope that the Minister will go into this question and make sure that we do not import these cars so that we do not drain our resources.

Mr. Speaker, Sir, the one thing the Minister taxed—I do not think was the wisest thing to do because we pay for it in one way or another—is false eyelashes; in the same category are certain other things

used by women. This is because if you tax women, as one woman said yesterday, it is the men you are taxing indirectly because in the final analysis they are the ones who will buy those things for women. So, rather than this being a punishment on women, it is a punishment on some men.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir. I think the hon. Member is now being very, very close to the bone. Can he substantiate that there are men who wear these false eyelashes?

Mr. Speaker: I do not think he said that.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I did not say that some men wear them. I said that some men pay for them in one way or the other.

Mrs. Onyango: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to assume that it is only men who will bear all the increased prices on cosmetics when we know that most ladies are independent because they are working?

Mr. Speaker: He said some men will bear the cost.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I think the hon. and gracious lady knows very well that some women do not work and some of us want to impress them because we want to marry again.

Mr. Speaker, Sir, I was trying to end by saying that this is a very fair Budget to our people and I am sure, as the *Standard* put it, it is a Budget which the people of this country liked and I am sure many of us, even those of us who are not financial experts, will be fair and say that the Minister has tried his best and we hope that he will do much better when he comes back to this House after being elected at Bahati and continue to help us.

I want to end by saying that the climate that has been created by our President, of stability and harmony, should be appreciated by all Kenyans. We should assist our beloved President to run the affairs of this country instead of trying to undermine our fellow men at night. You will find some hon. Members complaining that a certain Minister is undermining them in their constituencies, or that fellow Members of Parliament are taking some people to their constituencies and so on. If we really want to help one another, how do we afford to plant some candidates in certain Members' areas? I am sure this is not the way our President wants to do things. He does not encourage these things; but you will find that some people have the audacity to say that they have been sent quietly by Mzee to advise the people that So-and-so is the person who should have been elected in a certain area. You never know where they get this authority from. So, Mr. Speaker, Sir, I am hoping that the voters, who are also going to take time in voting, will not be misled by people who appoint themselves as the spokesmen of the President because our President is very capable of speaking for himself and saying what he wants at any time.

With these few remarks, I beg to support.

Mr. D. M. Kioko: Mr. Speaker, Sir, I would like to join my colleagues in supporting the sentiments that have been expressed by saying that it is unfortunate that we hear some people have joined up in an army formed solely to wreck Mr. Kibaki as a person. I think this is unfortunate and should not be encouraged by anybody because we know that he does not do anything as a person but as a representative of the Government.

Mr. Speaker, Sir, if the rumours already spreading in the urban areas are true, that there was a leakage of this Budget, then that will be very unfortunate. There is a rumour already that information had leaked on some of the items that had their prices increased; for instance, it is said that some people flocked in beer stores to buy their stock. It is understood that some bars were buying three times more than they normally buy. I am saying this because there is a rumour circulating that there could have been a leakage of the information contained in the Budget Speech. If this is true, I think it is very, very unfortunate. If it is true and it continues, this could easily be another racket exercised by the officers responsible for the Budget, and in that way they could be making a lot of money from the traders. Traders can decide to withhold the items whose prices are expected to bring a bigger marginal profit. This would be very unfortunate and I feel that the Minister will have to clear the air. I know people could easily speculate, but this time it was very abnormal that people could decide to buy a lot of stock of the items that were to have a rise in prices. It is unlikely that this was the normal speculation.

The other point I want to make here is that the Budget we have this year is very good because now the haves can now subsidize a little the people who do not have. As we all know, in this country, there are very many people who are unemployed. I call it a good Budget because it does not demand too much on the people who are lowly paid in this country, and that is what everybody wants.

The other thing I would like to say here is that we have had problems when we come to the question of price control. Since prices of most goods were fixed we do not get sufficient supply of the affected items. Some of these items are withheld by supply stores and it is possible that they sell them on black markets because they do not want to sell them at the prices which have been fixed by the Government. I am saying this because even up to this moment, most of the items that had their prices controlled are in short supply, and where they are available they are not sold at the prices fixed by the Government. The Government has not been able to come up with a solution. The Minister for Finance and Economic Planning controls prices. When the Government discovers that goods are hoarded by the shopkeepers it does not rescue the consumers by finding out why the goods are being hoarded. At the moment you will find that most commodities are out of stock, and yet you will still find that some people are able to get these commodities. I think the Government should fix prices which are agreeable to the traders or arrest the traders who are hiding goods. It looks like the traders were given a licence for black-marketeering. The Government is not doing enough in

safeguarding the low income group which is not able to get the commodities at the price that they want. When the public complain about the price of a given commodity the traders refuse to sell the goods involved to them and yet nothing is done. This is very bad, Mr. Speaker.

Mr. Speaker, Sir, if we are to save this country we have to think of whether we still need to import luxury goods in big quantities. I think we should have a ceiling on what this country can spend on the importation of luxury goods. We should only think of importing capital goods which as we all know, can help this country. We are spending a lot of money on luxury goods; I am sure the Minister knows this and I would urge him to act on it at once so that we do not spend all our foreign reserve on this.

With this few remarks, I beg to support.

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I would like to take this opportunity to congratulate the Minister for Finance and Economic Planning for his wonderful presentation of the Budget yesterday.

First of all I would like to point out that the Minister had to present this Budget in a very difficult financial situation both locally and internationally. I think there is a great deal in the Budget but the Budget is based on the fact that the problems involved have become so complex that many of us do not understand them and only take what is being said as a matter of faith. If we listened carefully we must have appreciated that the Minister had very convincing reasons for what he had done.

Mr. Speaker, Sir, the hon. Member trying to interrupt must be one of those who did not appreciate what the Minister presented although he is the spokesman of the Sailors Union.

Mr. Speaker, Sir, the point is that the Minister did present this Budget under very difficult economic conditions and this is the sort of situation facing most finance ministers internationally. It is our hope that the situation will improve; but, at the same time, I would like to make the additional remark that I think the Minister's error as the Minister for Finance in this country will be remembered for the reforms that he has introduced in our country's fiscal system. Right from 1970/71 Financial Year, he has every time introduced certain changes which have rendered our tax system more rational and removed certain anomalies that we inherited from the Colonial Government.

The second point, Mr. Speaker, Sir, that I would like to make in connexion with this debate is that while we are hearing a great deal about the need to subsidize farmers and to lower the cost of farming inputs, it is my feeling that it is high time that many farmers paid a fair share in taxes. It has become common for people to take refuge in farming as a way of trying to evade taxes. I agree with the Minister concerned that he will bring more and more of the large-scale farmers into the tax net. There is no point in making noise about subsidies if, at the same time, the same people are not prepared to make their contribution in this connexion. If the country's income tax is going to yield more revenue for developmental purposes, then those who

[The Minister for Health]

make these incomes will have to pay their fair share or else we shall not have an equitable tax system in a long time to come.

It is also quite possible that in future the Minister might want to explore the possibility of a land tax. Too many people have acquired land virtually as nothing but a possession to show for status. If much of the land is going to be brought under cultivation in the national interest, regardless of the size, it is proper that this national resource is put to proper use. If people are going to acquire land and keep it for speculative purposes, then it is the society that will be paying in this connexion.

Mr. Speaker, Sir, the additional point I would like to make is in connexion with the education expenditure. I have spoken about this point before in this House and I was quite pleased to note that the Minister, himself, takes this matter very seriously. It is an obvious fact that this country, today, spends as much more money in education than any other developing country. It is high time we took a very serious look at this particular issue. We are under pressure today to provide better health services but we cannot do so under the present Budget. We need more than we are now getting but we will not get the money if education has to get the share it is getting at present. This is equally the case for other social services. Therefore, there is a need to rethink about the education strategy and the amount of money spent on it. It cannot be an endless spiral. Education is good but other social services are equally good. At a certain point, surely, we have to exchange one service for education but we cannot simply go on spending on education at the expense of the other services because we shall end up having a lopsided society in the provision of social services.

Mr. Speaker Sir, after price increases in the last Budget our community was faced with a very serious problem arising from unscrupulous businessmen. The Sales Tax became the excuse for charging three, four or five times what one should have charged. I feel that it is the responsibility of the Members of this House to ensure that they explain to the *wananchi* what sales tax means. A sales tax of, say, 10 per cent on a given item does not mean an increase of 300 per cent in the price of that particular item. Many businessmen took the opportunity to exploit *wananchi*. I think this is unfair, and if we are here to represent *wananchi*—although we do not have to be financial specialists—we have to tell them that an increase of 10 per cent in sales tax means another 20 cts. above what was being paid before. What has been happening is that we have all felt helpless and expected that the Minister and Government officials will be in each and every place to see to it that businessmen charge the right prices. Where businessmen have been found unscrupulous, I think they should be very severely punished because what they are doing is unfair, especially at a time when the country is facing a difficult economic situation.

Mr. Speaker, Sir, I know there is a question on the increase in the price of beer. I am sure this House knows that in the provision of the medical services we

are paying so much, as a society, because of treating not only drunkards but also the reckless drivers who, after consuming a lot of *pombe*, cause the accidents. This is one of those items which I think ought to have been taxed 100 per cent. I am saying this, Mr. Speaker, Sir, because the social costs involved in the whole exercise is just amazing. Therefore, I think the Minister as well as the Government, should feel duty-bound to look into this problem critically. I am saying this because this problem is getting to a point where we have to think in terms of even starting a hospital for drunkards who have become addicted to drinking. This House would like to see the Government spending more money on essential services rather than treating addicted drunkards. However, these people have become a menace to the extent that they are an obstacle on roads and virtually in any other place we go to. I do not know what is going to happen, but, surely, the loss of useful people in our society through this particular problem is appalling and it is high time we took a serious step. Mr. Minister, I congratulate you for having done this.

Mr. Speaker, I hear an hon. Member mentioning *chang'aa*. I hope that gradually, as our society develops, there will be an alternative to *chang'aa*.

Mr. Speaker, Sir, the last point I would like to make in this connexion is in terms of decision-making. It is not fair for anyone in this House or outside this House to accuse the Minister for Finance and Economic Planning as far as certain financial decisions are concerned. I do not intend to repeat what has already been said with regard to the question of collective responsibility. Those who understand the situation under which the Minister has been taking decisions know that this is a very difficult job. For me, who to a certain extent understand some of the things the Minister was talking about, I would like to say that hon. Kibaki should not be sacrificed politically on the altar of those who are politically ambitious and who may be drowning and who think they can cling on him to survive.

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

Mr. Kitonga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in congratulating the Minister for Finance and Economic Planning for the manner in which he moved the national Budget this year. At the same time, Sir, I cannot forget to congratulate the Attorney-General—hon. Charles Njonjo—for clarifying the functioning of the Government this afternoon. I think everybody understood what he was talking about. He said that hon. Kibaki is the best among the Ministers who have ever been in the Ministry of Finance and Economic Planning. However, the Attorney-General forgot that I would also be able to run this Ministry properly if I were made the Minister for Finance and Economic Planning.

Mr. Speaker, Sir, the time has come when we ought to tell our people the truth and this is that the hon. Minister for Finance and Economic Planning—hon. Kibaki—is not the only man who decides on the increases or decreases of prices. It is the Government as

[Mr. Kitonga]

a whole which is responsible for this, and when I say the Government I mean the Cabinet. This is the information that the public should have. Therefore, we should not keep on blaming one person for what has happened. This is why I was pleased when the Attorney-General mentioned this particular point, and I would like to congratulate him for this. This is the right time for us to clear doubts from the minds of the public. We all know that the Government has worked hard to be able to bring a good Budget. I think they, too, know that we are heading for a difficult time during the coming general elections and this is why they prepared the best Budget in the history of this Parliament. I am saying this because the Budget affects only those luxurious people like myself. I am saying this because nobody forces you to go and drink, neither does anybody force you to smoke and, therefore, I was pleased to note that the poor people, including those in Kitui East, were not affected by this Budget. I am saying this because the poor people in Kitui East do not have motor-cars. We walk on foot or use camels like the people of Moyale.

Mr. Speaker, Sir, I would like, however, to make one request to the Minister for Finance and Economic Planning. I would like to request him to see that there is an equitable distribution of the money which he is going to obtain through the new Budget. I am saying this because I am never satisfied with the way this money is distributed. The Minister should know that I strongly support the Budget, but he should try to implement the policy of give and take. If we give, we should also be able to take and, therefore, it is my sincere hope that when the Minister comes to distribute this money, he will make sure that my poor people in Kitui East—

Mr. Abdallah: And Mombasa North!

Mr. Kitonga: And Mombasa North as well. It is, therefore, very important that the Minister sees to it that distribution is fair.

The Assistant Minister for Agriculture (Mr. Wanjigi): Even Kamukunji.

Mr. Kitonga: I quite agree, the Minister should not forget Kamukunji when he comes to distribute this money. This is what I would like the Minister to remember when he starts using this money. It is my hope and prayer that the Minister will prepare a similar Budget next year.

Having said that, I would like to request the Cabinet to consider raising the salaries of the low income group of workers. It is high time the Government considered these poor people because they have always been increasing the salaries of the super-scale officers. I am saying this because the prices of things have gone up and the Minister should know that our people are not happy to hear all these increases. Therefore, we expect the Minister to stand in this House one day and say that the salaries of the lower paid workers in this country have been increased by so much. These people would also like to buy cars like ourselves, they would also like to enjoy life like ourselves, they would also like to educate their children. Therefore, I appeal very

strongly to the Government to see that they increase the salaries of workers in the whole Republic excluding those in super-scale grades

Another point, Mr. Speaker, Sir, is: it is true that certain civil servants have already reached the retiring age but they are still there and nobody says anything about them. At the same time, there are other younger officers under them who cannot be promoted because these old officers have refused to give space for them. Why should this happen? If somebody has reached the retiring age, he should be removed from the Government service. Therefore, all officers who have reached the age of 50 years should be retired. In fact, if I were asked, I would say that the retiring age should be 45 years. This would enable young men with fresh brains to come up and do a good job. Therefore, these old officers should be retired so as to give way to our young people who have left school to take their positions and serve the nation. This is what I want the Minister to remember. I have seen very many old people in Government offices while they should have retired long time ago. I wish the Government could make me an inspector to go around looking for old people who have not been retired as yet. I could do a very good job in that, Mr. Speaker, Sir. It should be noted very seriously that these old men should be retired so that young men take their places. On my part, I have already retired from Government service and I am now speaking to you as a retired officer.

An hon. Member: Why are you here?

Mr. Kitonga: Mr. Speaker, Sir, this is a House of Lords and I am supposed to be here; at my age I should not be working in a Government office.

With those few remarks, I support the Motion and congratulate the Minister for Finance and Economic Planning for his good Budget.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to air my views on this Motion. I would like to join my colleagues who have spoken on this Motion and congratulate the Minister for Finance and Economic Planning for the good Budget he has introduced for the coming year.

Mr. Speaker, Sir, as far as the remark which was made by the Attorney-General during his speech is concerned, I would like to say that I am one of those hon. Members who were in this House even during the struggle for independence. During those days hon. Kibaki used to be a lecturer at Makerere University College and one day I chanced to meet him in a *mabati* house at Makadara. On that day he told me that if he is called to the service of the *wananchi* he would answer the call. He used the Swahili version of that remark which is, "*Nikiitwa nitaitikia*". He said that he had gone to Makadara because of that Swahili phrase.

Mr. Abdallah: On a point of order, Mr. Speaker, Sir. I understand that the official language here is English language. If that is the position, is the hon. Member in order to use Swahili in the House?

Mr. Speaker: He was just quoting a phrase.

Mr. Araru: Mr. Speaker, Sir, the hon. Member is forgetting that even the father of this nation, Mzee

[Mr. Araru]

Kenyatta, spoke here in Swahili and said that this is our language. He spoke in Swahili in this House and everybody knows that. There is no law in this country prohibiting us from speaking our language in this House. Mr. Speaker, Sir, when hon. Abdallah gets his chance to speak, he will be in a position to comment on anything he likes but this is my time.

Mr. Speaker, Sir, we are very grateful for what hon. Kibaki has done since he came to this Ministry. I am thanking him mainly because I happen to come from one of the ten districts in this country which were given free primary school education long time ago. This was done when hon. Kibaki was the Minister for Finance in this country. In the northern part of Kenya 75 per cent of the pupils have been studying on Government bursaries. Whenever we went to see Mr. Kibaki on matters pertaining to the education of our children he always listened to our grievances very sympathetically. However, we would like to point out a few things which need the attention of the Minister for Finance and Economic Planning. In this respect I would like to say that as far as sales tax is concerned, Asians in this country have a way of beating it. For example, yesterday I went to a workshop where we had taken a bus for repairs and the Asian there told me that if I could pay the amount of money, which was the cost for repairs, in cash I could not be affected by the sales tax. The repairs for the bus were about Sh. 7,000. Just imagine somebody like myself, who is a legislator in this country, being told such a thing! This Asian told me that if I was going to pay for these repairs by cheque the sales tax will affect me. This is also happening in the shops in this country. Mr. Speaker, Sir, when we visited the United States sometimes back we found that everything there was controlled. Prices of all manufactured goods are marked right at the factory. The Government there knows the rate of sales tax of every commodity, Mr. Speaker, Sir. But in our country Asians are trying very much to beat the sales tax. If you go to Biashara Street or Government Road and buy something, you will notice how these Asians go about this business. When you pay for something in cash and you do not ask for a receipt you will not know whether you have paid sales tax or not. But as soon as you ask for a receipt the shopkeeper will show the amount you have paid as sales tax. I do not think we are achieving anything in this system of trade. The Ministry should appoint somebody to go around and see how this sales tax is being administered in the country. There are also some people who call themselves estate and land agents. These are very rich Asians who go about their business like salesmen. They approach somebody and tell him that they are going to sell him a building or even help him to rent a house. They are making a lot of money in this business of "Estates and Land Agents". The most funny thing with them is that you cannot know where they are based.

Mr. Speaker, Sir, I would like to touch on professional people like advocates. These are getting money from people and their charges are not controlled. If you go for assistance in a small case they will charge

you Sh. 5,000. You cannot bargain with them because you are in trouble and you do not know the fixed cost of such a case. After they have taken over your case you will stay with them for five years without your case being dealt with. When you go to them and say to them, "My lawyers, what is happening to my case?" they will tell you to come on the following day. Some of these lawyers even leave the country and hand over your case to somebody else without your knowledge. You have already paid them your money but your case will never be dealt with, Mr. Speaker, Sir. These are the people who should be dealt with, Mr. Speaker, Sir. There are also some people who own garages in this country and they do not have fixed prices or charges. For example, when you take your lorry to D.T. Dobie for repairs the mechanics will try to convince you that they can repair your vehicle at a cheaper price during their free time. They will tell you that D.T. Dobie will charge you Sh. 10,000 for those repairs and they are ready to do the same work for Sh. 5,000. People are getting money in very many sources in this country. Such mechanics are employed by these companies but still they are able to get money in their spare time.

Mr. Speaker, Sir, as far as things like rice are concerned, I would like to say that in this country rice is very cheap. I am a businessman and I know this. The 90 kg. bag of rice sells at Sh. 141/70 in the normal way but in the black market it fetches something like Sh. 250. Many people pay that amount to get just one bag of rice, Mr. Speaker, Sir. Why are we losing money when demand is there for such commodities? The Government should increase the price of rice so that we can make money out of it. This rice is only being eaten by rich people, such as Asians and Arabs. The same case applies to maize, Mr. Speaker, Sir. The majority of the people in this country eat maize. It cannot be said that maize is only eaten by the poor people because even the hon. Members in this House eat maize. I do not see why the price of maize is not increased so as to give an incentive to farmers to produce more. I am talking about maize at this juncture because last year a Government lorry was selling maize in Moyale area. I quoted the registration number of this lorry for the Government to investigate and I also reported the matter to the district commissioner in the area and also to the local police. When I reported this matter to those people they said, "You see, we do not know what we can do about this matter". This lorry was G.K. No. 1383 and the driver was a Mr. P. C. Mwangi No. 13101. This man had a Local Purchase Order No. 509130. On 5th August, 1973, along the Isiolo-Moyale-Marsabit Road, this lorry took 78 litres of diesel at Isiolo and when it reached Marsabit, on the same day took 78 litres of diesel. On the same day, along the Moyale-Marsabit-Isiolo Road, it took 105 litres of diesel. On 19th August, 1973 the same driver went to that area and took 69 litres of diesel at Isiolo and some other 71 litres at Marsabit. On one weekend I followed that lorry up to Thika, where the driver was stopped by the police. This lorry was carrying maize and this maize was selling between Sh. 90 to Sh. 100 per bag in Moyale.

[Mr. Araru]

This being the case, how can the Government tell us that the price of maize is controlled in this country? Mr. Speaker, Sir, I had forgotten that when this driver came to Moyale he took petrol with a Local Purchase Order 740588. This lorry sold maize in this area between April and July last year. Even when the hon. Minister of State in the President's Office was opening the headquarters of administration offices in Marsabit this lorry was there. It was on the 31st of July, Mr. Speaker, Sir. There are some people who can bear witness on this because they saw this lorry in Marsabit Town. These are: Councillor Wako Ngendo, who represents Sololo Division in Moyale, Mr. Philip Kurungu, who is the Clerk to Marsabit County Council, Mr. Galgalo Sola, who is a permanent resident of Marsabit Town and Mr. Ndandio Kiarri who is also a resident of Marsabit Town. I told them to check on this lorry, which was carrying maize and taking it to Moyale, on the days I have mentioned. Mr. Speaker, Sir, I am not ashamed to say that the officer in charge of the police station in Moyale is aware of this case. When I reported this matter to the police I was told that it was already late and, therefore, nothing could be done about it. They advised me to raise the matter in this House.

Mr. Speaker, Sir, with those few remarks, I beg to support.

The Minister for Natural Resources (Mr. Omamo): Thank you, Mr. Speaker, Sir, for giving me an opportunity to say something on the Financial Statement. I would also like to join my hon. colleagues in congratulating the Minister for Finance and Economic Planning for the able manner in which he moved this Motion on the Budget.

An hon. Member: Your voice is too deep!

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, one hon. Member is complaining that my voice is too deep. I would like to inform the hon. Member that my voice has become so deep as a result of the very many speeches I have made in Bondo when campaigning for my re-election.

Mr. Speaker, Sir, the fears some hon. Members are expressing that the Minister for Finance and Economic Planning is becoming a bit rough are not founded at all. After listening to what the Minister said yesterday I felt that he did exactly what Pontius Pilate did many years ago when he washed his hands clean of some evils so that he could perform his duties well.

Mr. Speaker, Sir, I see no reason why the Minister should not introduce severe taxation measures on things like cigarettes. Can anyone tell me the use of smoking?

An hon. Member: Do you smoke?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, why should I smoke? Smoking does not make a person fat, nor does it help anyone to have a loud voice. Doctors suspect that smoking might be one of the roots of cancer.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir. Would I be in order to tell the Minister the reason why some people smoke?

Mr. Speaker: You can only do that with his permission.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I am not going to allow any point of information.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. When the Minister for Finance and Economic Planning wants to raise money he has to tax some commodities, like cigarettes in this case. This means that the Government is going to raise money that way so as to finance the development of this country. In view of that fact, is the Minister speaking in order to suggest that people should stop smoking? If that happens, then the Government will lose some revenue.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I am not trying to suggest that people should not smoke. All I am saying is that smokers should not complain that the price of cigarettes has gone up because smoking is a luxury. Smokers should not complain over the increase of the price of cigarettes, just as I should not complain that some hon. Members, like hon. Wafula Wabuge, have grown beard.

Mr. Kiilu: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Migire to walk from *here* to *there* in the Chamber?

Mr. Speaker: Is it true, Mr. Migire?

Mr. Migire: It is not true, Mr. Speaker, Sir.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I hope that hon. Members will not waste my time by raising unnecessary points of order.

This Budget is going to make everybody in this country tighten his belt. I also feel that the little money the Government has should be utilized completely. There is no reason why any Ministry of the Government should return some money to the Treasury at the end of the Financial Year simply because it has not been spent. The other day, when I was talking to some officers in the Fisheries Department, I was surprised to learn that they had not utilized the funds allocated to them by the Treasury. I would like to ask the Minister to make sure that every Ministry uses all the money allocated to it by him.

Mr. Speaker, the time has come when the Minister for Finance and Economic Planning gave priority to some of the projects which are vital in this country. For instance, the Kisian/Bondo/Usenge Road should be tarmacked immediately. However, I hope that this road is going to be tarmacked this year.

Mr. Speaker, Sir, I would like to take this opportunity to assure the Minister that since some of the problems we are facing today have been caused by the oil and energy crisis, my Ministry will do its best to look for oil in Kenya. I would also like to assure the Minister that during this Financial Year, my Ministry is going to prospect for oil in three areas. However, nobody should get the impression that my Ministry has found oil in those areas. However, I am hopeful that in one of those three places we shall be able to drill a hole with a view to locating oil. We shall direct most of our efforts, when looking for oil, to the coastal areas. The Kenya Government, in its efforts to look for oil, will not leave any stone unturned. We shall go on prospecting for oil, in North-Eastern Province and in

[The Minister for Natural Resources]

the Coast Province. I am sure that with the co-operation of the companies which are looking for oil, we shall continue to find oil in North-Eastern and Coast Provinces during the coming Financial Year. As to whether or not we shall find oil, Sir, that is another matter. However, what is important is that the Ministry of Natural Resources will do its best to help the Minister for Finance. If we are lucky, then we shall not have to increase the price of virtually everything every year.

Finally, Mr. Speaker, Sir, I would request hon. Members of this House to appeal to their constituents that during the Financial Year that we are now just beginning, no one should set any forest on fire. If they do so, Sir, we shall have to come back to this House for Supplementary Estimates. I do not like Supplementary Estimates at all and I would like the natural resources of this country to be kept intact during the coming important Financial Year.

With those few remarks, Sir, I would like to support the Motion very strongly and hope that the nation will do its best to overcome inflation.

Mr. S. Lugonzo: Thank you, Sir, for giving me this opportunity. I would like to join my colleagues in praising yesterday's Budget Speech. My colleagues have said that it merits praise because the tax affected the rich people who can afford luxury. This is what we have been looking for in this country for a long time.

Although we have had Budgets year after year for the last ten years, and although we praise the present Minister for Finance and Economic Planning, we would like it recorded that 90 per cent of our people have not been affected by any budgetary changes. I would like to speak about this population, Sir, because I represent that particular section of our community, namely, the rural folk. I still believe that we need much more drastic changes in our economic policies. I would like the Minister to know that during the last ten years we have not had any drastic change in our economy and, therefore, in the next ten years, Sir, we would like to see drastic changes.

Mr. Speaker, Sir, the changes I have in mind are those similar to those in, say, Tanzania. I am not saying that we copy Tanzania's *ujamaa* villages policy, but that to me is a drastic change. I would like the Ministers to bring a drastic change for the rural people of this country. I still see people in the rural areas living in the same way they lived during the colonial days. If anybody thinks that there has been any change, then the change is in his constituency and not everywhere. I have not seen any drastic economic change affecting the man who lives next to me in a place known as Lirembe in Kakamega District. Other countries have had drastic changes which have transformed the lives of their people. We should not copy communist Russia, but there was a change in that country which affected the lives of ordinary Russians. We need an agrarian revolution in this country; a complete change that will affect the majority of the people in this nation.

In this country, Sir, we still have the plural society we had during the colonial days. The only change, perhaps, I have seen is that the affluent Africans have

slowly taken the positions of some Europeans and Asians. As we all know, Sir, during the colonial days the white man was a first class human being, the Asians were second class and we were below third class human beings. Mr. Speaker, Sir, is that kind of classification not there today when one considers the financial wealth and economic positions of a few people in this country? Well, when you look at beautiful girls in Nairobi, and men in beautiful suits, then you may think that we have had a change. However, when you go to the rural areas, Sir, you find that there has been no change there. I represent people in a rural area and I dare say that I have not seen any drastic change affecting my people. This is why I say that the Ministry of Finance and Economic Planning, and indeed the Cabinet as a whole, should sit down and think of introducing a drastic change in this country.

Mr. Speaker, Sir, Israel has a drastic change in its economic policies. In that country, Sir, there are two systems. One is almost like communism and it is called "*kibbutz*" whereby people own property and land collectively. They share among themselves what they get from the collective farm. Mr. Speaker, Sir, they also have a second system called "*moshaves*" whereby each individual has his own property. However, they all belong to a co-operative society which helps them to develop each individual's property. This, Sir, is a drastic change and, as a result, there is no unemployment because everybody has something to do. This is the kind of change we would like to see in Kenya.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, is the hon. Member speaking able to substantiate his allegation that in Israel and Tanzania there is no unemployment? Mr. Speaker, Sir, this is a serious story to tell this House, but it is much more involved on facts than what the hon. Member is telling us.

Mr. S. Lugonzo: Mr. Speaker, Sir, I did not say that there was no unemployment in Tanzania, but there has been a drastic change in that country. If, say, people go to Dar es Salaam looking for employment, Mr. Speaker, Sir, they are sent to *Ujamaa Villages* and given a piece of land. How many people in Nairobi, Sir, do not have even an inch of land? There are many people in this country who have no land in this country because all land has been given to only a few people. It used to belong to a few during the colonial days and today, Sir, it still belongs to a few.

It is time we were frank with our people and asked the Minister for Finance to ask some of his colleagues to impose a ceiling on land ownership. I have two such colleagues sitting next to me, Mr. Speaker. I do not understand how an individual with a wife and a few children should not be satisfied with two hundred acres? Why do they want thousands and thousands of acres when we have many people without even an inch of land?

Mr. Mwangale: On a point of order, Mr. Speaker, much as I support the hon. Member, I think we differ as far as land policy is concerned. He is referring to two Members sitting next to him by saying that they own thousands of acres of land. Can he substantiate

[Mr. Mwangale]

who the hon. Members are, and how much land they have?

Mr. S. Lugonzo: Yes, Mr. Speaker. Hon. Wabuge has two large-scale farms which total to about 1,000 acres. Hon. Mwangale himself has one large-scale farm, which is more than 1,000 acres. He acquired it when he came to this House.

Mr. Mwangale: On a point of order, Mr. Speaker, it is characteristic of the hon. Member to talk in terms of ownership of property by other hon. Members. Is he in order to allege that I have a farm which is more than 1,000 acres when he knows that it is not true? Secondly, is he in order—

An hon. Member: What is the size of your farm?

Mr. Mwangale: My farm is only 900 acres.

Hon. Members: Oh, that is too much!

Mr. Mwangale : That is a very small farm indeed.

Mr. Speaker: Would you allow Mr. Lugonzo to continue with his speech.

Mr. Mwangale: Is it in order for the hon. Member to mislead the House—

Mr. Speaker: Would you sit down, Mr. Mwangale! The Member is not misleading the House. In fact, he said that anything above 200 acres is too much.

Mr. Mwangale: (inaudible).

Mr. Speaker: Order! Mr. Mwangale, you have not been attending Parliament very frequently, and you might have forgotten the rules of this House. You had better remember them now!

Mr. Lugonzo said that he did not see why 200 acres could not be enough for a family—a man, his wife and children. You challenged him about it. If he made a guess about the size of your farm and made an error of about 100 acres, then, surely, that was a good guess because 900 acres is not very far from 1,000 acres.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, when you were still on your feet the hon. Member for Bungoma East continued to exchange some words with you. Should he not be sent out of the Chamber so that he may learn to attend Parliament regularly?

Mr. Speaker: I warned him against what he was doing. Sending a Member out has been done before, and it could be repeated where necessary.

Mr. Kabingu-Muregi: Thank you very much, Mr. Speaker, for giving me this opportunity. I arise to congratulate the Minister for Finance for moving the Budget yesterday. The Budget seems to be creating some kind of relief, especially, on the side of meat and fertilizers because, as the Minister said, there is going to be a reduction of 25 per cent on tax imposed on them. I would like to urge the Minister, instead of just giving the figure of 25 per cent or whatever it is, as it is shown in newspapers, it is important that a definite figure showing how much less money an item is going to cost should be published. Some people in the rural areas are so illiterate that they do not know what is meant by 25 per cent reduction.

I would also like to point out that although the economy of the country has been affected by the increase of crude oil or fuel, it is important also to look into what has gone wrong in various constituencies or districts. Mr. Speaker, Sir, a road has been constructed from Naivasha to what is now known as the Queensgate. This road was started right in the forest and only a distance of 11 kilometres was tarmacked. The Ministry of Finance and Economic Planning did not find it fit, for the reasons which are not known to the people of that area, to connect the road to the one from Naivasha, which is tarmacked up to the boundary of Nyandarua District, but they found it fit to tarmack 11 kilometres of the road starting from the forest on the way to Nyeri. I know the loan which was used to construct that road was provided by Germany. Whether there were some conditions attached to this loan or not, the Ministry of Finance and Economic Planning and the Ministry of Works should have done something to connect these roads so that the new road could serve the two purposes for which it was intended. The road is supposed to be used by tourists and farmers. The whole road ought to have been tarmacked. Why leave a section of the road untarmacked as if you expect the tourists to fly over the untarmacked section and then travel in vehicles on the tarmacked section? The other road which I thought the Minister would take care of is the one from Longonot through Njabini, North Kinangop, Kipipiri to Ol Kalou. I have been urging Government for a long time now to look into this matter. Government should re-gravel or even think of tarmacking this road but they have left it to go from worse to worse. This is the road which we use to deliver milk to Naivasha. That area is the chief producer of vegetables and potatoes, which are sold in Mincing Lane here in Nairobi. We need to have that road tarmacked, even if that has to be done on only one lane. When it rains vehicles get stuck in the mud and we lose a lot of milk when, at the same time, we are supposed to repay Government loans which we are given to improve our smallholdings which were allocated to us. I feel, therefore, that the Minister should do something to finance this project so that we may tarmack there as soon as possible.

Mr. Speaker, Sir, I would like to talk about the Pan Food East Africa Limited. We would like this factory to be enlarged so that it can cope up with the produce which it is supposed to process. There has been an endless song that the factory was going to be enlarged to benefit the Kinangop farmers as well, but nothing has been done. If it is enlarged we hope funds will be made available to reticulate water in Kinangop Settle-

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

ment Scheme so that we can be able to grow crops even during the dry season. There is a lot of water from the Aberdares which could be used to grow whatever type of crop is required in the factory there.

Mr. Deputy Speaker, Sir, let me now come to the farmers who grow potatoes and vegetables in Kinangop area. I will continue singing this song until when the Minister will listen to the wishes of the farmers there. It is the habit of the traders in Nairobi to go and

[Mr. Kabingu-Mwegi]

deceive the farmers in Kinangop area by putting a lot of potatoes into a bag, more than what a bag is supposed to hold. For instance, instead of a bag of potatoes weighing 90 kilos, it weighs about 150 kilos. The same thing happens to a bag of vegetables. A bag of cabbages is twice the height of an ordinary man. This is daylight robbery. Mr. Deputy Speaker, Sir, unbearable unfairness is being exercised against the farmers in Kinangop area. Therefore, all we are asking is action on the part of the Government to ensure that traders are controlled in the purchase of goods from farmers. This is because a trader has the power and chance to speculate. These farmers do not benefit, and I know it will not be long before we see farmers in Kinangop area refusing to grow vegetables and potatoes because they are not getting anything out of their labour. I know that at least 10 per cent of the people living in urban areas will suffer if they do not get their usual supply of foodstuffs from these people. I think it is high time we took care of the farmer. As the Minister put it yesterday, our Development Plan has been designed to help and develop the common man living in the rural areas. I feel that the first person who should benefit should be the farmer; he should be enabled to grow more foodstuff and to benefit from the work he does.

Mr. Deputy Speaker, Sir, if we look at the price of fertilizers today, we shall see that there are a lot of differences. That is the reason why I have urged the Minister to think seriously and fix the price of, say, a bag of fertilizer; whether a 25-kilo or 50-kilo bag. He should not wait until he is told by the newspapers that the price of tax on this kind of commodity should be reduced by, say, by 25 per cent. That has no meaning. Mr. Deputy Speaker, Sir, let us be told by the Minister that a bag of fertilizers, say 25 or 50 kilos, is worth so much so that a farmer will know that the price of a bag of fertilizer, whether single or double phosphate, will cost so much, no more and no less. That is the kind of provision I would like the Minister to put in the Development Plan.

Mr. Speaker, Sir, I feel that loan facilities should also be extended to farmers so that they can grow more foodstuff. I do not mean the type of loans given to farmers in settlement schemes which are never repaid and whose method of repayment is not known. Some of these loan facilities were very badly dished out, particularly by some of the colonial officers who worked with us. Mr. Deputy Speaker, Sir, we want loans with moratorium periods of at least two years. I am sure that unless this kind of moratorium is available then we are not going to help the farmers at all. Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Koigi: Mr. Deputy Speaker, Sir, I start by supporting the Motion which was introduced by the Minister for Finance and Economic Planning.

Mr. Deputy Speaker, Sir, I shall start with my own Constituency. As we speak about this Budget, we are reminded of what was promised by the Government during the Budget of last year. We have a Division in South Tetu which is least developed in the whole of

Nyeri District. It has been said by some of the Ministers, and even by the District Development Committees that our aim is to channel money to the places which are less developed. What I find in my constituency, Sir, is that only one road has been improved throughout the life of this Parliament. I have only one road which is under construction in my area. However, most of the roads which we were promised would be improved have not been touched; an example being the road from lower Mukurweini, via Mihuti, Kacara Market, Muthungu-wa-Mbaki and on to the Nairobi Road; nothing has been done on this road. We were promised that this road was going to be constructed, and even the Minister for Works, including his Assistant Minister, and even the Minister for Finance and Economic Planning and others promised that this road would be constructed.

Another road, Mr. Deputy Speaker, Sir, is the one from Kagumo College via Gura River touching the new road which is under construction now. This new road is called Tambaya/Kagumo Road. This road is very vital, and the people of the whole district want to have this road constructed as soon as possible. We have voted money in this House for years and years but nothing has been done. Why? Some people are saying that the Government has done nothing; and we are saying that the Government has done a lot. We are saying that the Government is doing a lot. For instance, Government is planning for water in the rural areas; Government is paying teachers; Government is paying agricultural staff, the veterinary officers and so on. However, the main thing we would like to see done is road construction in the rural areas so that we can enable the people there to transport farm produce to the markets. When it rains, Sir, and I would like to emphasize this, we in South Tetu Division of Nyeri become an isolated division because we cannot go to either Karatina or Nyeri or even reach the main road to Murang'a and Nairobi. We are highly concerned about the condition of roads in my area. We are feeling that we are not treated like the rest of the people. We have also a hospital called Mukurweini Health Centre which is very well known by many people. Before the colonialists left, they had planned for a health centre at Karatina, Mukurweini, Othaya and a district hospital at Nyeri. However, what we find today is that our Government has been asking people to build these health centres on Harambee basis. Sir, you can imagine what is involved in building a health centre or hospital on a Harambee basis—I am happy that you are doctor and, therefore, you know building a hospital, or a health centre for that matter, on a Harambee basis is very, very difficult. We have tried but we have failed. We have even collected some money; we have mounted Harambee fund-raising campaigns for many days but, all the same, we have failed. I can see that building a hospital at Mukurweini on a Harambee basis would be very difficult.

Mr. Deputy Speaker, Sir, Mukurweini area is suitable for growing, say, tobacco, I am sure that good variety tobacco can be purchased from anywhere. We can buy some good varieties of tobacco, say, from Zambia and introduce them in the area. The little tobacco that has been grown on experimental basis is doing very well but Government is lagging behind in planning. I feel

[Mr. Koigi]

that the Government should accelerate its plans and ensure that it gives South Tetu another cash crop besides coffee.

Mr. Deputy Speaker, Sir, our coffee has done very well for a period of four years. We have been number one in the whole district. Therefore, what I would like to tell the Government is that planning is only concentrated in big towns where Ministers and the educated class of people were born; they are only planning for tycoons. They are not planning for our people. We have said it many times in this House that we should plan for our masses. Let us plan to develop where our masses are living. If we declare, as our Minister said here the other day, that ours is a socialist Government—well, in the Sessional Paper No. 10 it is said that ours is a democratic, socialist Government and I do not know what these words mean. I am sure no economist here would claim to know what we really meant by these words. However, I would understand better if the price of our coffee was raised to Sh. 2 per kilo so that development in our area can be accelerated. We do not want mere talk but action. It is said that Government is going to eject more money into the rural areas, but there is no sign of this money. We want mass planning to enable the people to feel that the Government is out to help them. We always borrow money—if, for example, we borrow over £100,000 and divide it *per capita*, you will find that each person will get Sh. 30,000, but when it comes to development, we do not see what they do with the money so borrowed. All that you find is concentration of factories at Thika and Nairobi. They say that investors do not want to go to the rural areas. Are we going to be ruled by investors? If an investor becomes an obstruction to Government policy, he should be rejected in total. I would like the Government to direct the investor to where development should be carried out in the rural areas. This is a factor which is hindering Kenya's development.

I was in Britain when they were trying to develop Northern Island: what they did was that they carried industries to areas where people were poor. Here we carry industries to where people are very rich, just the opposite. Therefore, I appeal to the Government, if the wants development to take place quickly, to establish industries in the midst of our people. Let us establish industries in South Tetu and in every constituency. It is only then that we can enable our people to enjoy development and also employ most of our people who are still unemployed. We should not just sit idle and let foreigners plan for us; if we do that they will say that they are going to put up industries in Nairobi, Thika or Nyeri. Let us go to the people. We cannot expect our people to come to the Government because they do not know the Government's instrument for planning. Any economics student will agree with me that those with brains have to plan and then the masses have to be persuaded to work. Where are our brains? We have deadwood and yet they say they are planning. We see the plans in books but not in action. We have beautiful literature of how we can develop and yet a year elapses and another one comes, and even one Parliament goes and the other one comes and yet nothing is done. Of course, our Government is doing something,

but if there is no proper planning Government achievements will not be seen quickly. There is no accusation that Government is doing nothing, but it is not planning in our rural areas. We hon. Members from the rural areas have a reason to say that there is no development for years. I say nothing has been done in my constituency, and I am ready to be challenged by any officer of the Government on this point. I believe that the situation in the other constituencies—that is excluding Nairobi and other towns—is similar to that prevailing in my constituency. The Minister for Finance and Economic Planning should hear this, and if I am asked to help in planning, I shall gladly join them.

Mr. Mfigure: Mr. Deputy Speaker, Sir, thank you very much. I do agree that the Minister gave a very lucid Budget Speech. However, I would like to state that there has been a lot of accusations around the country to the effect that the Minister for Finance and Economic Planning is the person increasing the prices of different commodities. I would also like to support my colleagues who have said that this problem has not been created by the Minister for Finance and Economic Planning; it is a world-wide problem. If the prices of various commodities have to be reviewed, then I think the world finance ministers should meet. For example, we cannot control the question of high prices of oil; this is controlled by the Arab world who are the main producers of oil.

I would like to say something about industrial planning. Our people know very well that Government needs money to run the country. However, at the same time the people in the rural areas, like in my constituency, would like to see a change in our development policy. For example, if two roads were constructed this year, next year something else should be done. However, if prices continue rising and the Government looks for more money and the conditions remain the same, then they are bound to ask what the Government is doing for them. We know that the Government is so much committed in dealing with so many problems of the country. For example, if the price of drugs has gone up in the world, the Kenya Government has to look for money from somewhere and our people have to foot the bill.

The roads in my constituency have been in a poor condition for a long time, and although a Motion has been passed in this Parliament to the effect that they be improved, I am not sure that the Ministry of Works is going to need our recommendation. We would like to see the living conditions of people in rural areas improved. We would like to see industries scattered all over the country. There should be no question of industries going to one place all the time. We would like the people of various parts of the country to feel that they are part and parcel of this country. We cannot pretend that things are alright at the time when so many people are going without jobs. The people we are serving in this country expect good services from us. It does not matter whether we bring a good Budget or not. In fact, I do not accept the argument that the ordinary man is not going to suffer. This is because if there is an increase, say, in oil, it is obvious that the bus fare from Homa Bay to Nairobi will rise, say, up

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to Sh. 35 and, naturally, the ordinary man has to be affected. Similarly, if I have to pay higher prices on spare parts, it will mean that I will not be able to support the people I have been supporting. Therefore, Mr. Deputy Speaker, Sir, logically speaking, the ordinary man is going to be affected.

The other point is that the Government should review the conditions of service of our civil servants. For example, the house allowance which is being given—you cannot get a house in Nairobi for Sh. 50 or even Sh. 75. Therefore, if firms are paying a house allowance of Sh. 50 or Sh. 75, then you ask yourself where this poor person with a salary of Sh. 250 plus Sh. 50 for house allowance is going to find a house to live in. Circumstances will force two families to live in a very small house. This is bad. This is why I am appealing to the Government to direct the private firms to review the salary structure of their employees. Mr. Deputy Speaker, Sir, I am saying this because the prices of various items have gone up and if we leave the salary structure to remain as it is we would be doing a lot of harm to our people. These things should go together; when the cost of living goes up, we should improve the salaries of our employees. It is true that the majority of our people are not employed. If I can find it difficult to maintain my family because of the present economic problem, which does not only affect us but is prevailing in the world at large, what about somebody who is unemployed and has no income at all? That is why I support the Member who asked the Government to introduce a welfare scheme to look after the unemployed people.

We talk of beer being expensive but I think this is not true. For example, in London, a glass of beer costs about Sh. 5. Now, if you compare that with what we have here, it is really nothing. I would also suggest to the Government, Mr. Deputy Speaker, that it is high time this country had a factory to process *chang'aa*. Let us not pretend that we do not know anything about this drink because people are taking it back at home. Moreover, Mr. Deputy Speaker, since the price of beer has now gone up, most of the *wananchi* will have to go back to this drink. In fact, the Uganda Government is already making a lot of money from the sale of a similar drink. Therefore, we should not pretend that we do not know anything about this drink; people are taking it at home and even here in Nairobi. You will take people to court for taking this drink, but in the end nothing will change. These people are not able to buy beer because it is very expensive. Therefore, if the poor *mwananchi* can be able to drink one peg of *chang'aa* without any fear, at least he, too, will get drunk and temporarily forget his economic problems, maybe until the following morning. Therefore, Sir, this is why I say we should have a factory to process this particular drink.

Now, Mr. Deputy Speaker, Sir, we see *sukariguru* being manufactured in this country—I think it is manufactured in South Nyanza District. Now, the question one can ask is this: What do people do with *sukariguru*? They cannot put it in their *uji*, they cannot put it in their tea. The only way they can use it is by

making *chang'aa*. Therefore, we are only trying to create problems for our people. They make this stuff, and then when they take it they are arrested by the police. Therefore, Mr. Deputy Speaker, Sir, I think we have to be very realistic.

Now, coming to the question of district planning, I would suggest to the Minister for Finance and Economic Planning that we should be able to have planning officers in every district, and that is the only way we can know what road we need or what sort of industry we need in any particular area. However, right now we have only one provincial planning officer, who sits down at the provincial headquarters, and it is not possible for him to know all these things. Planning is one thing we should consider very seriously in this country.

Now, Sir, I come to the point of retiring civil servants. It is true that if you go around the country you will find that some of them are very old and they cannot catch up with the problems that are affecting our people. If a chief is being appointed, it should be somebody who is capable and who understands the problems that are facing the people of this country. However, some of these people are so old that they cannot even understand these plans. First of all, some of them do not even visit the people to acquaint themselves with the problems they are facing. Therefore, I think the Ministry should consider retiring some of these people, so that we can have younger people controlling the development of our country. These people are going to live for a number of years and, therefore, they feel much more concerned with the problems that are going to affect them as well as the coming generations.

Now, Sir, if you go to the Office of the President today, you would hear a lot of complaints made by people who are coming there daily for their money. These are the people who have retired from the service; it takes them up to two years to get their benefits. For instance, Sir, I had a retired chief from Mbita telling me that he was told by the Office of the President to go back to Kisumu and get a letter from the provincial commissioner's office there. However, it is not the duty of the retired people to go round looking for letters; it is the duty of the Government to get these things. Mr. Deputy Speaker, Sir, this is a very serious matter because if you know that you are going to retire somebody, why do you not arrange to have all his benefits paid at the time of his retirement? These people are our fathers, Mr. Deputy Speaker, and we are not going to have them pushed around. The Government must be very careful about this. Mr. Deputy Speaker, Sir, the Minister for Finance should look into this matter.

With these few remarks, I beg to support.

Mr. Mwamzandi: Thank you very much, Mr. Deputy Speaker. I would like to make just a few points. Now, just before I congratulate the Minister for Finance and Economic Planning, I have to make it very clear that whether something is a credit or otherwise to the Ministry of Finance and Economic Planning, it is upon the Minister, and indeed the Government, to bear it. It has

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been said a few hours ago here that it is not right to put the blame on the Minister for Finance for whatever price increases we have in this country. However, it is my conviction, Sir, and we know for certain, that when the Minister increases the price of a given commodity, the money obtained from such an increase does not go to his own pocket, but goes towards the betterment of the welfare of the people of this country. Therefore, Sir, it is upon the Minister to decide on whether to tax the public in order to provide them with services or not.

Therefore, we feel it is imperative that the Minister has to tax us in order to be able to continue providing us with the services we get in this country. We would not accept a Minister who would be afraid of taxing the public, who would instead be going to other countries seeking for loans on behalf of this Republic. This would not be entertained. It is better for us to be taxed for whatever we have, so that the Government can be able to continue providing us with the necessary services.

Mr. Deputy Speaker, Sir, when we say that hon. Kibaki has increased the price of sugar, we do not blame him just for the sake of blaming him. However, it is because we know that he has done his duty. Therefore, if there is a credit to the Ministry of Finance and Economic Planning, it is upon him to accept it; similarly, if it is a blame on his Ministry, it is upon him to bear it as well.

Now, I have one very important thing for which I have a personal blame to put on the Minister. I call it personal because he has failed to ascertain whether or not the ten per cent sales tax he has imposed, which has now been raised to 15 per cent, is being correctly applied by traders on every affected commodity. Now, Sir, I was in Mombasa sometime back and I saw beans, which were supposed to sell at Sh. 1/30 per kilogram, being sold quite publicly at Sh. 3/50 per kilogram. Now, it is upon you to buy these beans if you want them or leave them and wait for the Minister to bring you the same commodity at Sh. 1/30. Mr. Deputy Speaker, Sir, this is quite wrong, and the Minister should be responsible and make sure that the commodities in the shops are sold at the gazetted prices.

Mr. Deputy Speaker, Sir, there is also plenty of rice in this country, but if you want it you have to buy it at a back-door price. If you want the rice at the gazetted price, then you have to wait for the Minister to bring it to you, and that would never happen anyway. Everything seems to be out of control in this country, which is a very dangerous situation, Mr. Deputy Speaker. If the public are not well-fed because there is some black-marketeering somewhere, I feel it is much more dangerous than any other treason case anywhere.

Mr. Deputy Speaker, Sir, the Minister has no proper plans for such commodities like *kanga*, especially at the Coast. *Kanga* is the main clothing material for the Coast people, Mr. Deputy Speaker. However, there is no plan as to how it can be available in this country. The only material that is now available is made of *makongo*, which is, in fact, not of the standard required

by the Coast people. Mr. Deputy Speaker, Sir, Coast men like *kanga* more than—

Mr. Mnene: On a point of order, Mr. Deputy Speaker. Is the hon. Member in order to suggest that we, Coast men, use *kanga*? We are not women!

Mr. Deputy Speaker: He knows it better than myself.

Mr. Mwamzandi: That point is well corrected, Mr. Deputy Speaker, Sir. However, I was using the term "men" in a religious context, whereby it includes women as well.

However, Sir, the main dressing for Coast women is *kanga*, and the Minister has failed to plan for the availability of this material. Mr. Deputy Speaker, Sir, you will now find that the *kanga* material that happens to get into Kenya by whatever means costs Sh. 50 on the black market whereas it used to cost Sh. 18 or Sh. 20 back in 1972.

Mr. Deputy Speaker, Sir, it has become worse even today because some up-country women have developed the habit of wearing *kanga* for turban. As a result, *kanga* has become more expensive. Up-country women have dropped the habit of wearing wigs and turned to using *kanga* to cover their heads.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir. Is the Member for Kwale Central in order to say that the up-country women have formed the habit of wearing turbans, as if these women are *Karasinga*?

Mr. Deputy Speaker: He did not say that they are *Karasinga*.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I think I am right because I have sometimes seen the gracious lady wearing a *kanga* turban. A turban means *kilemba* madam.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that he has seen me wearing a *kanga* headgear, while he knows very well that it is acknowledged within the African community as a sign of politeness for a woman, young or old, to cover her head while among people?

Mr. Deputy Speaker: That is not a point of order, Mrs. Onyango.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I cannot see her point of order either because there is a difference between one covering her head and what we see these days. Nowadays they are using *kilemba*, like the Arabs in Zanzibar. The Ministry should have proper plans for the distribution of *kanga* because it is an essential commodity to all ladies in the Coast.

Mr. Deputy Speaker, Sir, I would also like the Minister for Finance to intensify his plans on squatters. We have observed that the Government has not done any planning for squatters in the Coast Province. It was said somewhere that the squatters who were in the Coast Province since 1965 should not be disturbed. However, this did not materialize because the Government has never come out with a clear policy regarding these people. Therefore, landlords take the advantage of this silence and remove the squatters from their land one by one. This is a problem to all coastal areas. The areas

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which are mostly affected are Kwale, Kilifi and Lamu. We have a lot of problems in these areas and the Minister for Finance and Economic Planning, who is responsible for all the planning in this country, should come to our assistance. He should plan where to settle these people once and for all. I know for certain that the former Sultan of Zanzibar handed over the coastal land to our President, but this handing over has not, up to now, revoked the title-deeds held by Arabs for this land. When this land was handed over to the Kenya Government, in my opinion the title-deeds held by Arabs became illegal.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Y. Ali: Thank you very much. Mr. Deputy Speaker, for giving me chance to join my colleagues in contributing to this Motion.

I would like first of all to congratulate the Minister for the way in which he presented his Financial Statement to this House. It is true that he has heeded to the call of this House to raise taxes on the luxurious items and to leave the essential commodities which are mostly used by our common *wananchi*. For this reason, I would like once again, to congratulate the Minister although in certain quarters he has been criticized as a person for the rising prices in the country. Why the Minister for Finance and Economic Planning has, of late, faced a lot of criticism in the country is because of misunderstanding and ignorance on the part of those responsible for the criticism. This has happened because the Government has failed completely to mobilize the people of this country politically. I say "politically" because the interpretation of Government policies has been left entirely to the few people in this House, to interpret its policy to a population of about 20 million people. This is quite inadequate and as long as the present system exists, the people of this country will never be conversant with the policies being advocated by the Government. It is high time the Government, if we want to avoid this malicious sort of rumours and campaign against the leaders of this country, the Government took it as its duty to give our political party a fair play in the politics of this country. It is up to the party to go out to *wananchi*, organize series of meetings and interpret the policy of the Government to them. However, as long as this duty is left only to a few people, there will always be misgivings. For this reason I would like to remind the Government that the Minister for Finance and Economic Planning stands to be criticized and challenged because of the present system. If the Government wants to come to the rescue of the Minister for Finance and Economic Planning, then every *mwananchi*, through our political party, should be allowed to contribute to the affairs of this country. We know that although we claim here that this is a democratic Government, ours is only in a way a democratic Government. In a truly democratic Government, if a Minister comes under serious criticism, there is only one way out: he either faces the criticisms as a part and parcel of that Government or resigns. I have said this because the previous speaker has touched on this issue. It is true that personally I

have defended the Minister for Finance and Economic Planning in my constituency because certain people tended to attack him as a person. This is because of ignorance. That is why I am urging the Government to come out and organize political education in such a way that its policies will reach the masses.

Mr. Deputy Speaker, Sir, we all know our present hardships are economic and that they have come about as a result of oil crisis and world inflation. I do not want to go into details of this; but Kenya as a member of the East African Community and the Organization of African Unity should take this issue as a serious matter. We used to get oil from our friends from the Middle East and we shall continue doing so. If we came to their support during the Middle East crisis with a view that after their success they will not refuse to give us oil, we are now being taught a lesson. It is a clear indication that all along there was something wrong with our foreign policy. We tend to sit on the fence and only come out when the situation is serious—and we must pay for this. That is why we have hardships with these countries.

Mr. Mwangale: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to mislead the House by implying that we in Kenya were slow in reacting to the support of our Arab friends and as a result of that we are paying extra cost in oil when, in fact, high cost of oil, is affecting all countries?

Mr. Deputy Speaker: That is not a point of order.

Mr. Y. Ali: Mr. Deputy Speaker, Sir, if the hon. Member has not spoken on this, then he should wait until he catches the Speaker's eye when he will have a chance to give his views.

Mr. Deputy Speaker Sir, I am asking the Kenya Government, through the East African Community, and the Organization of African Unity, to bring pressure on the Arabs so that they can give oil concessions to the African countries. There is no use having individual African states going to Arab countries and begging for oil concessions because this will not bear fruits. We all know that unity is strength; and so, if we are serious and solid in our unity, starting from the East African Community, we should be able to gain something from these people. At Africa level we use the Organization of African Unity to bring pressure to the Middle East. We should point out the hardships being faced by individual countries like Kenya so that the Organization of African Unity as an organization for the whole continent can come out and confront the Arabs. I would like to see the Arabs confronted by the Organization of African Unity since they are dealing with it through the Arab League. The Arabs do not rely on individual leaders in a given Arab country to negotiate with Africa. They negotiate through the Arab League, and, similarly, we should utilize the Organization of African Unity.

Mr. Deputy Speaker, Sir, my next point is about the development in Nairobi. I would like to appeal to the Minister for Finance and Economic Planning to increase grants to the Nairobi City Council. This will go along way towards accelerating development in the city. We know for certain that the population of Nairobi is increasing yearly. People are coming from the rural

[Mr. Y. Ali]

areas to the capital city to work and to do business. This being the trend, if the Government is not going to increase its grants to the City Council we in Nairobi will be faced with a great problem because there will be a decrease in employment opportunities.

I am, therefore, appealing to the Government to give more money to the City Council so that it can provide more schools, more health centres and more housing for *wananchi*. The City Council, being a big employer in the City, will also employ more *wananchi* in the services of this city. If the Government will heed to this call, it will not only serve the interests of the citizens of Nairobi but also the interests of the whole country. I am totally opposed to those people, in and outside this House, who tend to attack Nairobi as if it is an island somewhere in the sea. It is high time we regarded Nairobi as our capital city because it belongs to everybody in this country. Its development is for the whole nation. The people who make Nairobi what it is are the people of Kenya.

With these few remarks, I beg to support.

Mr. arap Keino: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say something about this Budget.

I would like to call this Budget a common man's Budget in spite of the fact that we have not been told of how our unemployment problem will be tackled. As such, I think that the Budget was aimed at pleasing the 12 million people in Kenya but not our brothers.

Mr. Deputy Speaker, Sir, I would now like to make a few comments on what hon. Araru said. I think it is a very grave accusation. He said that there is a GK lorry which carries maize to the North-Eastern Province. The driver is known, and the maize is sold at about Sh. 90 per bag. The Minister for Finance and Economic Planning comes to this House asking for more money but we are asked to pay for the services which are not given to our people. Here is a driver driving GK 1383, using Government petrol, to transport maize to North-Eastern Province. The profit does not go to the Government but to the pocket of one or many individuals. We are told that the lorry is guarded by police officers. What justice is this? I would like to take this opportunity to warn those involved when the going gets rough they will be the people to suffer most and this may not be very far away. I kindly ask the Government to bring the people concerned to book however high on the ladder they might be. They should be jailed before they do more damage.

Mr. Deputy Speaker, Sir, we have for a long time been asking that the prices of farm products be increased. We have asked the Minister for Finance and Economic Planning to increase the price of maize, we have also asked the Government to give the people the freedom to transport maize from Nairobi to elsewhere and the Government has refused and yet our people are suffering. Our people are being taken to court every other day for transporting maize whereas this character has not only transported maize illegally but he has, in fact, used a Government lorry to transport it. Mr. Deputy Speaker, Sir, this is not a secret at all. Therefore, whoever these people are, they must be

brought to justice. This is what we are asking for and we would like an immediate reply to this allegation. I will call it an allegation until it is proved otherwise. Therefore, I am not going to ask the 12 million Kenyans to pay their few shillings to pay for these services—to pay for the salary of a certain Mr. Mwangi, who happens to be a driver, driving a GK lorry, registration No. 1383 and using Government petrol, paid for by us, to undertake private business. However, Sir, here we are feeling very satisfied when the 12 million Kenyans continue paying extra money for paying the salaries of these particular characters who are still being condoned in the Civil Service or elsewhere. I think I am going to be a bit rough today.

Mr. Deputy Speaker, Sir, before I go further I would like to ask this Government to see that these type of people are got rid of immediately before they wreck our system. You will find that in some of the farms around the country prisoners are being used free of charge. Who pays for the maintenance of these prisoners? The 12 million Kenyans. For how long are we going to condone these type of characters? For how long are we going to wait and say, "So long as I am not touched, I do not care?" Mr. Deputy Speaker, Sir, come what may, I will continue to tell them this: let us all pick up our courage and tell these people that what they are doing is absolutely wrong. We did not fight for our independence so as to exploit the 12 million Kenyans. We fought for the independence so that these people can enjoy a higher standard of living without being subjected to any malice, exploitation or harassment. Therefore, Sir, we will continue to ask for higher prices for our agricultural commodities because we want to see the 12 million Kenyans fed and properly fed too. This is all we are interested in. We are not interested in getting rich all we are asking for is an increase in the price of maize, not because we want to transport this maize to Moyale but merely because we want to be able to continue producing enough maize for this country. I am not going to be terrorized by a certain group of people and this is why I will continue to tell them what mistakes they are making. Sir, if you want to prove what I have been saying, all you need to do is to travel via Narok, and you will find all these GK vehicles that I have been talking about. What are these vehicles doing there? They are being used on wheat farms. I am sure the hon. Member from that area will bear me witness. Who is going to pay for the petrol and for the maintenance of these vehicles? The 12 million people of Kenya. It is most unfortunate that the so-called Ndegwa Commission Report was endorsed by this honourable House. However, Sir, in spite of this, we shall continue telling these people that they are absolutely wrong and we are not going to allow them to use Government vehicles and Government time for the benefit of a few individuals who, probably, did not even fight for our independence. This is what we are saying here. Let them use their own time and cars to supervise their wheat fields and not Government vehicles and time.

Mr. Deputy Speaker, I do not have much more to add, but before I conclude I would like to say this: The salaries of most of the civil servants must be adjusted and accordingly increased. This is what we

[Mr. arap Keino]

would have said if the so-called Ndegwa Commission Report was brought to this House before implementation. However, we are not going to condone the other part, whereby civil servants are being allowed to continue in business including the transportation of maize to the North-Eastern Province. We are not going to condone this?

Mr. Deputy Speaker, with regard to the petrol increase, it is most unfortunate that the Government decided to increase the price of petrol again. I do not see how we are going to be able to operate under the present circumstances. I am saying this because the increase in the petrol price is going to affect the whole of the transportation system in this country and we must see to it that this is not allowed to continue.

Finally, Mr. Deputy Speaker, we would like to see full free primary education being accorded in this country.

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

Mr. Mwangale: Mr. Deputy Speaker, Sir, I would like to join other hon. Members in congratulating the Minister for Finance and Economic Planning for the very able manner in which he presented his Budget this year. First of all, I would like to point out quite clearly that I do agree with hon. arap Keino, that it was totally wrong for the Minister to increase the price of oil, especially when we know that the price is almost double that of last year. This, in itself has much more adverse effects than anything else we have in this country. The Government must be prepared to meet certain costs by imposing lower marginal profits on these oil companies and pass the benefit on to the consumers instead of keeping on increasing the price of oil as they have done in the past six months. This should be looked into very carefully because it is one thing to increase the price of oil and it is another not to tax profits which these people are making without transferring these profits to the economy of this country.

The second thing I would like to point out very clearly, Sir, is that I totally disagree with the policy of some of our African countries who are going to the Arabs individually begging for oil. As far as I am concerned, if these Arabs are prepared to have more confidence in the Europeans and Americans and not in Africans, we can tell them to go and drop dead. We are fed up with them! At the beginning we had every confidence with the Arabs by supporting them as an Organization of African Unity group during their war with Israel. We did support them even at the United Nations Security Council as Kenyans. But what has happened now? They have, instead, not only put up the price of oil but also refused to invest in African countries. I am saying this because when you consider their analysis of investments in the European and American banks, you will find that the entire stabilization of the economic system of most of these European and American countries is as a result of the billions of dollars that the Sheikhs or the Al-Hajis or whatever you call them have poured into those countries. However, these Arabs are not prepared to spare one single cent for their fellow Africans. We shall sell water to them if we have got to. We shall have to seal the Nile; we

have to because we have reached a stage where we shall not tolerate their hypocrisy. Kenyans can live on their maize if they can grow enough of it. There was a Member of Parliament who was complaining that he has no piece of land. Let him come to me and I will give him a piece of land where he can grow maize so that we can all be able to feed ourselves. These Arabs will have to live on us because they cannot drink their oil if we refuse to give them our water and food. I can sit at home and cultivate cassava or *wimbi* and I shall survive. Therefore, it is time our Arab friends were told in no uncertain terms that black Africans are fed up with their hypocrisy. We did point out this in our meeting at Addis Ababa and we shall continue pointing this to them. We should tell them in no uncertain terms that the bloody \$200 million they gave us is nothing to us and they can get it back if they so wish. This is nothing to us. This is just a drop in an ocean which is not able to sustain any system in our own country.

The other point I would like to mention concerns the Budget as a whole. I think it is important that the Budget must always bear two things. The first thing is that it should always have a re-distributive effect on the entire country. In our case we have had our Estimates from 1971 up to the present moment but there are some areas which do not seem to benefit from these estimates or from the money which are paid by the people of this country in form of tax. We should not always aim at industrialization *pensee* but industrialization for the effect it will have on the people that the industries are going to serve. In this case I want to point out again that we have had cases where industrialization has been mainly directed towards certain centres like Nairobi, Thika, Mombasa and Nakuru. We have reached a stage where the Government should direct some of these investors as to where they should set up industries. For example, we have a place called Kericho where a lot of tea is grown in this country. In this case the tea conversion industry should not be put up in Nairobi but in Kericho because that is where the raw materials are. But for the rural areas to continue to subsidize the factories in the urban areas with raw materials, this is not good. Mr. Deputy Speaker, Sir, I know you represent an urban area, but you will agree with me that we in the rural areas are not going to be exploited if we have to subsidize these factories. It is therefore, important that the Government continues to aim to reach every part of this country.

As far as this Budget is concerned, and in view of the fact that the economy of this country is not going to develop at the same rate as it did last year, the little we get from our resources, whether it is through taxation or through other means, should reach every part of this country. In order to do so we must look at what really makes the rural areas tick. I want to say that one of the things which makes the rural areas tick are the small peasant farms. In the last six or eight months alone, the cost of living in the rural areas has gone up more than five times. A bag of fertilizers which we used to buy at Sh. 21 today sells at Sh. 70 or Sh. 80. A packet of D.D.T., an insecticide which we use to put on our maize used to cost Sh. 17 or so but now it is costing something else. The Government must know

[Mr. Mwangale]

that in order for Kenya as a country to tick it has to make use of her own raw materials. You can talk about importing capital and such things but I can assure you that the basis of our economic expansion is our own raw materials. The raw materials which I am talking about are coffee, maize, wheat, tea and others. Until we are able to control those raw materials and make sure that everything in the form of inputs that goes into the production of those raw materials really pays in this country, you can go on talking about oil affecting our economy but you will never progress. I am saying that in the last six to eight months this has been the case, and looking at this Budget, I see it is not taking care of that aspect.

I would like to say that we can easily experience famine in the next two years and this can be brought about because of the way in which various Government corporations are messing about with their work. All these institutions seem to be either incapacitated or paralysed from functions by the Treasury or by the fact that the people who are leading them are not able to manage them. For example when you go to the Agricultural Finance Corporation, you will find that it is not giving money to the farmers, and when you go to the Kenya Farmers Association you will find that they do not have any fertilizers to give to the farmers. The same thing happens to the Kenya Co-operative Creameries. This body is not paying farmers for the milk which they deliver to it. I do not know whether these institutions are failing or the management is just poor. We have also reached a stage where the famous ten great years could turn to ten sour years. I do not see the reason why we are going to keep in this corporations just because they are backed by certain political figures. We have got to get rid of some of these people. We have reached a stage where tribalism must be got rid of whether it is in investment or in employment. Unless we sit down and take stock of what happened in the last ten years, be proud of what was done—which is good—and be very, very ashamed of what has happened wrongly, we will continue to make the same mistakes.

Hon. Keino has pointed out that today there are people who are exploiting others. You can see it there. There are free trucks carrying prisoners perhaps, other people are driving big cars with free petrol which is supplied by the Government and some other things which you can see with your own eyes. When such things are questioned here—some people even fear to speak them out. Even during the debate on the Sessional Paper No. 5—the Ndegwa Commission Report—hon. Members pointed out some things which they thought were totally wrong. However, when the Division Bell was rung, some of the hon. Members who had spoken about the Bill very bitterly left the Chamber. We have reached a stage where all hon. Members should realize what they are supposed to do in this House. Hon. Members are free to say anything in this House so long as they do not indulge in subversive activities. Kenya is a democratic country and we should do our level best to safeguard that. The only thing we should all avoid is doing things underground

because we shall finally be discovered. For instance, if an hon. Member knows that there are some people who are owning large farms in the country there is no reason why he should not say that in this House. There is no reason why he should not ask the Government to allocate such-and-such a farm to the landless. We should all be aware that if the situation changed for the worse we shall all be called upon to answer for the mistakes which we are making today.

Finally, Mr. Deputy Speaker, Sir, I would like to say something about my constituency. I would like Webuye Township to be improved. In the first place, since there is a very large paper factory which is employing very many people, a school should be built there. Also, a health centre should be built there. For instance, in Kimilili there is no ambulance service—

Mr. Deputy Speaker: Your time is over, Mr. Mwangale.

Mrs. Onyango: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to say something about the Financial Statement.

In the first place I would like to thank the Minister for Finance and Economic Planning for the way in which he moved this Motion. The taxation measures suggested in this Budget are reasonable. However, I would like to inform the Minister that the housewives of the people who earn low salaries are very happy because he has reduced the price of vegetable oil. Everybody is expecting the Minister to reduce the price of the locally manufactured sugar. For instance, the price of imported sugar is the same as that of the locally manufactured sugar. I would like to take this opportunity to ask the Minister to reduce the price of the locally manufactured sugar.

Although the Minister has raised the price of certain goods, there is no reason why he should leave the traders to increase the prices of goods in this country in the manner they want. The time has come for the Minister to introduce a price control in this country. In my opinion the Minister should supply all traders with a price list. For instance, there is no reason why the traders should increase the price of textile goods and oil any time they wish.

Mr. Deputy Speaker, Sir, I would like to ask the Minister to make sure that the money earmarked for development is evenly distributed throughout the country. If this is done all tax-payers will benefit. For instance, the Siaya/Bondo road should be tarmacked. I also feel that the Kisian/Kamito/Usenge Road should be tarmacked during the current Financial Year. Every year some money is set aside for the improvement of this road but we do not know where this money goes to because up to this day this road has not been tarmacked. For the information of the House this road is impassable particularly during the rainy seasons. I hope it is going to be tarmacked during this current Financial Year. I expected the Minister to say something about valuation of land. The site rate and land value is very high in Kisumu Town and I suspect that this is why investors fear going to Kisumu. In fact, Mr. Deputy Speaker, Sir, land value in Kisumu is higher than in Nairobi because in Nairobi it is 5 per cent

[Mrs. Onyango]

whereas it is 7½ per cent in Kisumu. I would request the Ministry concerned with local authorities to ask the Kisumu Municipality to reduce the land value.

Mr. Deputy Speaker, Sir, we in Kisumu have a provincial hospital which is known by many names. Sir, sometimes we call it the New Nyanza General Hospital and at times we call it the Russian-aided Hospital. We would like the new hospital to have a store of its own instead of having its equipment kept in the old hospital. We would like to see all hospital stores in one compound.

I would like the Government to think about Kibuye open air market in my constituency. Every now and then we have rain, Sir, and the goods being sold by traders at this market are spoiled. The Ministry of Works should think of providing shelters at this market and, in fact, at all bus stops throughout the country. I am sure that such an amenity will help travellers on our roads because when it starts raining travellers are not welcomed in private homes for a shelter. Mr. Deputy Speaker, Sir, in these days of robberies and other serious crimes, people are scared of strangers in their homes.

Although the price of petrol keeps rising, the salaries of petrol stations workers are not being raised as well. I would like the Minister to raise the salaries of petrol stations workers. I say this because owners of petrol stations are going to benefit from the increased petrol prices and so it is only fair that workers in the oil industry also benefit. At the same time, Sir, domestic workers are extremely underpaid. You will find, Sir, that domestic workers in some Asian homes earn as little as K.Sh. 90 per month. However, the income of Asians is so colossal that I cannot understand why they should pay their domestic workers such low salaries!

Mr. Deputy Speaker, Sir, I would like to request the Ministry concerned with communications in this country to ensure that there are two trains running to Kisumu during peak-months especially when school children are closing and opening schools. I say this because the train service is the only cheap way by which the poor people can travel. At the moment, Sir, we only have one train from Nairobi to Kisumu and, therefore, I would like to request the Minister concerned to provide us with one train in the morning and another one in the evening. I believe that the Minister is not aware that two people died recently while struggling to enter a train at Kisumu Railway Station. I am sure that everybody who travels from Nairobi through Kisumu to Butere would like to see two trains operating on that route everyday.

I would like the question of Nyanza being regarded as a stronghold of the banned KPU Party, even today, to be cleared once and for all. We are told from time to time that there are members of the banned Kenya Peoples' Union in Nyanza. I challenge anybody to face me today and tell me where these people are found. What are the symptoms of the Kenya Peoples' Union? How can you identify a member of the Kenya Peoples' Union from the other people? All we know is that all

the people of Nyanza are Kanu members. They have Kanu membership cards and they attend Kanu meetings. How can a banned party exist? I challenge anybody to show us where this party is or even show us its symptoms. Why should you revive something which is done away with? It is wrong to keep on talking of the existence of something which is dead. The party was banned once and for all. It does not exist. It is wrong for the cowardly people to use this as a scapegoat of their political fears. We are all citizens of Kenya and we would like to be treated as such. Most of the people in Nyanza are members of Kanu and they always come forward to the call of His Excellency the President when he wants all the people to register as Kanu members. Many people in Nyanza have registered themselves as Kanu members, but you will find that some old Kanu members discourage them from coming forward to register.

With these few remarks, I beg to support.

Mr. Marwa: Mr. Deputy Speaker, Sir, I would like to make a few comments on the speech of the Minister for Finance which, I admit, he moved very ably. However, I have a few observations to make.

The speech was a good one, and it is not going to hit the common man on the street very much. Even if it hits him, it will not be as hard as we expected. I would like to suggest to the Minister that he should step up the production of beef in this country. If we produce enough to sell outside this country we shall be able to meet good our deficit in our balance of payments and also get some money for development. We have a lot of land in the North-Eastern Province, Masailand, South Nyanza, including my area, where we can rear beef animals. However, I feel the Ministry is not very serious about this work. We received a report from the International Labour Organization suggesting that ways should be found to increase employment opportunities for our people who are now unemployed. According to their recommendation, they would like us to develop the beef industry in this country. To do that we need to construct dips so as to improve the health of cattle. Instead of us in Kenya having shortage of meat from time to time we should have enough to export because we have many big areas which are good for keeping animals. I do not see the reason why the Ministry of Finance and Economic Planning cannot plan in such a way that we step up the production of beef.

Mr. Deputy Speaker, Sir, having said that, I would now like to say something about our foodstuffs. As it was said here by some hon. Members, we find that it is not only here in Kenya where we can sell maize at a very high price. We find that our neighbouring countries are very much in need of food. Sir, we have learned that we can produce this foodstuff. Therefore, I see no reason at all why the Minister or the Ministry of Agriculture cannot give us a better price for maize so that our people can step up its production so that we can sell it not only in the North-Eastern Province or Moyale for that matter but also in the neighbouring countries at a very high price. We can then use that money in general development in the country.

Mr. Deputy Speaker, Sir, our people are very highly taxed, whereby, instead of paying the usual 10 per cent sales tax, they pay 100 per cent increase, and we wonder where we are heading to. Sir, before the sales tax came, we were buying, say, a tin of kerosene for Sh. 15. Now, you will find that with the introduction of the sales tax, the same tin of kerosene costs Sh. 40. Now, Sir, we are wondering what percentage has been increased. Also, a 15 per cent increase in the spare parts of motor cars is very high. For instance, you will find that a simple rubber which used to cost, say, Sh. 30, is now costing Sh. 60. That is the reason why I am saying that I do not understand how this sales tax is being worked out by the traders. Now, these are some of the things on which we are questioning the Government. Because of this high price of everything, we would also like the farmer to be given something by the Government so that he can also survive and be able to buy these essential commodities.

Mr. Deputy Speaker, Sir, we have a country which is very highly blessed. We have enough rain; we have enough land and we have enough people who can work and produce enough foodstuff for both local consumption and export. However, our problem is that the prices which are being offered to our farmers by the Government are very very discouraging. Therefore, because of that, Sir, you will find that some farmers are not being encouraged to produce more foodstuff.

Mr. Deputy Speaker, Sir, I would like also to say that we have land on which we can grow some cash crops which are very much needed in this country. For instance, tobacco. We do not have enough tobacco in this country. However, tobacco is being grown by our neighbouring countries, Uganda and Tanzania. Therefore, you will find that the tobacco which we buy from these countries is costing us a lot of money for nothing. Instead of paying them Sh. 3 per kilo as we are paying our farmers, we are paying them Sh. 10. Why can we not use this money to encourage our people to grow more tobacco by offering them better prices? We would like to be self-sufficient as far as tobacco is concerned because we have learnt how much money we are losing through buying it outside Kenya. That is the reason why I am saying that the Ministry of Finance and Economic Planning is not serious to see that these things are corrected. Our planning machinery is not up to date. Therefore, I would like to call upon the Ministry to intensify the planning so that the people of this country are self-sufficient on these things which they usually import and are costing us a lot of money. I am sure that we are able to produce almost every kind of raw materials needed in our country but the trouble is that our people are not given any assistance by the Government and our plans are not up to date. We might end up getting very poor results, very poor prices and then we will get very much discouraged and find ourselves getting nowhere. Therefore, Sir, I would like to call upon the Ministry, at this time of the financial year, to step up the development of the rural areas where most of us live. We

would like these areas developed to self-sufficiency in some of these commodities which I have just mentioned.

Mr. Deputy Speaker, Sir, we know that the price of groundnuts is very good and we need them and they are also very much needed in the world market. However, where are they? We do not have any help from the Government in growing groundnuts. Mr. Deputy Speaker, Sir, if these things were stepped up we would have more groundnuts grown. As a whole, the Ministry of Agriculture should be reorganized and be given enough money to carry out some experiments. The Tractor Hire Unit should be strengthened and expanded. The fleets of tractors should be increased so that the farmers in the areas where tractors are needed can be helped. The prices of tractors, oil and spare parts have gone up and therefore, the Tractor Hire Unit of the Ministry of Agriculture should be strengthened so that it can help the farmers in the rural areas in their endeavour to grow more food.

On whole, the Budget Speech was good and I liked it. However, we should take into consideration the plight of the backward and underdeveloped areas of our country, an example being my own area. When we prepare these Budgets we should have in mind the difficulties of our people. As usual this point has been taken very slightly. When we are here we try to air the grievances of our people. We are here to talk about what our people want and that is exactly what they elected us to this House to do. However, when Government does not want to listen to or hear what we are talking, Mr. Deputy Speaker, Sir, we do not have any other place where we can take our grievances. Our grievances are that where there are no roads there should be roads, where the education of our children is not up to date, we should be given more schools or the Harambee schools run by *wananchi* taken over by Government so that our children can get the benefit of learning.

Sir, when we speak of agriculture we know that if our land is developed properly we can produce both milk and meat. When we speak of cereals we know that we have land which is capable of producing these crops. That is why we call upon the Ministry of Finance and Economic Planning to plan properly.

With these few words, I beg to support.

Mr. Mnene: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to speak on this Motion. We agree that the Minister ably presented his Financial Statement. We also agree—at least I agree—that the raising of prices of various commodities was necessary. However, we cannot keep on raising prices of commodities every now and then. If we do so especially for goods which are locally produced then there is a danger. If we said, as some hon. Members have said, that we should not smoke or drink because the cost of these items have gone up, we would not be speaking the truth. The Minister purposely raised these prices to get money to finance our development. Therefore, we have to drink and smoke we cannot help it. If we do not do so, then we will lose that revenue. We have to collect this revenue and the Minister must make sure that he uses that revenue to pay for necessary services.

[Mr. Mnene]

This is because right now we have some very unnecessary services which we are paying for. For example, you will find that people like district commissioners, provincial commissioners and even the district officers, have each a body-guard. I do not know what for are these body-guards whom we are paying for their salaries. You will find people whom we call

..... (Inaudible).

Why should we pay for such people? Why are they worried and yet they have been given all the freedom, all the powers that anybody could get? Why should they have askari guarding their homes at night and even askaris to accompany them to the shops? You will find that they employ the people they call second-hand. However, Mr. Deputy Speaker, Sir, these people do not even work in administration offices. You will find them working in the homes of these people. They are their cooks, their *shamba* boys, and they are paid by the Government with this same money we are trying to collect from smokers and drinkers. Mr. Deputy Speaker, Sir, this money has to be used for necessary services only.

Now, the same Minister the other day was saying things which I do not believe could be said by him. He was saying that we shall develop and construct new roads or better roads to link important places in Kenya. Mr. Deputy Speaker, Sir, are there some important places in this country? Would you call places where Kenyans are living unimportant? Which places are those, Mr. Deputy Speaker?!

Hon. Members: Taveta is one of them!

Mr. Mnene: Mr. Deputy Speaker, Sir, you will find the same Minister saying that when he gets money, he will construct new roads to connect the international boundaries. However, he says, at the same time, that these international boundaries must be in important places to warrant new roads. Is that not a contradiction in itself, Mr. Deputy Speaker? I pity the Minister.

Mr. Deputy Speaker, Sir, the Minister for Agriculture here is sympathizing with my case, and he knows exactly what I mean. I am talking about that very famous road from Voi linking Kenya and Tanzania. Mr. Deputy Speaker, Sir, you will drive from Nairobi through Athi River, Kajiado, Namanga into Tanzania, and it is all tarmac. Now, in Tanzania, the road is all tarmacked up to the Taveta border. Now, our neighbours are very interesting because they have put a very big sign post at the end of their tarmacked road, saying, "You are now entering Kenya" and that is dust. Mr. Deputy Speaker, if the Minister cannot see it, that for political reasons, you have to tarmac that road, then he is not looking ahead.

Mr. Deputy Speaker, the same Minister promised in this House that he will tarmac that road during the coming plan period. However, in his own Development Plan Book, he has not included that road. However, we are looking for money in this Budget to finance some roads, some of which appear to be very unimportant to me. However, since they are in Kenya, let them be constructed. However, that particular road is an international road, and it has to be tarmacked.

Hon. Members: Which one?

Mr. Mnene: I am talking about the Voi/Taveta Road.

Mr. Deputy Speaker, Sir, another important thing is that the East African countries have to encourage business trade among themselves. You will find a lot of business going on now between the three states on black market because we have currency restrictions. Those who live along the borders have experienced this. Some of us have a common language with the people living on the other side of the border—these borders are just imaginary lines which were set by the colonialists. However, we have stuck to those boundaries today, and we have now restricted currencies; that our currency should not go to the other side and theirs should not come to this side, and we go to look for trade with European countries while we cannot even trade with our own partner states.

Mr. Deputy Speaker, Sir, if we raise prices of commodities in this country, we should also make sure that those commodities are available in our shops. There is no point raising the price of sugar and of maize-meal when you cannot get these commodities in our shops. We believe we have these commodities in plenty, but they are going out of this country through black-market. This is as a result of currency restrictions. I would like to urge the Minister for Finance and Economic Planning to so plan our economy that every *mwana* who has money is able to buy whatever he wants irrespective of these high prices. The people of Kenya have tolerated the rise of prices in the last three months. Every month the prices of commodities have been going up and not through this Parliament. I think this has been happening through either the Minister's Office or the Cabinet. However, even though the prices have gone up, the consumers have never refused to pay, but the commodities cannot be found in our shops. If you go to some places, you will find people lining up for food, especially for maize-meal, as if we are in Ethiopia where there was a big famine. It is surprising that we keep on supplying food to those people whom we believe are suffering and are our neighbours but at the same time our own people are suffering even more than those we are helping.

Mr. Deputy Speaker, Sir, if you visit the rural areas, you will find women are queuing up in long lines outside the shops said to have *unga*. You will find women carrying their children on their backs and some of them being pushed out of the queue by those who are stronger. This is very unfortunate. The Minister for Agriculture always assures us here that there is plenty of *unga* everywhere and that there is no cause for alarm. Where is this *unga*, Mr. Minister?

The Minister for Agriculture (Mr. Nyagah): On a point of order. Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that I assure the House that there is *unga* everywhere? All that I assure the House is that there is enough *unga* and maize in the country but not everywhere.

Mr. Mnene: Mr. Deputy Speaker, Sir, by "everywhere" I do not mean Mogadishu or Tanzania. I meant

[Mr. Mnene]

Kenya, where he assures us that these commodities are available. If there is plenty of these commodities, why are they not found in our shops? Let the Minister tell us that.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to supopr.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 14th June, at 9 a.m.

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

Friday, 14th June, 1974

The House met at Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

THE LOCAL GOVERNMENT REGULATIONS, 1963

Legal Notice of 1974—The Local Government Elections (Amendment) Rules, 1974.

(By the Attorney-General (Mr. Njonjo) on behalf of the Minister for Local Government (Mr. Osogo))

NOTICE OF MOTION

VOTE ON ACCOUNT

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

THAT, in accordance with section 101 of the Constitution of Kenya the withdrawal from the Consolidated Fund of the sum of K£113,019,179 made up in the manner set out in the Vote on Account laid before the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 1975 until such time as the Appropriation Act for that year comes into operation.

ORAL ANSWERS TO QUESTIONS

Question No. 387

WATER SUPPLY FOR MARALAL

Mr. Lenayiarra asked the Minister for Agriculture—

(a) what definite plan there is to see that Maralal Town is adequately supplied with enough water in the future; and

(b) whether there is a possibility of an alternative water source.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of my colleague the Minister for Agriculture, I beg to give the following reply.

(a) Maralal is included in the minor urban water supplies programme during the current Development Plan period. The Director of Water Department has carried out a feasibility study for the Maralal Water Supply and the project will be given to consultants for design in the near future.

(b) Sir, because the present source is regarded as inadequate, hydrological investigations are in progress to determine the potentials of augmenting the supply from Bawa Dam, Muramur Dam, Ndebero Dam, or Enkare Narok Dam.

Mr. Lenayiarra: While appreciating the fact that Government has carried out some survey in the area, would Government give this programme priority since there is a shortage of water in Maralal Town from time to time?

Mr. Njonjo: Mr. Speaker, Sir, I do not know the priority the hon. Member is talking about? As I have already stated, a feasibility study has been carried out and the project is just about to be given to consultants to design it.

Question No. 400

OPENING OF A COMMERCIAL BANK IN YATTA

Mr. Kiilu asked the Minister for Finance and Economic Planning whether he would consider the establishment of a branch of any of the commercial banks at Matuu Market, Yatta Division.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

I have been informed by the three main commercial banks in Kenya that they have investigated the feasibility of setting up a full branch at Matuu Market in Yatta Division. Unfortunately, Mr. Speaker, Sir, the volume of work, as of now, does not warrant the establishment of a full branch.

Mr. Kiilu: Arising from that reply by the Minister, is he aware that people from Yatta Division travel to Thika for bank services? There is a lot of work in the area because there are many successful farmers and businessmen. What is he going to do to provide my people with banking services?

Mr. Kibaki: Mr. Speaker, Sir, the commercial banks are interested to set up a full branch at Matuu Market because they also want to make good business. In fact, one of them has a mobile unit on certain days of the week. Now, when they review the position and are satisfied that the volume of work warrants a full branch, I am sure they will establish one there.

Question No. 275

COMPENSATION PAID FOR DEMOLISHED HOUSES

Mr. Y. Ali asked the Minister for Housing how many old temporary houses have been demolished in Kibera since 1969, and what compensation was paid, if any, for each house; and whether compensation was paid based on the rate of cost of living at the time.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply.

According to the records of the National Housing Corporation, in our Ministry, 87 temporary houses have been demolished since 1969. The amount of compensation paid in respect of 77 of these structures amounted to a total of K.Sh. 87,380, that is, an average of K.Sh. 1,135 approximately per structure. Compensation in respect of the remaining ten structures is currently being assessed. The calculation of compensation was based on the values current at the time the compensation was assessed.

Mr. Y. Ali: Mr. Speaker, Sir, will the Minister tell this House whether the owners of the houses in question were paid with cash money? Will he also tell the House how many people were paid.

Mr. Ngei: Mr. Speaker, Sir, that is a very vague question. However, with your permission, am I not in order to ask the hon. Member to repeat his question?

Mr. Y. Ali: Mr. Speaker, Sir, will the Minister tell the House whether or not the owners of the houses were paid cash?

Mr. Ngei: Mr. Speaker, Sir, payment means what it is and nothing else. However, I would like to assure the

[The Minister for Housing]

hon. Member that the owners of the houses in question were paid in Kenya Currency.

Mr. Gatuguta: Mr. Speaker, Sir, does the Minister agree with me that it would be better if his Ministry adopted a policy of compensating people whose houses have been demolished by building other new houses for such people instead of giving them money?

Mr. Ngei: Mr. Speaker, Sir, that is an excellent idea by a learned hon. friend of mine. I shall examine the possibility of doing what the hon. Member has suggested.

Mr. Y. Ali: Mr. Speaker, Sir, will the Minister tell the House whether or not the owners of houses which are demolished are informed when the compensation will be paid? Will he also tell the House whether or not such people are free to raise any objections?

Mr. Ngei: Mr. Speaker, Sir, such people are always informed as soon as arrangements are finalized. I am sure the hon. Member will agree with me that my Ministry has done its level best to help his people. Whenever a request is made to my Ministry by the hon. Member I try to see that something is done about his request.

Question No. 380

RECRUITMENT OF ROAD WORKERS IN MBITA

Mr. Migure asked the Minister for Works whether—

- (a) in view of the fact that unemployment problem in Mbita Division has reached a very critical stage, he could explain to the House why simple labourers who are not residents of Mbita Division are being recruited to work on Mbita roads; and
- (b) he could direct the dismissal of all those who have been recruited and the same number be replaced by Mbita Division residents with immediate effect.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, on behalf of the Minister for Works I beg to reply.

As a general rule casual labourers employed by the Ministry of Works are recruited locally. I believe that the hon. Member is referring to a few labourers, about 15 of them, who were hired for a period of three months for the construction of ramp for Mbita Ferry. It is regretted that although the majority of the casual labourers were from Nyanza Province only three came from Gemba Location. This was a mistake which was made by the Ministry's officer in charge of the ramp construction. He has since then been warned. It is not worth sacking the labourers who are not from Mbita Division in view of the fact that the construction of the ramp will be completed this month.

Mr. Migure: Mr. Speaker, Sir, will the Assistant Minister tell the House under what rules the officer in question employed the people I am referring to?

Mr. Kibisu: Mr. Speaker, Sir, although it was against the policies of the Ministry of Works, when this officer moved from a previous project he was working on he

moved with the casual labourers he was working with to the new site. However, the Government has taken remedial steps to make sure that a repetition of that kind of thing does not arise in future.

Mr. Migure: Will the Assistant Minister tell the House the remedial steps the Government took to avoid such recurrence in future?

Mr. Kibisu: Mr. Speaker, Sir, I am sure the hon. Member is not interested in knowing what the Government did to this officer. However, I would like to assure him that a disciplinary action was taken against the officer in question.

Question No. 354

POSTING OF AN INFORMATION OFFICER—ELGEYO-MARAKWET

Mr. Kurgat asked the Minister for Information and Broadcasting, since there is only one information office and one vehicle serving Nandi, Uasin-Gishu and Elgeyo-Marakwet districts, if he would consider posting one information officer with all the necessary equipment to Elgeyo-Marakwet to adequately cover the district and the Kerio Valley.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I beg to reply.

It is the intention of my Ministry to strengthen information services in the Upper Rift Valley. This will be done by strengthening the information services at Eldoret which I feel is a focal point for the region in question.

We intend to increase the staff at Eldoret Information Office in the current Financial Year.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, is it possible for one information officer to efficiently cover two districts?

Mr. Kase: Mr. Speaker, Sir, I would like to inform the hon. Member that in the near future we are going to open an information office at Tambach.

Mr. Kurgat: Mr. Speaker, Sir, will the Assistant Minister assure the House that he is going to send an information officer to Iten without further delay?

Mr. Kase: Mr. Speaker, Sir, when the district headquarters at Iten are ready we shall consider sending an information officer there.

Mr. Seroney: Mr. Speaker, Sir, does the Assistant Minister not agree with me that it is not possible for three information officers to cover three districts efficiently? Will he assure this House that his Ministry is going to send three information officers to this area, one to Iten, another one to Tambach and the other one to Nandi?

Mr. Kase: Mr. Speaker, Sir, I would like to inform the House that my Ministry is aware that we need more information officers. In fact, we are going to train as many information officers as possible.

Mr. Kurgat: Mr. Speaker, Sir, is the Assistant Minister aware that at the moment some of us are forced to hire a loud speaker from Nanduani Company at a rate of Sh. 150 per day simply because the information officer stationed in this area does not have one?

Mr. Kase: Mr. Speaker, Sir, I would like to thank the hon. Member for volunteering to hire his own equipment. For his information we have only 21 loud speakers and realizing that there are 42 districts in Kenya, it is obvious we do not have loud speakers in some districts. I am advised that in Mombasa hon. Members usually hire equipment for their use. However, once we know that a very important occasion is going to take place somewhere we normally send some equipment from Nairobi to such area.

Question No. 376

CONSTRUCTION OF COTTON ROADS

Mr. Ebu asked the Minister for Agriculture, since cotton, one of our economic crops, is grown in some parts of rural Kenya where roads are often non-existent, whether he could find ways and means of constructing "cotton roads" to ease marketing problems and to boost production.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply, on behalf of the Minister for Agriculture.

The Ministry of Agriculture is doing everything it can to make quite sure that there are roads in these areas so that cotton can be moved from where it is grown to the factory. This matter is receiving all the attention of the Ministry.

Mr. Ebu: Mr. Speaker, Sir, arising from that answer which appears to be off-head, could the Attorney-General tell the House what efforts the Ministry of Agriculture has taken to open up roads in cotton growing areas? Cotton growing was started in these areas as far back as 1920.

Mr. Njonjo: Mr. Speaker, Sir, I do not know what problem the hon. Member has because I am sure he is not suggesting in this House that there are no roads in the areas where cotton is grown. However, if there are no roads in the areas where cotton is grown, we would be interested to hear that. In any case, if one is going to grow cotton at the back of his house and expect the Ministry to put up roads for him, then, of course, that is really an exaggeration of the alleged shortage of roads.

Mr. Masibayi: Mr. Speaker, Sir, I would like to ask the Attorney-General to rest assured that cotton is never grown in the backyards, but it is grown on farms as large as the coffee farms he knows of in his area. However, some time back, the Cotton Lint and Seed Marketing Board used to provide money for roads to be constructed in areas where the crop is grown. Can the Attorney-General tell the House why this money is no longer forthcoming?

Mr. Njonjo: Mr. Speaker, Sir, I think the House will accept that money for roads is in the Development Programme, but I cannot accept this allegation that there are no roads for moving cotton from cotton growing areas. If the hon. Member is speaking about the cotton grown in the backyards, not necessarily his backyard, but small *shamba* near the back of some houses, and expect the Government to construct roads to tap this little cotton, then I think the hon. Member is being unreasonable.

Mr. Ebu: Mr. Speaker, Sir, arising from the Attorney-General's reply, which seems to be confusing and which displays his ignorance about cotton problems, can he tell the House which specific roads have been opened up in cotton areas by the Ministry of Agriculture? I am not talking about the cotton grown at the backyard, I am talking about cotton plantations in Busia District.

Mr. Njonjo: Mr. Speaker, Sir, I think we have some misunderstanding here. Of course, I have been talking about roads which are put up by the Ministry of Works to enable cotton or any other foodstuff to be moved from one area to another. However, the roads the hon. Member has in mind are those that the Ministry of Works cannot put up, namely "cotton roads". I do not know what "cotton roads" are.

Question No. 394

A ROAD FOR GETA SCHEME

Mr. Kabingu-Muregi asked the Minister for Works—

- (a) whether the Minister is aware that there is a great demand for a road in Geta Scheme from Wanjohi-Kiambogo to Kianugu joining Geta road near Geta Forest Station; and
- (b) whether he would, as a matter of urgency, re-gravel Mikoro road, in Mikoro Scheme and Turasha ridge road in Turasha Scheme.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, on behalf of the Minister for Works, I beg to reply.

(a) Yes Sir, I am aware of the demand for roads in the Geta Scheme and this demand applies equally well to all settlement schemes in the areas which were formerly settled by foreigners.

(b) With regard to the regravelling of roads in Mikoro and Turasha Scheme, the Ministry has no funds at the moment. If funds become available these roads will be considered along with others.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, is he aware that in these settlement schemes, roads were constructed but were not regravelled? What I am asking the Ministry is to open up a road where no roads existed before but now people have already settled there. From the nearest road, it is about four or five miles to the farmers' houses. Would the Minister therefore, consider this question of opening up new roads for these people?

Mr. Kibisu: Mr. Speaker, Sir, I have already said that I am aware of that great demand and action will be taken as and when I am able to do so, that is when funds are available. The hon. Member should rest assured that the problems of his people are very much receiving my Ministry's attention.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, while I appreciate the second answer from the Assistant Minister, would he care to give a specific time when these people would expect to have a road constructed for them? Is he also aware that Turasha Ridge road was constructed under phase I programme, by the National Youth Service and that the type of murrum they used was of

[Mr. Kabingu-Muregi]

poor quality? My request here is whether the Ministry would consider regraveling this road once more to make it passable?

Mr. Kibisu: Mr. Speaker, Sir, I have already undertaken to carry out the specific work requested by the hon. Member as and when funds are available, presumably in the new Financial Year.

Question No. 374

CANCELLATION OF TRANSPORT LICENSING BOARD MEETING

Mr. Nthenge asked the Minister for Power and Communications—

- (a) what circumstances led to the abrupt cancellation of the Transport Licensing Board meeting arranged for 22nd and 23rd April, 1974;
- (b) why those involved were not informed in time by telephone; and
- (c) who is to pay for the expenses involved.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, on behalf of the Minister for Power and Communications, I beg to reply.

(a) The Transport Licensing Board meeting arranged for 22nd and 23rd April, 1974 was cancelled because on the appraisal it was found that there would not be sufficient business to be transacted on those days. This is not the first time a meeting has, for one reason or another, been cancelled, and I see no reason why this should be an exception.

(b) It would not have been possible to contact all the parties concerned by telephone. However, the cancellation was announced three times over the radio on Friday 19th April, 1974 during 7 p.m. news and on Saturday 20th April, 1974 after the 1 p.m. news and after the 7 p.m. news.

(c) The parties concerned will bear their own expenses.

Mr. Nthenge: Mr. Speaker, Sir, does this not mean that the method used to cancel this meeting was so poor that even the members of the Transport Licensing Board themselves had to travel all the way from their homes to the meeting place only to find that the chairman and some other important people had not come, and most of these people were very much embarrassed? What is the Ministry doing to avoid such inconveniences in future?

Mr. J. M. Kariuki: Mr. Speaker, Sir, the members of the Transport Licensing Board might have gone there but this was announced over the radio more than three times. Therefore, if they did not listen to the radio, then nobody is to be blamed but themselves.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the cancellation of this meeting was announced over the radio and in view of the fact that not everybody in this country can afford to buy a radio, why did the Government not inform these members through letters instead of making a radio announcement?

Mr. J. M. Kariuki: Mr. Speaker, Sir, the information is that this meeting was cancelled because there were

reasons which necessitated the Transport Licensing Board to cancel it. I am sure that when this was announced over the radio those involved heard it and therefore should not have travelled for so many miles to the venue of the meeting.

An hon. Member: Not everyone has a radio at home!

Mr. Nthenge: Mr. Speaker, Sir, why was there no statement made in the Press as a piece of news instead of making this announcement under the casual announcement?

Mr. J. M. Kariuki: Mr. Speaker, Sir, we assumed that the radio is heard by very many people some of whom cannot even read newspapers.

Mr. Mutunga: Mr. Speaker, Sir, is the Assistant Minister aware that subsequent to that cancellation of the meeting, two other meetings which were scheduled to be held on 14th and 15th of May, were cancelled at the last moment and yet some people had travelled all the way to Nakuru only to be told that the meeting has just been cancelled when they were already there? Why should this be repeated so often?

Mr. J. M. Kariuki: Mr. Speaker, Sir, I am only aware of the meeting which was scheduled to take place on 22nd and 23rd April. I am not aware of any other meeting.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from the reply that there was no sufficient business to be transacted at the meeting, what exactly does the Assistant Minister mean by this? Does he mean to say the number of applications to be processed were few and, if this is the case, would he indicate to the House what number of applications should be there so that a meeting could be held?

Mr. J. M. Kariuki: Mr. Speaker, Sir, that could precisely have been the case otherwise if it had not been so, then it would not have been so.

An hon. Member: What exactly do you mean by that?

Mr. D. M. Kioko: Mr. Speaker, Sir, since the hon. Assistant Minister has said that the public is supposed to incur its own expense and yet they are not properly served, why is it that the Government is always spending money to pay its own members who are not also informed about the meeting?

Mr. J. M. Kariuki: If they want to be given the Transport Licensing Board licence, then they should be able to meet their own expenses.

Mr. Speaker: Next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

That, Mr. Speaker do now leave the Chair.

(Minister for Finance and Economic Planning on 12th June, 1974)

(Resumption of Debate interrupted on 13th June, 1974)

(Second Day of Budget Debate)

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, first of all, I want to join my hon. colleagues who have congratulated the hon. Mwai Kibaki, the Minister for Finance and Economic Planning for having worked very hard in his Ministry, not only during this year but in all the years since he became the Minister in charge of Finance and Economic Planning. He has come up with very good proposals that have enabled our country to sail through all this difficult period.

Mr. Speaker, Sir, this Budget which he said would be the last for this Parliament is, I think, a very welcome one. All the people in my constituency have telephoned me here saying that they are very, very happy with this year's Budget. First of all, I would like to thank the Minister for saying that the farmers must learn to live with what they have. This is because on several occasions during this year, the farmers have been made happy by the increase in prices of agricultural produce. Every time they have been made happy by this announcement. People in the urban areas, including myself and the people whom I represent, have been crying now and again. Every time the people in the rural areas are laughing, the people in the urban areas are crying. There has been increase in wheat prices and in towns, we have had higher prices for bread and everything else. The sugar-cane growers have been made to smile by an increase in price for their sugar-cane and this has also caused tears in towns because of high price for sugar. Therefore, I think there must be a limit to the farmers' joy because it is causing a lot of tears in towns because of high prices of sugar and everything else. I was very happy to hear the Minister telling the farmers that, at least, they should now be contented with what they have. That is the reason why joy has now come back to town. There has been tears all over the town but I can now assure the Minister that there is relief again in the town. This is because the Minister did not add the farmers something extra and so people in town are starting to rejoice.

Mr. Speaker, Sir, the increase on beer price has been accepted. That means that we have to pay extra money for our enjoyment. Mr. Speaker, Sir, beer is not even nutritious. It is only something which people take to feel happy. So, nobody is complaining about the increase in the price of beer, cigarettes and the rest. That has been a welcome idea. In fact, people expected it. However, about cars and other things, Sir, I think the Minister touched on the right items. So, there are no complaints whatsoever except that the *kanga* price has still gone up and yet it is not available. I would like to tell the Minister that our people are prepared to pay a little higher price for *kanga* provided that it is made available in shops. I know that we do not manufacture it locally and I am sure that since the Minister himself has been at the Coast, he knows the pleasure of wearing *kanga* and especially in the evenings. Therefore, he should give more licences so that more *kanga* can be imported from Japan or elsewhere so that, at least, although we pay more for our enjoyment, *kanga* should continue to be available in shops.

Mr. Speaker, Sir, I would also like to say something about the acute shortage of houses in Mombasa. The Minister for Finance and Economic Planning has been there and I have also told him about this acute shortage. For instance, there is an area at Majengo that Government has held by stopping speculators from milking the poor *wananchi*. This is an area where the African has been dwelling ever since. He has been a tenant of absentee landlords and whom we are also very doubtful as to how they acquired this property or plots. Now, the Portuguese citizens who owned this land and I do not know how they were allowed to transfer the land into one very big, greedy speculator who had bought a plot, maybe, for only Sh. 100 and who has been selling or demanding to sell to the poor *wananchi* the same plot for a sum ranging from, say, Sh. 5,000 to Sh. 10,000. Now, Sir, when we protested about this malpractice, the Government moved in and stopped all this land transaction. Now that the selling of these plots has been stopped what we want is the people who have been exploited for a long time not only the people of Majengo but from all over Mombasa, to be given the plots since they have been paying rents to these absentee and greedy landlords for ages. I think they have paid something in the region of Sh. 50,000 since they started paying for these plots. Therefore, it is high time these rents which they have been paying to these greedy landlords was taken into account and these plots allocated to them. Title-deeds should also be given to these people at very nominal rates and the Government must move in with money to develop Majengo. People must be given money to develop their houses. Government must move in and construct good roads and make better drainage so that, at least, people in Majengo live in a truly independent Kenya. Mr. Speaker, Sir, this work must be taken over by the Government because the Municipality of Mombasa is involved with the question of land ownership. Officials of the Mombasa Municipal Council had ganged together with some of these absentee landlords to milk the people whom they represent. That is the reason why we are happy because when we made a hue and cry, the Government stepped in and helped us. So, we cannot trust these people any longer. Thank God the council is dying now and we are going to have fresh elections very soon. We do not trust the present councillors because most of them joined hands with the speculators to milk the poor *wananchi*. Therefore, we are ready to give the plans and I am also happy that the Minister for Lands and Settlement will be visiting Mombasa soon to assess for himself the problem and plan to give this land to the *wananchi* who are occupying it. With that, Mr. Speaker, Sir, the people will start breathing freely once again. Also the new landlords are bringing to Mombasa the type of terrorism which is very common here in Nairobi. I think this is due to the shortage of houses. When people buy houses they terrorize the present tenants. They move in with thugs to molest the tenants with a view to increasing rents for those houses. This kind of practice did not use to happen in Mombasa. It is the new landlords who have bought houses there that are bringing this

[The Assistant Minister for Health]

kind of hooliganism to a friendly town of Mombasa. We would like to appeal to the police to see to it that these thugs, who I think originated from Nairobi here, are not allowed to continue molesting tenants in Mombasa. The present tenants should not be terrorized just because the new landlords want higher rents. We want to give a warning that these thugs will be resisted when they face tenants because as the representatives of this area we cannot allow this kind of terrorism to continue there. I think this kind of practice is brought about by the acute shortage of houses and I am sure that the Ministry of Housing will make sure that more tenant-purchase and rental houses are built on the island and the adjoining mainland.

Mr. Speaker, Sir, we are happy with the development which is taking place in Mombasa at the moment. We have expansions in almost every type of industry there. The oil refinery and the port of Mombasa are both being expanded. Tourism is also expanding because new hotels are being built. The new airport is also under construction and we have a lot to smile about in Mombasa. We thank the Minister for Finance and Economic Planning for what is now happening in Mombasa as far as development is concerned. However, I would like to emphasize the point that tourism is not the only asset at the Coast. There should be more industries both in commerce and agriculture. Mr. Speaker, Sir, I think Mombasa is suitable for all types of industries. Since Mombasa is second to Nairobi in importance, I think the two towns should be moving at par in development.

Mr. Speaker, Sir, there has been a lot of talk about the increases of the price of oil. The price increases on oil have affected us very much in this country, and we do not know where we shall end with these increases. I think the Minister for Finance and Economic Planning should move in with realistic prices of oil in this country instead of increasing the prices piecemeal. If an increase of Sh. 1 per litre of oil will balance our payments this should be introduced at once so that we can know for sure that we are going to pay that amount for the whole year, or for a period of time. I think it is only two months ago when the price of oil was increased in this country and when the Minister came up with his Budget he increased the price of the same commodity by 20 cents. Let the Minister be bold enough and come out with an increase which will be effective for a period of time. However, as far as our friends, the Arabs, are concerned I think it is high time they listened to our cries about the oil increases. I think sometime back I went there and told them how the oil increases are affecting the economy of our country. I think the trust we have in them should not be abused. I have a great confidence that if we talk with them at length they will realize that they are hitting us with the oil increases and we are beginning to feel the pinch. Oil will continue to come from the Arabs because there is no other alternative. This being the case I think the time for hard talk and telling them to jump into the sea has not come yet. We must continue to send missions to the Arab countries to negotiate with them about oil and I am sure

they will eventually listen to our grievances. Let us send the right people there to tell them that the friendship which we have with them should be a two-way affair. They should listen to the African cry of agony and reduce the prices of oil.

With those few remarks, I beg to support.

Mr. Seroney: Thank you very much, Mr. Speaker, Sir. I must congratulate the Minister for Finance and Economic Planning at least for one thing which he has properly done in the Budget this time. That is the format of the Estimates which enables us to know how the Government is going to spend the money which will be voted.

Having said that I cannot agree with many of the Members who have spoken about this question of inflation. Mr. Speaker, Sir, in our form of Government Budget proposals are not known even to other Ministers until a few hours before they are announced. Therefore the initiative is always with the Minister for Finance. It is true that the Ministers are given this information just a few hours before the Budget and of course they are collectively responsible for the Budget otherwise they would have had to resign as a result of it.

Mr. Speaker, Sir, I must point out that the taxes which the Minister has raised particularly the taxes on petrol and motor cars were uncalled for. Mr. Speaker, Sir, only an urban Member of Parliament can describe motoring as a luxury. This is because even the Minister himself does not have to go very far and if he has to go far he uses a Government vehicle. But for constituency Members all the way from Moyale, Lodwar, Taveta, Kitui and other far places, to describe motoring as a luxury I think is a misconception. Mr. Speaker, Sir, motoring is a necessity because we cannot perform our duties perfectly without motor cars. To have an additional tax on petrol, the prices of which had been increased just a few months ago, I think this is an outrage.

Mr. Speaker, the Minister has also increased the tax on all motor-cars. If the Minister had chosen a few luxury cars like the Rolls Royce and the more expensive Mercedes Benz cars I think that would have been perfect. But now the Minister has raised taxes on all cars so that now if you want to buy a Volkswagen car you have to pay practically four times what you used to pay less than seven years ago. Therefore, I think these taxes are totally unjustified and uncalled for particularly because we do not have an efficient system of public transport in this country. In any case the price of petrol affects everybody in this country including the public transport people. It is not true that these taxes do not affect the ordinary man. The Minister said that the man in the *shamba* is not affected by the increases on the price of petrol, but I am sure he is also affected because he uses the public transport when he is travelling. This same man also smokes cigarettes and drinks beer. All you have to do is to go to trading centres in the rural areas and find people drinking beer. Therefore, it is not true to say that the people in the rural areas will not be affected by the increases on the price of beer and cigarettes. However, as far as the increases on the prices of beer and cigarettes are concerned I have no quarrel

[Mr. Seroney]

with the Minister although I am a smoker but I do not agree that the Minister should have increased the price of oil and cars. I think there will be no end to the increase on the price of oil and cars in this country.

Mr. Speaker, Sir, the Minister said that there was a drop in our tourism industry. I agree with him that this was as a result of inflation but I would like to warn the people in the hotel industry to seriously consider whether it is worthwhile to price themselves out of the tourist market. If our hotel prices keep on rising as they are doing at the moment then the tourists will simply go to other countries where they can be served more cheaply. I would therefore urge the Minister for Tourism and Wildlife to clamp down on these rising prices in hotels. Having been in the Hotels and Restaurants Authority of this country I know we get applications very often for tariff increases. I would like to give a warning to those who are in the hotel industry that the attitude of the Authority will be hostile in future.

With regard to the actual Estimates, I am sure the people of Tinderet find it difficult to find any redeeming feature there. I notice that my area is mentioned only once with regard to a small road, which does not even have a merit of being tarmacked. Roads in Tinderet are generally not well maintained because, although Government allocates money for their maintenance, the people in the field do not do a good job. So, I would like to urge Government very seriously to have a close look on rural roads, particularly, in my constituency.

The other point is with regard to health services. The Assistant Minister for Health spoke on this Motion a few minutes ago, but I would like to inform him that some of the things which are happening in the field indicate that there is cause for alarm. Nandi Hills Hospital has been included in the Budget for the last three years, but if you go there now you will find that the work on the hospital stopped about two years ago. The contractor who was given the tender to build it was a weak person, and he had too many "irons in the fire" and, probably, one of them broke, and as a result he disappeared and left the work where it was. I really do not know what is going to happen with the brotherization which is practised by the Ministry of Works Tender Board. I would urge the Ministry of Health to take the Ministry of Works to task with regard to the implementation of their projects. I am sure the Assistant Minister would not like to be blamed for the sins of other Ministries.

The Assistant Minister for Health (Mr. Jahazi): I would not accept them!

Mr. Seroney: He agrees with me that he would not accept the mistakes done by other people. That is a very good reason why he should take steps to make sure that, at least, they issue their own tender to reliable people.

The other aspect which I would like Government to consider is secondary education, which is badly neglected in our area, particularly as a result of the blow, which was given by the Development Plan to the effect that, because some other areas have all they want, Government is not going to take over any more Harambee secondary schools. In view of that I would like to urge Government to expand the existing second-

ary schools in Nandi District so as to provide additional streams to cater for the Certificate of Primary Education leavers, who, at the moment, have no place to go to.

My final point which I would like to make is with regard to re-organization of Government. I notice that the House passed a Motion recently urging for the creation of a separate Ministry for Water Development. Furthermore, I would like also to urge Government to split the Attorney-General's Office so that we may have a separate Ministry of Justice, and the Attorney-General's Office, which should be headed by a politician.

With those few remarks, Mr. Speaker, I beg to end there.

Mr. Ogingo: Thank you very much, Mr. Speaker, for giving me this opportunity to air my views on this important Motion. First of all, I would like to congratulate the Minister for Finance for the excellent manner in which he delivered his Budget Speech last Wednesday.

Having done that, I would like to make a few observations on the Budget Speech. I would like to touch on the financing of the Development Plan. It is my view that this depends entirely on the attitude of Government officers and politicians and how they view the development and planning institutions. We have some institutions, in provinces and in districts, which are supposed to plan for and to develop certain things which we would like to have developed in the country. However, it appears to me that we are not very serious about these institutions. I have in mind district development committees, which are supposed to initiate plans for eventual transmission to the Treasury. It appears that although these committees are charged with the responsibility of identifying priorities in various districts the Central Government does not take the views which they express very seriously. Instead they decide to do certain things without consulting the district development committees. Effective planning and development can only be achieved if the local people are involved. It is a wonderful opportunity to our people if they participate in decision making with regard to what should be given priorities and in which districts. However, it is a pity to note that although we have these institutions we do not seem to appreciate the importance attached to them. I would like to see a situation whereby our district development committees are manned by officers of high calibre who should be given sufficient finances directly from the Treasury. I do not personally subscribe to the feeling that funds should be given to provincial commissioners, who will eventually re-allocate them to district development committees. Mr. Speaker, Sir, there is a need to appoint development officers. We have been promised this for quite some time now. Time is soon running out before these officers are appointed.

I would now like to talk about rural industrialization, and thank Government for appointing the Mehta Group of East African Industries to identify in which area in South Nyanza a white sugar factory should be established. The people of South Nyanza are very happy about it, and it is my view, and the view of the people of South Nyanza, that the long awaited white sugar factory should be established in the near future. This should be done within two and half years to come. We do not

[Mr. Ogingo]

want delaying tactics. The fact that the district has potential aspects of raw white sugar factory and for the production of sugar-cane is undisputed, there is no reason why the Ministry of Agriculture should start asking whether we have the necessary soil for the varieties of sugar-cane they would like to have in the district.

The other point is about effective development. To achieve this we must have closer administration. Resolutions have been passed in this House to the effect that large districts should be divided to become smaller ones but, I am afraid, Government has done nothing about it. For instance, Machakos, South Nyanza and Kakamega districts are very large and have thick population. I cannot imagine one district commissioner being effective enough as to ensure that the Development Plan is carried out fully in his district.

The allocation of funds must be done equitably. As of now moneys that come for the development are given on equal basis to the various districts irrespective of the size of the district and its population; and irrespective of whether a district has more projects. It is my view that the larger districts are suffering as of now and there is a case for the Government to seriously consider reviewing the size of the larger districts, such as the ones I have mentioned.

Mr. Speaker, Sir, the other point that I would like to touch on relates to the industrial estates. The expiring Development Plan did provide for areas where industrial estates would be established. I have in mind areas like Homa Bay. This has been mentioned by the other hon. Members from the district in form of questions. We were made to believe that before the present Development Plan is out we would have the industrial estates established in Homa Bay. It is a pity that we are now going for elections before we see anything tangible by way of plans for an industrial estate for Homa Bay District.

Mr. Speaker, Sir, I would like to thank the Government for deciding that all the tourists that come to this country will have to pay their bills in this country as opposed to the previous arrangement where they had to pay their bills in their home countries. We have always been made to believe that our tourist industry is booming. I imagine that had the Government listened to the call by hon. Members of Parliament that all the tourists' bill should be paid in Kenya, then obviously, we would be satisfied in saying that we have had a booming industry in tourism.

Mr. Speaker, Sir, I would also like to add that for a long time the Government has promised people in Western Kenya that they will introduce a western circuit for tourism. It is a pity that this is one area where Government has done nothing. We have been promised a hotel in Kisumu, a motel in Homa Bay, we have been promised a lodge in Lambwe Valley but the Ministry of Tourism and Wildlife has done very little in order that these projects are realized.

The other point that I would like to touch on is in relation to banking facilities. It is high time bankers were made to know that there is need for them to decentralize their facilities in rural areas particularly in

the divisional headquarters. We have certain areas where we need these facilities very badly. If the country is to save money, if our people are supposed to save money at all through banking system, then, it is absolutely necessary that banking facilities should be decentralized in the major centres of growth, particularly, the divisional headquarters.

The other point that I would like to touch on is the hydro-electric power potential. At the moment we are grateful to Uganda from where the main supply of electricity comes but I should warn Government not to be complacent in thinking that it is all fine. One never knows what may happen. Supposing something goes wrong between Uganda and Kenya, it is possible that our power supply may be cut off. As of now, is it not true that the Arabs in whom we had much confidence have let us down? I would like to ask the Government to harness all the power potential that there is in this country. I have in mind Bogo Falls in South Nyanza, this particular power source can generate sufficient electricity for the whole of Western Kenya.

With these few remarks, I beg to support.

Mr. arap Chumo: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this debate on the Budget.

Mr. Speaker, Sir, this Budget has been talked of as being fair looking at the economic conditions of the whole world, but I feel that in a country such as ours the Budget can probably be improved to look a little bit better than it is. We have a lot of problems in this country simply because of the relationship between our three East African countries. We have heard of smuggling, there has been a lot of shortages of commodities and this is due to our relations with our partner states. I feel that there should be a relaxation in the trend that goes on between the three East African countries. We must be able to trade freely with our neighbours so that the question of smuggling which is being carried on by a few individuals who are grabbing the goods of this nation, could be stopped. If we could have free trade our economy could be in a much better position. We know there are shortages of goods in some of our neighbouring countries and these provide very attractive means for a few individuals to smuggle such things like rice, matches, salt and the like. This would stop if we had better relationship among the East African Community members. In fact, I am of the opinion that it was wrong to remove a common East African currency for the three East African states. With this we would have a healthy situation in our monetary system. Our relationship has gone so low that it is very difficult to imagine that we have anything like an East African Community.

Mr. Speaker, Sir, turning to the financing of development in this nation, it is bad to note the way the scarce resources are being distributed to the various districts in this country. It is obvious that some districts are getting far much more than others. The distribution is very poor. Take for example a district such as Kericho which is, actually producing a lot of commodities. We grow tea, pyrethrum and we have a lot of milk. Kericho is second to Kitale in production of maize. It is surprising to note that the Government is not giving money for development in that district. The roads in the rural

[Mr. arap Chumo]

areas have gone from bad to worse. Can you imagine a district of half a million people which has only one road that can be called the district road and yet only 50 kilometres have been tarmacked? This is unbelievable. We need districts that are potentially capable of having better development and this will help the *wananchi* to participate in producing the food for the people of this country. Mr. Speaker, Sir, we do not have shortages of foodstuffs because our soil is very good, we have plenty of rain, and our people are energetic and eager to work only if they could be encouraged to do much more. However, Mr. Speaker, Sir, I feel that *wananchi* are not getting the assistance that they really require. We have seen of late, Mr. Speaker, that the prices of agricultural machinery, fertilizers and all the rest are going up but nothing is being directed towards the farmer who sweats in order to produce enough for the good of the nation. Mr. Speaker, Sir, we can see what is being done in other areas of this country; we can see the number of minor roads that have been tarmacked in other districts, and compare them with some of the roads in certain districts. I feel, Mr. Speaker Sir, that administration has been strayed in other districts.

Now, to turn to provinces. Mr. Speaker, a province like the Rift Valley, with 13 districts is far too large for just one provincial commissioner to administer. The Rift Valley Province needs to be divided, so that we could have another province, which can be closely administered. We can have another province that would probably include Kericho District, Nandi District and Kisii District, with headquarters at Sotik or at Kisii, so that we can have close administration of the area. We could even then have those particular districts subdivided. For instance, Mr. Speaker, Sir, Nandi and Narok districts are very large, and Kilgoris could become an extra district. We could then have Narok District, Kilgoris District, Sotik District, Kericho District and Kisii could also be sub-divided into more districts. All these could form a good unit for a province, so that the Rift Valley could become smaller for the purpose of closer administration. However, we are always told that there is no money. Now, why are other areas having smaller districts which are more closely administered? Where does the money come from for these other areas? We need to see to it that the resources of this country are equitably distributed to the *wananchi*.

Mr. Speaker, Sir, there is also the question of health, which has been mentioned here by other hon. Members. Now, Sir, we cannot deceive ourselves that the Central Government, through the Ministry of Health can be located here in Nairobi and be able to look into all the needs of every district in our country. Our country is very large and we cannot deceive ourselves that the Ministry can be able to fulfil the needs of every dispensary and health centre in the country from Nairobi. We need to delegate authority to the districts so that they can do this work. It has been said here that county councils have no money and they cannot be able to run health services. However, Mr. Speaker, Sir, the county councils are the agents of the Government, and if they have no money, then it means the Govern-

ment has no money. However, if there is money for the Central Government, then there should be money for the county councils and therefore, they should at least be responsible for health centres, dispensaries and mobile clinics. However, if we leave these things to the Central Government, we will never get anywhere. So far, Mr. Speaker, Sir, the situation is terrible. I know that in Kericho District, we had several Land-Rovers which were supplying drugs to the dispensaries. However, Sir, do you know what has happened? These vehicles which were purchased by the county council and taken over in 1970 or 1971 by the Central Government, have broken down and they have never been replaced. They are lying there outside Government hospitals. Grass has grown and covered them and nothing is being done about the situation. We want this responsibility to be delegated to the county councils, which in turn should be given money by the Central Government, so that they can run these services for *wananchi*. At least, they know where the dispensaries are, they know the distances, and we cannot just be told that the Central Government knows these things. The Central Government does not know anything about these things because it is impossible for it to move into every area of this Republic. Mr. Speaker, Sir, a serious thought should be given to this matter.

I beg to support.

Mr. Matiko: Mr. Speaker, thank you very much for giving me this opportunity to express my views on the Financial Statement, which was made by the Minister for Finance and Economic Planning on 12th June, 1974. Mr. Speaker, Sir, I would like to join other hon. Members in congratulating the Minister for Finance and Economic Planning for preparing a fair Budget for the poor man in this Republic. I would also like to thank the Minister for taxing the pleasure seekers, instead of the poor people.

However, Mr. Speaker, there are a few points which I would like to express in this House about the Budget as a whole. One of these points, Sir, is about price control in this country. Mr. Speaker, Sir, we have seen in various towns in this country that although there is a price control on some commodities, you still find these commodities sold at different prices in different shops. Now, if you go to a shop, particularly here in Nairobi, you may find a tie selling at a certain price and if you go to another shop, you will find the same tie selling at a different price, while the two ties are of the same quality and made from the same material. Therefore, Mr. Speaker, I would like to draw the attention of the Government to this matter, so that they can make sure that the prices of these commodities are in fact controlled. Right now, the *wananchi* do not know the correct prices of some of these commodities, and the Government should make sure that price control inspectors take drastic action against these traders.

The other point I would like to express here, Sir, is that it has been the tendency of businessmen, particularly those dealing in provisions, to hoard most of their goods when Budget is approaching in the hope that the price of these goods will go up. In fact, Sir, just before this particular Budget was read here by the

[Mr. Matiko]

Minister for Finance and Economic Planning, we could not get such items like Kimbo, Cowboy and even *posho*, simply because the traders thought that the prices of these items would go up. The Ministry should realize that when these people hoard these goods, they actually make housewives suffer because they cannot be able to get them. As a matter of fact, as far back as May, we could not get most foodstuffs in the shops. Therefore, Mr. Speaker, Sir, I would urge the Ministry to do something about this situation.

Mr. Speaker, Sir, an hon. Member over there says that these things are sent to Uganda and Tanzania. However, these things should not be sent there. Why should foodstuffs be taken out to feed Tanzanians and Ugandans, and leave our people, who are very loyal to the Government to suffer? If these commodities are, in fact, being sent to Tanzania and Uganda, then it is a very bad situation.

The other thing, Mr. Speaker, that I would like to say here is that it is Government policy to link provincial headquarters to Nairobi with tarmac roads. However, Sir, it is most surprising to see that the road from Nairobi to Garissa has not wholly been tarmacked. In fact, it has only been tarmacked up to a few miles beyond Thika. However, the rest of the road, that is from Gatuanyaga to Garissa, which is a provincial headquarters, has not been tarmacked. Mr. Speaker, Sir, I think that is the only road to the provincial headquarters that has not been tarmacked in this Republic. I would therefore, urge the Minister to see to that so that within the Financial Year, 1974/75, this road is tarmacked. This road is also important because it is used as a stock route from Garissa to other parts of the Eastern Province like Embu, Nairobi or Athi River. In Garissa and Kitui areas we breed Boran cattle which are good for beef and if that road is not tarmacked, how are we going to transport these cattle to Athi River. Therefore, the Minister should take immediate steps to give money for this road to be tarmacked within this Financial Year.

Mr. Speaker, Sir, I would also like to talk about the National Youth Service personnel who are building the road from Kabonde to Garissa; these people have been working on this road since 1969. It is surprising that although they started working on this road in 1969, they have not even reached Mwingi. I think they are very slow, indeed. Therefore, I would urge the Ministry of Labour in conjunction with the Ministry of Finance and Economic Planning to see that the National Youth Servicemen speed up their work. We are now using the old road because the other one has not been opened. The engineers there should be told to speed up.

I would also like to say something about the salaries of workers. In fact, although it is said that the Budget has hit the pleasure seekers, it is true that the increase

from 10 per cent to 15 per cent on sales tax will also affect the common man. We know very well that there is the Industrial Court which caters for workers' interests through trade unions. How are the people like the casual labourers and other employees who are not unionizable going to be looked after? Firms which have five or so workers are not represented in the Industrial Court. This is why casual labourers do not go to the Industrial Courts. Therefore, I would like the Ministry to see how these people will be represented. These people are doing a very important job, and so we should not let them continue suffering.

Mr. Speaker, Sir, last week we had a Motion here asking for the establishment of a Ministry responsible for water development in the country—apart from the Ministry of Agriculture. This Motion was supported by very many hon. Members of this House. In some areas water is provided for by county councils and because of lack of funds in these councils, they have failed completely to maintain the existing water points. Some dams have silted and when we ask the county councils to do something about it they never do so. They do not commit themselves that they do not have money. I would like all the water projects in the country to be taken care of by the Ministry of Water Development, which should be created immediately, instead of having this important service under the local authorities. Although people pay money for services to be provided, there is no service at all.

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

Mr. Kitonga: On a point of order, Mr. Speaker, would I be in order to draw your attention to the fact that there is no quorum in the House? Would I also be in order Mr. Speaker, Sir, to ask you to take this matter very seriously today by naming those hon. Members who are not in the House? It is most probable that some of these hon. Members are just sitting outside there taking tea while the Business of the House is going on. Since it seems as if some hon. Members are not interested in participating in the deliberations of this House, would you allow those who are interested in the Business of the House to speak although some of them like myself might have spoken before.

Mr. Speaker: It is true we do not have a quorum in the House. Would you ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

Mr. Speaker: We still do not have a quorum and, therefore, the House is now adjourned until Tuesday, 18th June, at 2.30 p.m.

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

Tuesday, 18th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

NOTICE OF MOTION

TAXATION MEASURES

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

THAT, the proposals relating to (a) Sales Tax, (b) Customs and Excise Duties (c) Income Tax; and (d) Betting Tax, contained in the Financial Statement for the Year of Account, 1974/75 be approved.

ORAL ANSWERS TO QUESTIONS

Question No. 388

ASSISTANCE TO CATTLE RANCHERS IN SAMBURU

Mr. Lenayiarra asked the Minister for Agriculture what arrangements there are to assist Lodokejek cattle ranchers whose land is already demarcated to facilitate water and other necessary developments?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to give the following reply.

The Samburu District is one of the districts included in the overall International Development Aid Phase 2 of the Livestock Development Programme which is a national ranching development project to cover all the infrastructural phases of the range development such as stock routes, water dips and so on. Mr. Speaker, land adjudication has now been completed in ten group ranches covering 44,000 hectares which are grazed by nearly 4,000 heads of cattle and owned by 1,500 members, 60 per cent of this area is in the Lodokejek area referred to by the hon. Member. The incorporation of these group ranches has also started and as soon as the title-deeds are issued out, the ranching development loans will be processed and issued out. It is therefore very likely that the area in question will be the first to benefit from this programme.

Mr. Lenayiarra: Mr. Speaker, Sir, while I thank the Assistant Minister for the answer he has given to the House, and realizing that what now remains is the issuing of title-deeds, would he tell the House why his Ministry cannot go ahead and develop the area while people are waiting to be issued with the title-deeds?

Mr. Khaoya: Mr. Speaker, Sir, we will try to speed up the registration of land in this particular area with a view to getting the title-deeds issued as soon as possible.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister that the Government is doing something, would he indicate how much money is going to be spent in this area?

Mr. Khaoya: Unfortunately, Mr. Speaker, I do not have the figures with me at the moment, but I would give an undertaking to find out if the hon. Member so wishes.

Question No. 385

A FISHING FACTORY FOR TURKANA

Mr. Ejore asked the Minister for Commerce and Industry—

(a) whether he is aware that although there are industries in all other parts of the country, so far no action has been taken to establish a single factory in the whole of Turkana District; and,

(b) if he would undertake to establish a fishing factory in Turkana District in order to help ease unemployment in the area.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Commerce and Industry, I beg to reply.

Although several industries have been established in the country since independence, the Government policy of diversifying them as widely as possible has not as yet covered the whole country. This has been mainly due to economic factors such as the availability of raw materials, proximity to markets and above all, the availability of interested investors. The Government has commissioned a research team to ascertain whether or not a fishing industry is viable in Lake Rudolf. The report of the team is expected to be out around April next year and depending on the findings, a fish processing and milling plant may be set up. I also hope that the hon. Member is aware of a boat building workshop in the area which is no doubt creating employment opportunities for the people in the area.

Mr. Ejore: Mr. Speaker, Sir, arising from the long and good reply from the Minister, and hoping that the research which is now taking place will be successful, would he see that the fish industry is started immediately?

Mr. Ngei: Mr. Speaker, Sir, the hon. Member seems to be putting the cart before the horse. When the research team comes out with findings which are economically viable, the Government will not hesitate to establish a fish factory immediately.

Question No. 355

CHANGE OF NAME OF ROAD

Mr. Kurgat asked the Minister for Works whether he will change the name "Nyeru" to read "Nyaru", on road No. C54, as it was called before tarmacking.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Works, I beg to reply.

Yes, Sir.

Mr. Kurgat: Mr. Speaker, Sir, arising from the Minister's reply, does he not agree with me that there is a lot of confusion in the name? I am saying this because I do remember that a cheque for the co-operative society of Nyaru was at one time sent to Nyeri instead of being sent to Nyaru which is in Elgeyo-Marakwet.

Mr. Kibaki: If the hon. Member for Kerio South, who we accept as an authority on this, says that the proper spelling of this particular place is Nyaru but not Nyeri or Nyeru, then, we agree with him entirely.

Question No. 373

SPEED GOVERNORS—PUBLIC TRANSPORT VEHICLES

Mr. Nthenge asked the Minister for Power and Communications, since some public service vehicles have governors to avoid dangerous overspeeding while some cars for transporting the public have no governors, why the governors are not made compulsory for every public service vehicle.

The Minister for Power and Communications (Mr. Okero): Mr. Speaker, Sir, I beg to reply.

Investigations have been carried out on the use of governors for all passenger service vehicles and the information, so far gathered, shows that it would be unsuitable to introduce the use of governors for two reasons. First of all, it would be dangerous for irresponsible drivers to use vehicles fitted with the gadget and secondly it would be difficult to enforce such a legislation.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us why it would be dangerous to fit the vehicles with speed governors while a good number of the public service vehicles already have them?

Mr. Okero: Mr. Speaker, Sir, the governors can be fitted to a vehicle to reduce engine power, thereby reducing the speed of a vehicle. When a vehicle is fitted with the governor it means that its top speed is set at a certain point and if the governor is working well the vehicle cannot go any further unless someone tampers with it. It is possible for the irresponsible drivers to go faster than the governor setting on a down hill stretch if he engages a free gear. In such a case, if he needed to brake suddenly the brakes would not work since they are set to work best when the vehicle is in gear. The difficulty in enforcing the legislation, is that it would not be possible to establish whether during the time of the accident the vehicle was interfered with. This is why we cannot have the legislation.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us which is more dangerous—a driver overspeeding or a driver setting his car free on a down hill stretch?

Mr. Okero: Mr. Speaker, Sir, I do not want to speculate on other matters but I would like to assure the hon. Member that we have done all we can to investigate on this matter on the use of governors and the information that I have been able to give him is what has been obtained. Obviously, the hon. Member is probably more qualified and I would welcome his advice on this matter.

Mr. Karungaru: Mr. Speaker, Sir, since we know that this type of instrument is used in other countries for the same purpose and in view of the fact that there are some public service vehicles in Kenya that have governors and are working well, would we know why the former Minister for Power and Communications recommended the use of the governors and the present one now says that they cannot work?

Mr. Okero: Mr. Speaker, Sir, I have two reasons to answer his question. First of all the fact that the governor is suitable for use in another country does not necessarily mean that the same gadget may be useful in this country.

Secondly, I do not want to go into whether the former Minister for Power and Communications had made recommendations or not. If he had done so, circumstances do change. I can only give the House what the circumstances are as answer the question now.

Question No. 405

TELEPHONE FACILITIES IN ISBANA

Mr. Marwa asked the Minister for Power and Communications, since Isabania control post is on the border between Kenya and Tanzania, if the Ministry would consider installing telephone facilities for urgent communication.

The Minister for Power and Communications (Mr. Okero): Mr. Speaker, Sir, I beg to give the following reply.

The Ministry appreciates the need for telecommunication facilities for border posts in the country. Plans are in hand to construct an overhead telephone route between Kisii and Migori in 1975 and to extend the service to Isbania as soon as this route is completed.

Mr. Marwa: Mr. Speaker, Sir, arising from the Minister's reply that plans are in hand to construct an overhead telephone facility in 1975, and as I have already stated that the facilities are seriously needed in that area since people cross the border from Tanzania, what is the Ministry doing to see to it that the telephone is going to be installed from Migori which is only ten miles from that place?

Mr. Okero: Mr. Speaker, Sir, I have said that the Ministry will do all that it can next year. I would have preferred to assure the hon. Member that this will be done tomorrow but if I were to say so, it would be an election gimmick.

Question No. 338

SANITATION FACILITIES—KENYATTA HOSPITAL SHOPPING CENTRE

Mr. Y. Ali asked the Minister for Health whether his Ministry does not consider Kenyatta National Hospital shopping centre, especially butchery shops a health risk to the residents since the centre lacks sanitation facilities and whether the Ministry will take immediate action.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to give the following reply.

The Ministry of Health is aware that the Kenyatta National Hospital shopping centre does not have proper sanitation facilities and as such steps have already been taken to construct proper sanitary facilities.

Mr. Y. Ali: Mr. Speaker, Sir, would the Assistant Minister go further and tell the House the steps that are being taken towards providing sanitary facilities to this shopping centre.

Mr. Shikuku: Mr. Speaker, Sir, we are aware of the dangers of failure to have such sanitation facilities and on 23rd of May, the Ministry threw open tenders for anybody who can construct these sanitation facilities and we are looking forward to getting applications for this so that the Ministry can start on it immediately.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

At the same time the Ministry got in touch with the city council to try and provide buckets for the time being.

Mr. Y. Ali: Mr. Speaker, Sir, arising from that answer, would the Assistant Minister agree with me that to provide buckets at that shopping centre would be more dangerous to the health of the people there because butcheries, where meat is sold, are open for invasion by millions of flies?

Mr. Shikuku: Mr. Speaker, Sir, as I told the hon. Member we are intending to have modern sanitation facilities which will have to take time and we have invited tenders. Naturally, the hon. Member will agree with me that the tenders will take a bit of time and the human beings will not wait until the tenders are through. Therefore, we are providing the buckets in the meantime and these buckets will be cleaned regularly. We still have buckets in the African locations of Eastlands.

Dr. Munene: Mr. Speaker, Sir, is the Assistant Minister telling the House that they are going to have open buckets in the hospital vicinity where flies will be going to the buckets and back to the nearest butcheries or is he saying that the people will have pit holes which can be covered?

Mr. Shikuku: Mr. Speaker, Sir, the Ministry is trying to do something. If I told the House that nothing could be done, the hon. Member for the area would have asked me what I was doing. The Ministry is trying to do something and yet the hon. Member is still pressing for further things to be done. The point is that whether the facilities are required in the vicinity of the hospital, or in the hon. Dr. Munene's constituency, the risk will be there. This is not because Kenyatta National Hospital is near there and, therefore, things should be extremely bad. As a matter of fact the buckets will be cleaned as often as possible so that the flies can be kept out.

The hon. Member knows very well that when we use some of the insecticides the flies are kept away and in the meantime the tenders will go through. If the hon. Member can ask the people to hold on until we finish building the sanitation facilities, then, I will invite him to hold a big meeting to tell the public not to go to the toilets until there are these facilities.

Question No. 402

PROMOTION OF CHIEFS IN WAJIR

Mr. Hussein asked the Minister of State, President's Office—

(a) if he is aware that there is not a single chief of grade I and II in Wajir West Constituency; and

(b) why there is no promotion for chiefs and sub-chief in Gririftu, Buna and Gurar divisions.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply.

It is true that there is not a single grade I or II chief in Wajir West Constituency at present. Promotion of chiefs and sub-chiefs is based on merit and the performance of the individual officers and not on district,

constituency or locational level. Chiefs and assistant chiefs working in Gririftu, Buna and Gurar divisions will be considered for promotion along with other chiefs in the country in the usual way.

Mr. Umuro: Mr. Speaker, Sir, appreciating the Minister's reply and in view of the fact that the area in question is lagging behind in development, will he assure this House that chiefs and assistant chiefs in that area will be sent to Maseno Government Training Institute for a refresher course so that they can have better chances of being promoted like other civil servants?

Mr. Ngei: Mr. Speaker, Sir, the hon. Member's question appears vague. However, as I have just said, the promotion of a chief or an assistant chief depends on their performance.

Mr. Kadir: Mr. Speaker, Sir, arising from that answer by the Minister and realizing that in the whole of North-Eastern Province and Isiolo there is not even a single chief of grade I or II contrary to cases in other areas, will he consider promoting one chief to the rank of a senior chief?

Mr. Ngei: Mr. Speaker, Sir, as soon as the Government is satisfied that there is need to have a senior chief or chief grade I or II, we shall not hesitate to promote one of them to that rank.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Minister's reply that there is not even a single chief in the areas in question who has reached the rank of grade I or II, will he give the criteria the Government follows to promote chiefs in other parts of the country?

Mr. Ngei: Mr. Speaker, Sir, as I have said the promotion of chiefs and assistant chiefs depends on their performance in their official duties.

Mr. Umuro: Mr. Speaker, Sir, arising from the reply by the Minister that there is not even a single grade I or II chief in the area in question, does he mean to say that not even a single chief in that area has performed his duties efficiently?

Mr. Ngei: Mr. Speaker, Sir, as I have said, the Government does not promote civil servants on district or locational level, but on their performances in their official duties.

Mr. Nthenge: Mr. Speaker, Sir, will the Minister tell the House the criteria the Government follows to promote chiefs to higher ranks?

Mr. Ngei: Mr. Speaker, Sir, before a chief is promoted he has to pass a certain examination set by the Government. However, in other words there are certain aspects a given individual must fulfil before he is promoted. In the first place before a chief can be promoted the Government has to be satisfied that he has the necessary academic qualifications. Finally, before a chief can be promoted the Government must be satisfied with his individual performance in his official duties.

Mr. Kadir: Mr. Speaker, Sir, arising from the Minister's reply does he mean to say that not even a single chief in the area in question has satisfied the Government with his official performance so that he can be promoted?

Mr. Speaker: The Minister has already explained that point. All that the Minister is saying is that those people who promote chiefs in the country are not satisfied that chiefs in this district merit promotion.

Question No. 396

TEA-GROWING IN KINANGOP

Mr. Speaker: Mr. Muregi is not in? Next question.

(Question dropped)

Question No. 401

LOANS TO YATTA FARMERS

Mr. Nthenge, on behalf of Mr. Kiilu, asked the Minister for Agriculture if there are some farmers from Yatta Division who have been advanced loans.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

The Agricultural Finance Corporation does not give loans on divisional basis, but on Agricultural Finance Corporation branches level. Yatta Division is covered by the Machakos branch whose record shows that the Agricultural Finance Corporation has up to date approved loans totalling K.Sh. 6 million.

For the information of the hon. Member, I would like to add that small-scale International Development Association loans are also given to people in areas where land adjudication has been completed and title-deeds given. It follows, therefore, that if this exercise has not been completed in Yatta, then certainly no loans could have been issued to the farmers there.

Mr. Nthenge: Mr. Speaker, Sir, will the Assistant Minister tell the House out of the sum of money he has quoted what fraction was given to farmers in Yatta? Will he also give the names of those farmers who received that money?

Mr. Khaoya: Mr. Speaker, Sir, if it is in the interest of the House, I can give a list of those people who received the loans I have just referred to. However, normally we do not keep the names of such people on divisional level. All that I know is that the money was given to farmers in Machakos which is a division of the Agricultural Finance Corporation.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to widen the scope of the question by bringing in the question of Machakos District realizing that the hon. Questioner specifically referred to Yatta?

Mr. Speaker: He has said that his Ministry does not keep their records in the manner the question tends to suggest. However, he has added that you can get a full list of those people who have had loans from the Agricultural Finance Corporation Machakos Branch.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that International Development Association loans are given to only those who have title-deeds, does it not follow that there is not even a single person in Yatta who has received such a loan because land adjudication has not taken place there.

Mr. Khaoya: Mr. Speaker, Sir, I would like to answer that question in two parts. In the first place I understand that the land in Yatta is owned by the County Council of Masaku. I also understand that the Ministry of Lands and Settlement is in the process of settling some farmers in the area. It will help if the hon. Member would discuss the matter with the land owners, that is the County Council of Masaku, to see how best we could arrange finances for the people whom the Ministry is settling. Secondly, Sir, as I indicated previously I have a long list here which should add up to the Sh. 6 million and which I referred to in my original reply. I am not in a position to tell the House how many of these people come from Yatta. Perhaps, if I would lay this list on the Table the hon. Member might be able to pick up those who come from Yatta.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that it is known that land consolidation has not been completed in Yatta and also bearing in mind the fact that the Agricultural Finance Corporation cannot give anybody a loan for farming unless he has a title-deed for his farm, will the Assistant Minister consider giving these farmers Guaranteed Minimum Return loans so that they can do some productive farming while waiting for their land to be consolidated?

Mr. Khaoya: Mr. Speaker, Sir, Guaranteed Minimum Return loans are given in respect of two particular crops and that is maize and wheat. If these farmers qualify to grow those two crops then we will definitely consider them for Guaranteed Minimum Return loans. However, I would like to look at this problem in a different way. If the County Council of Masaku is the owner of the land in question, all that we are after is security against the loans which can be advanced to these farmers. It is possible for the hon. Members from this area to discuss this matter with the owners of this land so that they either can guarantee such loans or something of that nature so that we can be in a position to assist these farmers. I have also stated that the Ministry of Lands and Settlement is in the process of settling some people in this area. If this is the case and the settlement exercise is completed then obviously we would set aside money to help these farmers through the Ministry of Lands and Settlement as it has happened in various other places.

Mr. Munyasia: Mr. Speaker, Sir, while thanking the Assistant Minister for that reply and in view of the fact that the entire land which he says is owned by the County Council of Masaku—and also bearing in mind the fact that the area between Matuu and Masinga by the people of Machakos District, could he be kind enough and get in contact with the Minister for Local Government and the Minister for Lands and Settlement so that these people can be given title-deeds?

Mr. Khaoya: Definitely this is a very good suggestion. We are very positive in our Ministry and since we received this question I have personally been in contact with the Clerk of Masaku County Council and we have also discussed this matter with the Ministry of Lands and Settlement. If the hon. Member has got any other suggestions apart from what he has told the House now,

[The Assistant Minister for Agriculture]

we are prepared to consider how best we can help these farmers because they are farmers like any other farmers in the country and we think they are entitled to some assistance.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he know that there are some people who have been living in this area for the last 20 years and they have some chits from Masaku County Council which show that the land they occupy is theirs and that is why some of them have built stone houses there? Is he also aware of the fact that the Agricultural Finance Corporation has refused to honour these chits as security against any loans until these people are issued with title-deeds? Will the Assistant Minister advise his personnel in the Agricultural Finance Corporation to accept these chits as security against loans because the Masaku County Council is prepared to guarantee that the land is owned by these people and that in the long run when the title-deeds are issued it will be theirs?

Mr. Khaoya: I am glad that my hon. colleague has even gone further and suggested something which I think is quite reasonable. I think what we should concentrate on here is a policy decision. If the land belongs to the County Council of Masaku we should think of the best possible way of giving these farmers a form of security so that they can get loans. I think we should look at this matter in that way instead of selecting a few cases as I have been persuaded to consider by my hon. colleague. I think it will be reasonable if we could consider this problem in more details as leaders from that area and see what assistance can be given to these farmers. As I said before we in the Ministry of Agriculture are very positive in our action and we would like to assist the farmers in that area.

Question No. 404

LEATHER FACTORY FOR LODWAR

Mr. Ejore, on behalf of Mr. Areman, asked the Minister for Commerce and Industry why the Government could not establish a leather factory in Lodwar Town since it is known that there is a lot of hides and skins in Turkana District.

The Assistant Minister for Commerce and Industry (Mr. Wood): First of all I would like to apologize to the House for not being in the House when this question was called out the first time. Mr. Speaker, Sir, I beg to reply.

The information I have is that there are not enough hides and skins in Turkana District to warrant the establishment of a leather factory in Lodwar Township. The hon. Member may note that in 1971 there were 80,204 hides and skins from Turkana District. This was exceptionally high due to the drought that resulted in the death of a lot of animals. In 1972 there were only 24,461 hides and skins from the district which is in fact the normal figure for a normal year.

Mr. Umuro: Mr. Speaker, Sir, arising from the Assistant Minister's reply is he aware that the people in Turkana do not sell their hides and skins to traders because the prices for these commodities are very low? Is he also aware of the fact that the number of hides

and skins in that area is very low because of these low prices which are offered for hides and skins and that if the factory is established there and better prices offered people will come forward with more hides and skins?

Mr. Wood: Mr. Speaker, Sir, I am not aware of what the hon. Member is saying and this is with due respect to him. But if this is his opinion he should bring it forward to the Ministry and at the same time encourage his people to bring forward more hides and skins to the market.

Mr. Speaker: Let us go on to Mr. Ebu's question.

Question No. 377

KENYANS QUALIFIED AS TAXIDERMISTS

Mr. Speaker: Mr. Ebu is not yet here? Ask your question, Mr. Migure.

(Question dropped)

Question No. 382

TEACHERS—CANDIDATES IN LOCAL GOVERNMENT ELECTIONS

Mr. Migure asked the Minister for Education whether, noting that most of the teachers in the country have indicated their interest to contest in the forthcoming local government elections he will tell this House if the intending candidates will be forced to resign before being allowed to contest or not.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of the Minister for Education I beg to reply.

I do not agree with the hon. Member that most of the 75,000 teachers in the Republic would like to contest the forthcoming local government elections although I agree that there may be some teachers who might wish to contest such elections. As far as I understand the Presidential directive on teachers that they may participate in the county councils elections I think it was quite definite that those teachers who work in town councils and municipalities must resign if they want to contest such elections just like the other employees of parastatal bodies.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply will the Minister agree with me that the Government is now creating an ambiguous situation by making a discriminatory law for two groups of teachers, and that this anomaly should be corrected in advance because I do not think this country is going to be helped by this kind of exercise where a law is created only to cater for one section of the community?

Mr. Ngei: Mr. Speaker, Sir, the worst position in which any Government can be is to be ambiguous in matters concerning the country. It is quite obvious that these two categories of people are in the same class just as the civil servants and therefore the Government must tell them to resign before the forthcoming elections. All I can tell the hon. Member for Embakasi, if he will lend me his ears, is that the Government can rectify any anomaly if it exists. But as far as I understand the Presidential directive—what I have given the House is my personal interpretation of that directive but a clear statement on the matter might follow to clear the whole position.

Mr. Migure: Mr. Speaker, Sir, if the teachers who are in the rural areas are not supposed to resign before they can contest the local government elections could the Minister tell me how it is going to be possible for teachers to take up lessons in the classrooms and at the same time participate in committee meetings of the local authorities? How can they work on the two sides Mr. Speaker, Sir?

Mr. Ngei: Mr. Speaker, Sir, this is exactly what I said, Sir, you cannot have your cake and at the same time eat it. We are going to look into this matter and rectify any anomaly that may be existing. Nevertheless, Sir, we are not going to allow discrimination against teachers.

Mr. Speaker, Sir, the call to teachers is that they should resign and contest elections in a good and orderly manner. The truth of the matter is that you cannot teach students and organize election campaigns at the same time. This would be wrong because you must serve the master who employs you.

Mr. ole Sompisha: Arising from the Minister's reply and in view of the fact that all teachers are employed by the Teachers' Service Commission, is he aware that the Code of Regulations in the teaching profession has been amended to allow teachers to contest local authorities' elections anywhere? Therefore, why is it that only a section of teachers are being prevented from contesting whereas all are under one and the same employer?

Mr. Ngei: Mr. Speaker, Sir, I do not agree that all teachers are employed entirely by the Teachers' Service Commission. At the same time, Sir, I am being told by the Member for Embakasi that I have not understood the question. How can I understand the supplementary question when the hon. Member is shouting? I cannot really hear hon. ole Sompisha's question, Mr. Speaker, Sir.

Mr. Migure: In view of the fact that there is only one Code of Regulations governing teachers why should there be discrimination between teachers in municipal councils and those in county councils? The Minister has not answered this aspect of the question, Mr. Speaker, Sir. Is he in order to avoid answering the question?

Mr. Ngei: I have not avoided answering any question. All I said was that as far as I understood the Presidential directive, teachers are civil servants and therefore they are required to resign as stipulated by the President's directive.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance here. Sir, the President categorically directed that teachers should participate in Local Authorities' elections and not the National Assembly elections. According to us, Sir, the Presidential directive did not apply to a specific category of teachers who should be allowed to participate in these elections. Therefore, Sir, could we get guidance from the Chair as to whether the Minister is in order to mislead the House by implying that the Presidential directive referred to a specific section of the teachers?

Mr. Speaker: No, I think what you mean is that you do not agree with Mr. Ngei. What he is saying is quite clear. He is giving the Government's view on the matter and I believe that is why Ministers come here. There-

fore, what Ministers say here is taken to be what Government thinks. So, what Mr. Ngei is now saying should be taken as an interpretation of what was said. We cannot go beyond that because if he were not saying what the Government has agreed upon then he would have been corrected sometime ago.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Speaker, Sir, I am just wondering if you would allow me, at the end of Question Time, to make a Ministerial Statement on this matter?

Hon. Members: Hear! Hear!

Mr. Speaker: Yes. In that case, therefore, let us move on to Question by Private Notice.

QUESTION BY PRIVATE NOTICE

MAN SHOT DEAD BY POLICE

Mr. ole Sompisha: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- Why was Mr. Olekiok Maiko shot dead on 27th May, 1974 at Kilgoris by police officers?
- Since this was the fifth case since 1967, for police officers to shoot persons dead in Kilgoris area, what action has the Ministry taken to send an investigation team in the area so as to establish the cause of this latest shooting?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to give the following reply.

(a) A police patrol party came across *morans* armed with poisoned bows and arrows. When other *morans* ran away the deceased remained behind and started shooting at the party. He was ordered to lay down the arms but went on shooting at the police party. He threw two poisoned arrows, but luckily nobody was injured. The police, therefore, had no alternative but to defend themselves.

(b) The cause of shooting, Mr. Speaker, Sir, is straightforward and does not require any investigation team from outside the area. The inquest file has been opened and will be put before a magistrate for his ruling when investigations are completed.

Mr. ole Sompisha: Arising from the Assistant Minister's reply is he aware that the deceased was not a *moran* and that the whole story he has told the House is a completely fabricated one? Why is he not in a position to send an outside team to investigate the matter instead of relying on the information he got from the police who committed the murder?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member may be right in his thinking, but the point is that when a police officer is considered to have wilfully murdered somebody, we do not ask him to conduct investigations. What happens is that we send in outside police investigators who give us an independent report.

In this case, Sir, an inquest file has been opened and it would be advisable for the hon. Member to present the information to the court in order to enable the magistrate to arrive at a realistic decision.

Mr. ole Sompisha: Mr. Speaker, Sir, it was only last year when I brought to this House a question similar to this one. At that time, Sir, the same Assistant Minister told me that an inquest file had been opened in a court of law. It would appear now Sir, that the police officers will continue murdering people because whenever there is an incident of this nature, Government shields them. Therefore why can Government not send an independent team of Criminal Investigation Department officers to Kilgoris area instead of leaving the whole matter to inquests?

Mr. Shikuku: Mr. Speaker, Sir, I remember telling the hon. Member to do what he has just said. I wonder whether he ever took pains to advise his people to appear before this inquest and give evidence?

When somebody is shot dead, Sir, we open an inquest file whereby if a police officer is found guilty of murder, he can be hanged.

Mr. Kurgat: Arising from the Assistant Minister's reply that a police patrol party came across *morans*, what were the *morans* doing? Were they singing, stealing, poaching or did they merely start running away? What was the cause of fighting between the police party and the deceased? I believe there must have been something happening and therefore what incident preceded the shooting?

Mr. Shikuku: What the hon. Member is asking, Mr. Speaker, Sir, is not something new. We have had many cases where some people simply run away when they see policemen. If you are innocent, Sir, you simply stay put, but if you run away, policemen chase you and at times they may shoot you. In this case, Sir, the deceased remained behind and started shooting at the party. In the end he lost the fight, Mr. Speaker, Sir.

Mr. Munyasia: Arising from the Assistant Minister's reply, what were these fellows doing when the policemen found them: were they stealing cattle or committing an offence of some kind?

Mr. Shikuku: Mr. Speaker, I have already replied to that. I have said that it is not abnormal to come across cases like this one where, when policemen are on patrol they encounter a group of people, or a person, who decides to run away even before the policemen know what they are doing. So, they suspect themselves and run away. These people might not have been doing anything wrong, but they ran away.

Mr. ole Sompisha: Mr. Speaker, Sir, since we have had this kind of case before whereby the police kill some people in my constituency pretending that they were defending themselves, is it not time that I advised my constituents to take an offensive action against the police when they approach them in such a manner, and to kill them, if necessary, because they go there to kill my people even if they have not committed any offence?

Mr. Shikuku: Mr. Speaker, Sir, to start with, the hon. Member is violating our Standing Orders because he wants to incite people to commit an offence. Well, if he does that at all, he should not remain behind but he should personally be in the front line to fight with the police. He should not advise them to fight with the police and then come here to ask questions, but he should be in the front line himself.

Mr. Karungaru: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, does he understand the difference between an investigation and an inquest? If so, does it mean that Government has already exhausted its investigation machinery so that it should now resort to an inquest?

Mr. Shikuku: Mr. Speaker, Sir, I know the difference between an inquest and an investigation. As a matter of fact, an inquest is something which is very serious. That is what we are trying to do, but it seems the hon. Member wants an investigation instead.

Mr. ole Marima: Mr. Speaker, Sir, it is true that we have had cases where some people have tried to fight the police, as it is also true that at times the people run away from the police because at the border areas the police, either the Stock Theft Unit or the General Service Unit, ruthlessly get hold of anybody they come across, whether he has committed an offence or not, and start beating him up, which makes people fear the police and run away whenever they see them. Can the Assistant Minister now assure us that in future the police will not shoot on sighting people because this scares our people so that even the law-abiding citizens run away when they see them?

Mr. Shikuku: Mr. Speaker, Sir, that is one of the most reasonable supplementary questions which have been asked this afternoon. Of course, there is no reason why we should pretend that the people do not run away from the police. That is a fact. Mr. Speaker, Sir, I would like to inform the hon. Member that policemen will be asked to be human. As a matter of fact, they are supposed to protect the lives of the people of this country. The people who run away from the police because of the past experiences should not do so again because when they do that they expose themselves to suspicion, and then they are pursued. The hon. Member should advise his people, first and foremost, to stop stealing cattle. Secondly, when they see some policemen they should remain where they are, greet them and talk to them. If the police become funny—of course, they are not angels—and then beat them up for nothing, and since they are not licensed to beat up anybody, they will be dealt with. We have imprisoned some before. They are not above law.

Mr. ole Sompisha: On a point of order, Mr. Speaker, Sir, the Assistant Minister has advised me to appeal to the people not to steal cattle. But, he has been asked to say whether these people were stealing cattle during the time in question and he has said that they normally steal cattle. The police have no right to shoot the people because they are normally thought of being thieves. If, in this particular case, they were not stealing any cattle, why was one of them shot dead?

Mr. Shikuku: Mr. Speaker, Sir, I was only referring to hon. Marima's supplementary question when he said that the people normally run away because of the past experience with the police. The beatings, or any other punishments they received in the past were as a result of cattle stealing. I have already said that to clear the misunderstanding they should stop stealing cattle. Secondly, they should not run away from the police when they are innocent, and if the police mistreat them they

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

will be dealt with themselves because they are not above the law. We have had cases where policemen, including a district officer, have been imprisoned.

Mr. Speaker: We must go on to the next business.

Can you make your statement, Mr. Ngei.

MINISTERIAL STATEMENTS

APPOINTMENT OF STANDING COMMITTEES

The Minister for Housing (Mr. Ngei): Mr. Speaker, I wish to inform the House that the Sessional Committee has appointed the following hon. Members to various Standing Committees:—

ESTIMATES COMMITTEE

The hon. I. S. Abdallah, M.P.,
The hon. E. K. K. Bomett, M.P.,
The hon. A. A. Hirsi, M.P.,
The hon. Rev. T. Kalume, M.P.,
The hon. P. F. Kibisu, M.P.,
The hon. M. M. Koigi, M.P.,
The hon. F. P. L. Lotodo, M.P.,
The hon. A. N. Mutunga, M.P.,
The hon. I. Owala-Orwa, M.P.,
The hon. J. M. Mulli, M.P.,

LIBRARY COMMITTEE

The hon. D. O. Amayo, M.P.,
The hon. J. Z. Kase, M.P.,
The hon. Dr. F. L. M. Waiyaki, M.P.,
The hon. Z. M. Anyieni, M.P.,
The hon. K. M. Gichoya, M.P.,
The hon. M. M. Mutiso-Muyu, M.P.,
The hon. J. H. Onamu, M.P.,
The hon. A. Haji, M.P.,
The hon. S. K. Kurgat, M.P.,

CATERING COMMITTEE

The hon. F. M. G. Mati, M.P.,
The hon. Abubakar-Madhbutti, M.P.,
The hon. S. L. Cheptai, M.P.,
The hon. T. Gichohi, M.P.,
The hon. C. C. Mukuna, M.P.,
The hon. J. Mwongo, M.P.,
The hon. T. Ogalo, M.P.,
The hon. J. D. Akumu, M.P.,
The hon. S. M. Kioko, M.P.,

PUBLIC ACCOUNTS COMMITTEE

The hon. G. A. E. Ebu, M.P.,
The hon. D. M. Kioko, M.P.,
The hon. H. R. arap Cheboiwo, M.P.,
The hon. G. Kahengeri, M.P.,
The hon. M. K. arap Keino, M.P.,
The hon. A. Kholkholle, M.P.,
The hon. W. N. Ayah, M.P.,
The hon. K. Kinyanjui, M.P.,
The hon. S. Lugonzo, M.P.,
The hon. K. B. Ogero, M.P.,
The hon. E. W. Mwangale, M.P.,

SPEAKER'S COMMITTEE

The hon. M. M. Jahazi, M.P.,
The hon. Mrs. G. Onyango, M.P.,
The hon. J. M. Kariuki, M.P.,
The hon. C. J. Kitonga, M.P.,
The hon. W. K. Komen, M.P.,
The hon. D. Lentaya, M.P.,
The hon. J. C. N. Osogo, M.P.,
The hon. J. L. Shako, M.P.,
The hon. R. M. Wanjigi, M.P.,
The hon. M. S. Ali, M.P.,
The hon. J. Nyamweya, M.P.,

COMMITTEE OF POWER AND PRIVILEGES

The hon. F. M. G. Mati, M.P.,
The hon. J. M. Mulwa, M.P.,
The hon. Dr. J. F. C. Munene, M.P.,
The hon. M. T. Jilo, M.P.,
The hon. O. G. Migire, M.P.,
The hon. A. A. Ochwada, M.P.,
The hon. M. Kibaki, M.P.,
The hon. E. N. Mwendwa, M.P.,
The hon. G. N. Kalya, M.P.,
The hon. J. K. Lenayiarra, M.P.,
The hon. O. J. Mnene, M.P.,

POSITION OF TEACHERS CONTESTING LOCAL GOVERNMENT ELECTIONS

The Minister for Local Government (Mr. Osogo): Mr Speaker, Sir, thank you very much for giving me this opportunity to clarify what was raised earlier on this afternoon by an hon. Member and replied to by my colleague, the Minister for Housing.

It will be remembered, Sir, that in the Republic, we have about six municipal councils that run primary schools. These schools belong to them. They finance them and they take care of them. Now, in these schools, there are teachers and these teachers are paid salaries by these municipal councils. Now, according to the Fifth Schedule of 1963 Local Government Regulations, Section 3 (b), it states, *inter alia*, that no employee of any Local Government shall contest an election in that Local Government if he is going to get or if he gets any benefits at all from that Local Government. This is either salary-wise or gratuity and so on. Now, interpreting this regulation, teachers that are paid by municipal councils in the municipal council schools, are included in that category of people who get benefits from those municipalities. I pointed out this to the Minister for Education after it had been raised by Thika Municipality and we agreed that these teachers are employed or rather they are paid by the municipalities. I have told the Minister for Education that if the Teachers' Service Commission takes over the payment of salaries of all those teachers the teachers in question will not be barred from contesting the elections in these municipalities. However, if the Teachers' Service Commission and, therefore, the Minister for Education, does not take over the payment of salaries of these teachers then, they are *de facto* employees of the municipal councils. They are employees of the municipal councils because they are paid by these municipal councils.

Therefore, as matters stand now, all teachers employed by these six municipal councils will not be allowed to

[The Minister for Local Government]

contest the coming Local Government elections unless they resign or otherwise have their salaries paid by the Teachers' Service Commission.

COMPENSATION FOR CROPS DESTROYED IN JUJA

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, on the 4th of May, this year, my Minister gave a reply to a Question by Private Notice in this House which was raised by the hon. Member for Juja, the hon. Kahengeri, but understandably, the House was not satisfied with the reply given to the question and, therefore, my Minister undertook to make further investigations and report back to the House.

As the hon. House recalls, the hon. Member inquired whether we were aware that certain crops belonging to a Mr. William Kimani had been destroyed and whether we should cause compensation to be effected. We were further asked to intervene in the matter. The first reaction by our Ministry was to find out whether any of our tractors had been involved in the matter. I found out that this was not the case. Secondly, we tried to find out whether any Government agency had been involved in the alleged crop destruction. But, Sir, it was found out that no such involvement whatsoever took place. Thirdly, we have checked around to find out whether there were any instructions or directives from any of our officers that could have led to the alleged destruction. I have found out, Sir, that there were no such instructions or directives given or made by any of our officers.

It would, therefore, appear, Sir, that the whole affair is what could be considered a dispute of some kind between some individuals and some other persons and, in which case, my Ministry would advise that the aggrieved party should seek redress appropriately elsewhere.

Mr. Kahengeri: Mr. Speaker, Sir, I presume that it is the Ministry of Agriculture which is responsible for food in this country. In Kilimambogo area, people do not have sufficient food. Therefore, is it not the duty of the Minister for Agriculture to intervene when an individual, be he a private man or a Ministry man, has had his food destroyed?

Mr. Khaoya: Mr. Speaker, Sir, I agree with the hon. Member that we as a production Ministry gets very much upset when anybody destroys any crop. However, we can only be able to adjust that when we are able to help in that case. However, in this case, I have a feeling that this query arose simply because we had a similar question previously in this House when the Kenya Cannery Company was involved in some destruction of beans, etc. In that case, Sir, I called in all the people concerned in my office and got the matter settled and some compensation was paid. However, the reason why I did so on behalf of my Ministry was because the Kenya Cannery Company is one of those companies which we very much foster in our programme of horticulture.

In the present case, Sir, this is not the way we look at it. It appears that some individuals and some other estates are in dispute. It appears that somebody must have grown some crops on land which some other persons claim to be theirs and, therefore, we feel, Sir, that we, as a Ministry, are not the most competent body

within the Government to deal with matters of that nature. For instance, I would advise that a court of law would have been a much better place for the aggrieved party to take their complaints than bring it to this House.

Mr. Kahengeri: Mr. Speaker, Sir, since I reported this matter to the office of the Ministry of Agriculture at Thika, can the Assistant Minister tell us here because, I personally, cannot understand what he is telling us, whether he tried to find out and know where the crops were destroyed or whether he did not bother just because the crops belonged to a private farmer?

Mr. Speaker: No, order, Mr. Kahengeri! That question is not really relevant. The main question is whether the Ministry is responsible for the crop destroyed. Now, you can only ask a Minister a question on a matter for which he is administratively responsible. Now, unless you can show that he is in any form administratively responsible for either that area or the action taken then, you are really asking him to take over something which he has no power to do. Under what law would he intervene, for instance? There is none! So, that is the trouble, Mr. Kahengeri. You can only get sympathies, as far as I can see. However, you have been given some useful advice that the person who is aggrieved can still take some legal action somewhere to try and get his own things back.

Mr. Kahengeri: Mr. Speaker, Sir, now since the Assistant Minister has indicated that to us and I believe he is the Minister responsible for production and since those people had planted the maize in a particular area or land where they had special permission to do so, is the Assistant Minister going to intervene now because these people had planted this maize with the knowledge and the permission of the management? They should be allowed to have their crops ready and harvest them without being destroyed by the company because it is just about time for harvesting. Can he do that now?

Mr. Khaoya: Mr. Speaker, Sir, I very much sympathize with that request. We, as a production Ministry, would not like to see crops being destroyed when we very much need this food. Therefore, to that extent, we are prepared to intervene and see whether we can save the crop. However, as to the legality involved, I think the House will agree with me that if the hon. Kariuki, for instance, had to dispute with the hon. Munyasia over some portion of land or some beans or some maize then, surely it would be too much asking the Minister for Agriculture to intervene.

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: No! We must go on now.

Next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
*(Minister for Finance and Economic Planning on
12th June, 1974)*

*(Resumption of debate interrupted on
14th June, 1974)*

(Third Day of Budget debate)

Mr. Wabuge: Mr. Speaker, Sir, thank you for giving me this opportunity to speak on the Budget. Because I have no much time I would go straight on to the Office of the President. At the moment the country is facing financial squeeze due to inflation throughout the world and, therefore, every penny we have must be properly utilized. It is my opinion that at this time of world financial crisis, our country's Cabinet should be reduced from 20 to 12. The maximum number of Ministers should be 12. This is because I feel it is one way of wasting public funds by having so many Ministers in the country. The maximum number of Cabinet Ministers should be 12. Also we find that the Assistant Ministers are very many. They are 37 at the moment and yet when you see what they are doing, honestly—

An hon. Member: There are 38 Assistant Ministers!

Mr. Wabuge: I am told that they are 38. To save the money which is being used to pay these 38 Assistant Ministers it would be wise for Government to reduce this number to 12. If Ministers are 12, Assistant Ministers should also be 12. In this way the country will be saving more money for the needy projects that we have in the country. I know we are going to have general elections soon and therefore, Government should be well advised that immediately after the general elections, the entire Cabinet should be reduced to 12 and the Assistant Ministers should also be reduced to 12. If this is done, we shall save the money that is paid to these people who just want a job. When this is done, whoever is appointed a Minister or an Assistant Minister should be a national leader. He should not be, for example, the "Minister for Abaluhya" or "Kikuyu" or for any other tribe in Kenya. Anyone who gets the post of a Minister or an Assistant Minister must bear in mind that he is given that job only on grounds that he will be a national figure and his outlook should be as such.

Therefore, no one should claim that his tribe must have a Cabinet Minister because if we go by that we might end up by having 42 Ministers in this country. Are we really ready to bear 42 Ministers in this country? No. It is for this reason that anyone appointed to these posts should be a national leader and should do everything on national basis rather than being a sectional leader.

The Attorney-General (Mr. Njonjo): How are we going to do that?

Mr. Wabuge: The Attorney-General is asking how we are going to do that. He should know that he is the Attorney-General for the whole country and not for his own tribe and that is how we want it to be.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir. Is the hon. Member suggesting that there are Ministers here who are Ministers for tribes? Can he substantiate and tell us who is the Minister for Kikuyu or the Minister for Abaluhya?

Mr. Wabuge: What I am trying to say is this; it is an obvious case that each group or tribe in this country always appeals for a Minister. I am saying that we should not be thinking on those lines; we should think nationally and that whoever is appointed should be a

person who thinks nationally and not as a tribe. I am glad that the Attorney-General is appearing to be a national Attorney-General.

Turning on to agriculture, I would state that it is true that the country is faced with a problem as far as money is concerned. However, I would like to inform the Minister that the more you tax people the less revenue you will collect. If people are taxed so much that they are not able to pay, then the Minister will end up collecting less revenue. Therefore, I feel that when the Minister for Finance and Economic Planning is assessing what would be the taxation, he should take in this consideration that the more he taxes the less revenue he will collect. We should have reasonable taxation. At the present time farmers are hit so much that it is very difficult for a farmer to produce a bag of maize or wheat because the cost of fertilizers has become very high. Therefore, in order to encourage farmers to produce more and in order to earn more and therefore, pay more taxes, Government should subsidize in so far as the fertilizers or agricultural inputs are concerned. Unless this is done, we are heading for famine in this country because production is going down.

It is now high time we had a national food policy. We did say this in our Select Committee Report and I think the Minister for Agriculture should be thinking of how we can have this policy implemented in this country. If we do not do this we are going to be faced with a lot of problems as far as food is concerned. The Ministry of Agriculture together with the Ministry of Commerce and Industry and the Treasury should sit together and have a body which will be responsible for food distribution in this country.

I would now like to touch on the Ministry of Lands and Settlement. Sir, in my area, people are living in forests; some have been living on European farms as squatters. Up to this moment these people find it difficult to get a piece of land. Even if they have money it is very difficult for them to have a farm. It is high time the Ministry of Lands and Settlement worked together with the Forestry Department to enable these squatters to buy farms which are still in the hands of the British people. In fact, they want to sell the farms but the trouble is that they cannot sell these farms to their squatters because they cannot be paid in foreign currency by these squatters. Therefore, Government should assist these people to enable them to get the farms.

The other point is that whoever has land in this country must utilize it. Any land in this country, no matter to whom it belongs, must be utilized because this is a national asset. Any piece of land must be utilized to produce more food to feed this country. There is no point in people acquiring large tracts of land, which they do not cultivate while other people are going without any food at all. Every piece of land in this country should be utilized in order that we can be able to feed the nation.

Now, Sir, I want to go on and say something about the East African Community. It is high time, Mr. Speaker, that the East African Community Treaty was reviewed because now it is just like a debating club.

[Mr. Wabuge]

Even the East African Legislative Assembly has complained that nothing good is really happening, and our people are suffering, particularly those who live along the borders because they cannot move across the borders freely. Therefore, it is high time the Authority met and reviewed the East African Treaty.

Lastly, Mr. Speaker, I want to say something about— With these few remarks, I beg to support.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Thank you very much, Mr. Speaker. Now, I would like to thank the Minister for the way he presented the Budget, and give him some more avenues to demand more taxes in 1975. I hope the Minister will not take my points as lightly as he did last year, when I suggested that the foreign companies which come and borrow money here have, in fact, been ruining the economy of this country by not allowing Kenyans to borrow more money.

Now, I wonder whether it is known by many people in this country that these foreign companies have been borrowing up to 60 per cent of the total amount of money which banks were lending to the entire Republic. I only hope that this 60 per cent will now be given to local people, in order to expand their businesses.

Having said that, I would like to say that the problem raised by this taxation is not of the Minister's own making, and I would like the entire country not to blame the Minister. However, the blame lies squarely on some other things, and not with the Minister. We have friends who produce oil in Africa, and if these people are our friends, then we do not need any enemies. I am saying this because these countries are selling their oil to countries outside Africa at a very high price. However, they are also selling their oil to African countries at the same price. Now, although I understand that they have set up a fund to assist African countries, I doubt whether that fund is really going to benefit most of the African countries which do not produce oil.

Therefore, I would like to suggest that the people who are in the Commonwealth should set up a fund, with the sole aim of helping the developing countries in Africa. It is high time the British Government and other member countries of the Commonwealth set up a fund, which will in actual fact, help the developing countries. I hope that the Minister for Finance and Economic Planning, together with other Ministers of Finance in the Commonwealth, will take this point rather seriously, so that in the years to come, we will have a fund whereby most of the developing countries, like ours can get loans at a lower rate than at present. That is one way I would like our Government to try and explore.

The other point is that next year, the Minister should put more taxes on undeveloped land.

An hon. Member: There will be another Minister for Finance and Economic Planning then!

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): I am informed that there will be

another Minister for Finance and Economic Planning. However, I would like the Minister to come back. Now, since he seems to be taking my suggestions rather seriously, I would like to give him more important suggestions.

Now, there are some people in this country, some of them Africans, of course, who are having quite a lot of land lying idle. What I would like to see being done in this country is to put taxes on all idle land, so that those people who have thousands and thousands of acres will find it extremely difficult to continue paying taxes on land which is lying idle. The end result will be that when a Mr. X fails to pay tax on any given land, he will be required to surrender that land to the Government. Then the Government will be in a position to settle some of the landless people. Now, I am saying this bearing in mind the fact that there is some fertile land lying idle in this country. However, there are certain categories of land which cannot be considered in the same manner, for instance, ranching land. I think 60 per cent of our land is good land. However, there are quite a good number of people, be they foreigners or local people, with so many acres of land which they are not utilizing whereas we have quite a good number of people in the country who are not settled. Therefore, the best thing is to tax such land heavily, so that those people who cannot utilize their land properly will surrender it to the Government, and the Government will then be in a position to settle those people who are landless. I am making this suggestion because it is workable, and it has been proved so in other countries. I hope, therefore, that this will also be workable in this country. I know that land is a very touchy issue, and especially so when you talk of taxing it, but there are quite a good number of people in this country, and when I travel from Nairobi to my own area, I witness this, who own up to 80,000 acres. Now, Sir, there is no justification whatsoever, for one person to have up to 80,000 acres of land lying idle, whereas there are quite a good number of people living in villages unsettled. We have to carry out land reforms, and if we do not do it now, it will have to be done at one time anyway.

The other point, which I want the Minister to try and see if it can be done, and I hope it will be done, is in connexion with buildings. I would like to see a buildings statutory committee in this country, set up within the Ministry of Finance and Economic Planning, to look into the prices of all buildings in the Republic, with a view of reducing prices because we are now being ruined by the people who built these buildings back in the 1920s, and they are demanding huge amounts of money today. Mr. Speaker, Sir, I would like such buildings to be revalued if possible. There should be a board set up by the Government to look into their prices. I know for sure that at the moment, even our own people are actually cutting their own throats. In fact, they go and raise the prices of such buildings. However, I would like to appeal to them to stop that tendency. It is actually ruining this country when our fellow Africans go around offering higher prices for such buildings. I think this is a very serious issue. We need to revalue these properties, so that their owners,

[The Assistant Minister for Tourism and Wildlife]

who in any case have already accumulated a lot of profits over the years do not have anything to lose, and our people to be able to buy them at low prices. I know we have a divergency of social interests when I talk about this. However, I say this because quite a good number of us have bought such properties, and this point might not be implemented because some of us have already bought them. However, I would like to say that this is quite essential now, if we are to narrow the gap between those who have and those who do not have. If we do not do this now, then it will be a mountain-moving job to do it in future. I feel it is necessary to have these properties revalued for the benefit of our people.

The banks should also be flexible now that foreigners will not borrow money locally, in granting loans to our people when buying these properties. We should also try as far as we can, to establish during the coming Parliament, a land law, and a property law, which will make it absolutely clear that nobody will be given a public loan to buy more than two houses anywhere. I am saying this, Sir, because I feel it is illegal for any leader anywhere to use public loans to buy more houses for himself. He should be given a loan to buy just one house, and if he has the ability to buy a second one, then he should do so, but not with public funds from building societies and other organizations.

Mr. Speaker, Sir, in that way, we shall make sure that these loans are given to many people to buy these houses, rather than concentrating these loans to only a few people whereas so many other people do not have such houses yet they want to have them. I am saying this with all seriousness, that an Act of Parliament is very necessary now to control us. I am talking about "us" because we are the same people who buy most of these properties. At the moment, members of the public are not able to buy these houses. What will be the end result? Let me tell this House now that a day will come when those who are buying these properties, will no longer be able to buy them. At the same time, when our young graduates come from the universities and come into the society, when they realize that there will be no more properties for them to buy, they will demand to have these properties by using other methods to get them. To avoid such a situation to arise, we must, therefore, control ourselves as leaders so that we do not have to buy as many of these properties as some of us are doing today. The first thing is to try and devalue the properties and the second thing is to bring an Act of Parliament to control the number of properties each person is supposed to own in this country which, in any case, is not so highly developed like some other parts of the world.

With these few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Owala-Orwa: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in congratulating the Minister for his clear Financial Statement.

Mr. Speaker, Sir, it was said that this Budget looks like the Budget of those who are able to pay for the

things whose prices were increased. My doubt is expressed especially on the price increase on petrol. I just do not know how the Minister is going to control the increase of bus fares and taxi fares where the common man is going to use a bus or a taxi for his transport. Just some three months ago, when the price of petrol was increased, I noted that the fare of taxi service between Nairobi and Nakuru jumped from Sh. 15 to Sh. 18, from Nakuru to Kericho it jumped up to Sh. 15. If the Minister can assure me how he is going to control this rise in fares, so that the ordinary man does not suffer, I am going to support him. However, if he cannot, then I am advising him to find a way of controlling the rise of fares so that the ordinary man does not suffer. I know he is able to do that, because he is the Minister for Finance and Economic Planning.

Mr. Speaker, Sir, my people who live at the border, especially in Busia, Kuria and Namanga do suffer so much because of difficulties due to financial transactions. It is very difficult to change money from Kenyan money to Tanzanian money. Therefore, the people in the border towns find it very difficult to trade. We cannot live in isolation. We must depend upon each other. The Tanzania people have to depend upon the Kenyans and the Kenyans upon Tanzanians. The towns at the borders should be flourishing but at the moment they are dying out economically because of these difficulties of changing money. I am therefore calling upon the Minister to use his good offices and find a way of assisting these towns so that the financial transactions between Kenyans and Tanzanians are made easier. They should not be made so stringent.

Inflation has hit every country in the world. Kenya is no exception. I have seen that a policy of self-reliant is being formulated in such a way that we can make all we need within the country. Kenya is an agricultural country, and this has been said here all the time. However, I wonder whether the agricultural tools are being planned for so that the Minister for Finance and Economic Planning, plans to make tractors here in Kenya, especially the Kenya type, so that we do not have to import them from overseas, where we pay for salaries of these people whose salaries are so high and, therefore, we produce less because of the cost of the equipment. If Kenya is agricultural, surely we should try to become self reliant in all agricultural commodities and equipment. I congratulate the plan of assembling vehicles in Kenya, but vehicles need oil and oil price has now been raised so much high that it is now three or four times as much as it used to cost back in 1950s. I remember at that time I used to buy a gallon of petrol at Sh. 2/75, but now I am paying about Sh. 9 per gallon.

Mr. Speaker, Sir, we always cry here for power, but power is lying idle at Gogo Hydro-electric Plant, and we keep on singing about rural electrification. At the same time we keep on depending upon power from Owen Falls and we keep on waiting for Kindaruma Power, while power is lying idle with every machine necessary, just waiting for somebody to tap it, and there is nobody to tap it. May I call upon the Minister for Finance and Economic Planning to plan to use the power which is lying idle at Gogo so that we can save

[Mr. Owala-Orwa]

part of the money which we are using to buy the petrol and diesel we are buying now to give us power. The place I am talking about is in Macalder in South Nyanza. This power was formerly used by the miners, but when they moved away, they left the plant there and it is only waiting for somebody to make use of. Its capacity is that it can produce all the electricity that the whole of western Kenya needs.

Mr. Speaker, Sir, when the late hon. Ngala was alive, I took him there and he saw the water, at its lowest level, splashing over the wall, and he said that he would increase the capacity of the plant so that it can produce half the power that we need in Kenya today. This place is already built up and I do not know how much it would cost the Government to reconstruct the same plant. However, the cost is not my problem but that of the experts.

Mr. Speaker, Sir, we talk about national irrigation schemes. I feel that the national irrigation scheme is not moving with the national speed and therefore, I am calling upon the Minister for Finance and Economic Planning, with his colleague, who is keeping him busy, to see that he plans well so that the reclamation of Kano Plains is done quickly. We have been talking about these plains for a long time and up to now only 2,000 acres have been irrigated for rice growing purposes. This scheme has not got off the ground so far and yet there are thousands of acres that are waiting for the Irrigation Board to make use of. This land is so fertile that it can produce most of the food that we need in this country, so that we do not have to import any food into this country. Mr. Speaker, Sir, I feel that these national boards should move at a national speed so that our people can feel we have national boards to serve the country, not only for feeding the people, but also for finding enough food for foreign exchange. I would like to call upon the Minister for Finance and Economic Planning to plan how they can make use of Lambwe Valley which is very large and fertile and which can produce a lot of food if only the Ministry concerned can direct its efforts towards the development of the valley. This valley has been lying idle for a long time and my people are now waiting—I understand that the people in Kerio Valley are also waiting for the same thing to be done there, but I was saying that my people are waiting for this board to utilize Awaju Valley which is also a very fertile valley whose fertility has not been touched yet. At the same time, there are other very fertile valleys such as Oluch Valley, Rang'uena Valley and Kuja Valley. All these very fertile valleys are waiting for the board to come forward and develop them. However, if the board is going to move at the present speed, it is not going to assist Kenya to feed its people and at the same time, export enough food for foreign exchange. Therefore, I feel that all these boards should feel they have the power to move at a national speed.

The Minister for Agriculture (Mr. Nyagah): Thank you very much Mr. Speaker, for giving me this opportunity to join my colleagues in contributing to this very important debate. I would first of all like to congratulate

the Minister for Finance and Economic Planning for the very hard task he has had in trying to formulate a financial policy for the coming financial year. In our present Kenya, it is not very easy to meet every demand within the means at our disposal. It is therefore not very easy for the Minister to produce a statement which is going to be our backbone or our guiding star for the coming twelve months. Mr. Speaker, I am reminded of a time ten years back when this country used to have a very small budget—about one-third or one-quarter of what we have today—when our people here did not have as much to demand from the Government as they have today. Very many people have come to realize that the Government is there for their welfare because it is a just Government for the same people. Therefore, every time, even from the remotest parts of Kenya, we keep on receiving demands of development more than we have ever had before. If you go to Turkana, you will find that the Turkana there are no longer the Turkana of ten years ago. If you go to West Pokot, you will find that the people there are no longer the people of ten years ago. I am saying this because these people do not only demand higher forms of education, but they also demand more health facilities and other economic developments. All these things have to be paid for and we, as an independent Government, must pay for the requirements of our people. Therefore, this is why the Minister for Finance has to tax those of us who are capable of meeting at least a fraction of the Budget. Those people who drink beer in their time of relaxation—that is after work—have to be taxed on the beer they drink for the benefit of being independent. Those of us who are able to buy better and faster moving cars, must also be prepared to do a bit of contribution. Therefore, those of us who cannot afford to travel in a public bus, must also contribute to the welfare of our people by paying a little more for the oil. Similarly, Mr. Speaker, it is the same for those of us who are able to turn our money into smoke by smoking either cigarettes or cigars because by so doing, we must be prepared to build our nation by contributing an extra bit for the smoke which we can do without in any case.

I would like to congratulate the Minister for Finance and Economic Planning for being able to spot out at this time of financial crisis, areas where some of our problems can be solved. Mr. Speaker, Sir, sometimes we feel very much disappointed when we see how much we have not been able to do during a given financial year. For instance, a Minister may visit a certain area, only to find that a certain programme which had been planned for a particular financial year has not been undertaken perhaps because the people in the area have not been co-operative enough, or perhaps the officers responsible for the work on the project have had so much work to do that they have not been able to reach the target previously anticipated. This, Mr. Speaker, is one of the crises which we cannot help as a developing country. I am saying this because when we plan to undertake a certain project and we fail to complete it at a specified time, it is not because we have neglected it, rather it may be because of lack of sufficient manpower, lack of finance or because the prices of things have gone up. This is an indication that we are moving

[The Minister for Agriculture]

into the right direction. We have been hard hit, particularly in the field of agriculture. My good friend over there was saying that Kenya is primarily an agricultural country. How very right he was. However, we, in the Ministry of Agriculture, have been very hard hit although the farmers are doing their very best to produce enough because they have realized that to produce more in their fields, they must do certain things at certain times. However, at the time the farmers are quite aware of these things, the cost of living has gone up very high. Take for instance, the cost of fertilizers or machinery. There has been acute shortage of these things from time to time. However, this does not come about as a result of poor planning on the Government side, but rather, it has come about because of the oil crisis in the whole world, which has slowed down the transportation through the sea, on land and so on. As a result, we find that at the end of a financial year some of the projects which ought to have been completed are only half-way done. Construction of buildings has had to be stopped at certain times because the construction material has not been available or the price of such material has gone up very high. Similarly, in the field of agriculture, we have found that the estimated yields have not come because we have not been able to apply enough fertilizers in the fields when needed.

At the same time, Mr. Speaker, marketing has also been affected by the problems in transportation, wages and so on. Therefore, I think we should all support the Minister for being able to bring such a reasonable Budget. One of my hon. colleagues did say, and very rightly too, that where we have specialization, say, the Minister for Housing being solely responsible for what goes on in his Ministry and that of Health being entirely responsible for whatever goes on in the Ministry of Health, and so on, we are all collectively together in the game of running the Government. It is wrong for any of us to try and pinpoint a certain shortcoming on a certain Minister. If you go to the Ministry of Agriculture and find that certain things are going wrong there because the Minister for Agriculture does not have enough money to do this, that or the other, it is very wrong for anybody to say that the Minister for Agriculture is a bad Minister. Of late, Mr. Speaker, some people have been making very cheap talk that the Minister for Finance and Economic Planning has raised the prices of things. It is not the Minister for Finance who has done this. It is all of us—the Government. It is not him but it is all of us. The oil crisis which caused many things like fares, and cost of fertilizers to go up is not the responsibility of the Kenya Government or the Minister responsible for Finance and Economic Planning. Therefore, we should find something else to say when things go wrong. We should, perhaps, send delegations to the Arab countries and tell them to make things a little better so that we, the developing countries can develop. As it is now we ought to take the bad effect of the world inflation and of the shortages that we are experiencing and make the best use of it until we are out of our own deep sea of troubles.

Mr. Speaker, Sir, before I finish I would like to quote, with the permission of the Minister for Finance

and Economic Planning, the very timely advice which he gave to the House as he finished his speech. He said that the Budget was going to be the last one before the hon. Members of this House go back to their masters to seek a new mandate. I hope we shall, certainly, get a new mandate that will work for the welfare of this society and the just Government of men. He then did say, and I quote "It is fitting, therefore, that on behalf of each one of us, I should reaffirm our faith in the Parliamentary democracy". Despite all the problems and delays, this is a confession that is quite right—"delays and frustration of the democratic decision making machinery, our nation must at all costs continue to defend and extend the democratic institution whose foundations we have so firmly laid over the last ten years". Therefore, it is my hope and prayer that the process of election will be conducted in an atmosphere of peace and freedom and the spirit of true sportsmanship and may the best men win.

With these few remarks, I beg to support.

Mr. Munyasia: Mr. Speaker, Sir, thank you very much, for giving me this chance to air my views on this Budget.

Mr. Speaker, Sir, I congratulate the Minister for Finance and Economic Planning for the manner in which he moved this Budget. There are little anomalies which the House must bear.

According to the speech by the Minister for Finance and Economic Planning the House must note that this is the first time in history that the House has had to congratulate the Minister for Finance and Economic Planning for the manner in which he moved his Budget. It is true and I support the Attorney-General who said that the blame should not be placed on the shoulders of the Minister for Finance and Economic Planning although he made the Budget. There was some whispering by some of the Ministers that hon. Kibaki should be blamed for everything. Therefore, the Ministers should be very careful because they are part and parcel of the decision of the rise in prices. Although we are all parliamentarians we must not forget that we have the Cabinet where the policy of the Government is taken. Why then do the Ministers not have the guts to speak in the Cabinet? If the Ministers do not support the Minister for Finance and Economic Planning then things will go bad. When the Ministers leave the Cabinet they also start complaining like the Back-benchers and they put all the blame on hon. Kibaki. The country today knows that hon. Kibaki is the person to blame on the rising prices. We Back-benchers have told our constituents that the blame should lie on the entire Cabinet. Why do the Ministers not say that the blame lies on the whole Cabinet? Time will come when some of us will take the Front Benches and we shall speak our minds and at the same time know who the sinners are. Some of the Ministers do not speak in the Cabinet and we know this. Therefore, the country must be told that the rising costs are not caused by hon. Kibaki but it is the decision of the entire Cabinet and therefore the entire Cabinet should be blamed. Those who think that hon. Kibaki has done wrong should change their minds and blame the whole Cabinet. We require a person of Kibaki's calibre because he is very capable. If he was like some other Ministers, I think

[Mr. Munyasia]

he would have walked out of this House and stayed out to avoid being blamed but he has always been here and has not showed any signs of cowardice. He is a social gentleman, a laughing guy and a person of a very lovely behaviour. I feel that the House should commend him for his ability as the Minister for Finance and Economic Planning and I, therefore, ask the people of his constituency that they should return him to this House and that the blame on the prices should be on the whole Cabinet. I would also like to ask the people of this Republic not to blame hon. Kibaki. The people of Bahati should be pleased to know that they have a very capable Minister who can plan for them and who speaks his own mind.

Mr. Speaker, Sir, this Budget has only taxed those that have and those who do not have have been left aside. We who would like to drive cars must bear the taxation. If we do not want to have these luxuries, then, we should dispose of our cars and do away with smoking and drinking beer so that the tax does not touch us.

Mr. Kiilu: Are you going to do that?

Mr. Munyasia: Mr. Speaker, Sir, the hon. Member for Yatta is asking me whether I am going to do that. If I find that I cannot maintain a car, then, why should I have it?

Mr. Speaker, Sir, as I said earlier on the hon. Minister for Finance and Economic Planning should be congratulated and the people of Bahati should return him to this House.

What I would like the Minister to do, since I am sure that he will be returned to this House during the forthcoming General Election, is that— The hon. Members should know that hon. Kibaki is going to be returned to this House by the people of Bahati and he will be nominated the Minister for Finance and Economic Planning because he is capable. He knows his work very well and at the same time he is very intelligent. Since I am sure that he will be returned to this House, I would like to ask him to think deeply about borrowing money for water only so that we can have a lovely country. If we can plan for water seriously, throughout the country, this country will be very green and everybody will be employed. That will help to reduce unemployment in this country. However, for the information of the Minister, if we do not plan for water properly we shall not be able to develop this country in the manner we would like.

I hope that in the next Government—I am confident that the Minister will be returned by the people of Bahati Constituency—he will plan for water throughout the country. In fact, I am so confident that the Minister will be re-elected in the next General Elections that I would like to urge him to start planning for water right now. Time has come when the Government planned for water throughout the country once and for all.

With those few remarks, Mr. Speaker, Sir, I beg to support the Budget Speech.

Mr. Modhihiri: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to join my colleagues in supporting the Minister for Finance and Economic

Planning for his Budget proposals. It is true that taxation measures contained in this Budget are going to hit those people who can afford them. I personally feel that the burden of paying high taxes should be shifted to those people who can afford to buy luxuries such as big cars, beer and cigarettes.

Mr. Speaker, Sir, I am sure that the Minister for Finance and Economic Planning was not in any way influenced by the forthcoming General Elections to propose softer taxation measures in this Budget. I hope that he will be re-elected by the people of Bahati Constituency so that he continues doing what he has been doing during the period he has been the Minister in charge of the Treasury.

Mr. Speaker, Sir, the main problem facing my people in Lamu is lack of proper means of communications. In the first place roads in Lamu are impassable particularly during the rainy seasons. In Lamu District telephone services are very scarce. Therefore, I would like to appeal to the Minister to make sure that these services are improved without unnecessary delay.

Mr. Speaker, Sir, in Lamu medical services also are very poor. I would like, therefore, to appeal to the Government to build and equip a modern hospital in Mukowe in Lamu. When such hospital is built the Government should make sure that it is properly staffed.

Mr. Speaker, Sir, for the information of hon. Members, in the whole of Lamu District there are no big industries or factories. As a result there are no job opportunities in Lamu and, therefore, very many people are jobless and for this reason I would like to appeal to the Minister to make sure that a fish factory is built in Lamu. I would also like to appeal to the Government to see that my people are given loans so that they can expand their businesses. My people should also be given loans to buy farms in various parts of the country.

Mr. Speaker, Sir, I would like to appeal to the Government, through the Assistant Minister for Home Affairs who is in the House now, to issue my people with licences to own guns so that they can kill elephants which are eating their crops. Nobody should get the impression that we want to kill the elephants so that we can have elephant tusks. Our interest is to eliminate the elephants which are spoiling our crops.

Having said that, I would now like to speak about the Transport Licence Board. Personally, I feel that only Africans should be issued with transport licences. There is no reason why Asian traders should be issued with transport licences. These people are so experienced in business that if they are given transport licences they will throw Africans out from the transport industry. For instance, if an African has one bus and Asian trader is given a transport licence, the latter will buy four buses and, as a result, it is possible that he will throw out the African from the transport industry. Therefore, I would like to appeal to the Government to make sure that only Africans are given transport licences.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you Mr. Speaker, Sir, for giving me an opportunity to say something about the Budget Speech.

This Budget has taken into account the hard time we are having at the moment in this country. I partly

[The Assistant Minister for Foreign Affairs]

agree with what hon. Members have said about the position of the Minister for Finance and Economic Planning. However, the Minister must accept the responsibility of the decisions he makes after being advised by civil servants. He cannot, therefore, be completely free from shouldering some blame. That is the reason why I feel that it is not too late, at this eleventh hour, to ask the Minister to make certain adjustments in his Budget. This House must join the Cabinet in accepting the responsibility of having accepted this Budget. We are in a position to reject some proposals contained in the current Budget. The bitter truth this House should know is that nobody in this House can run away from the consequences which might follow this Budget or any previous Budget because it is this House which approves our Budget proposals. Therefore, this House is entitled to amend some of the proposals contained in the Budget.

Mr. Speaker, Sir, I agree with the hon. Members who have praised the Minister for Finance and Economic Planning for the measures he has taken to make sure the main burden of taxation lies on the shoulders of the rich people in this country. However, I feel that he has over-soaked the rich people in this country. That is the reason why I would like to appeal to him to have a second look at his proposals. In the first place, I would like to appeal to him to make sure that his proposal that the price of oil be increased is not implemented. For instance, hon. Members of this House have no alternative, whether or not there is an increase in the price of oil, but to travel to his constituency every week. Whether or not the price of oil is raised, let us say, to Sh. 3 per litre, I am forced to travel home every week. Therefore, I would like to appeal to the Minister to consider lowering the price of petrol in this country. I am not convinced that it is necessary to balance the Budget all the times. Sometimes it is necessary for the Minister to borrow money from outside sources so that he can offset the deficit in the Budget. Therefore, I would like to appeal to him to amend the Budget proposals so that the price can remain as it was before his Budget Speech.

Secondly, although the Minister has been praised for helping the common man, the thing that hit the common man hardest is the increase in the price of sugar. I would like the Minister to reduce the price of sugar from Sh. 2.45 to Sh. 2 per kilogram. If we do that we can say proudly that we have helped the common man. However, it is not necessary to reduce the price of *posho* at the moment. The price of *posho* is not very high when we compare it to the price of sugar. We should ask the Minister for Finance and Economic Planning to bring down the price of sugar from the present Sh. 2.40 to Sh. 2 per kilogram. In this way we can proudly go to the country-side and say that we have helped the common man; otherwise, if the prices are frozen at the present level, I do not think that we, as a House, have a right to say that we have protected the common man. Mr. Speaker, Sir, while dealing with sugar I would like to say that we should increase the production of sugar so that we are self-sufficient in this commodity. There is no need for us to be spending £10 million every year importing sugar. I would like to appeal to the Government to establish two more sugar

factories in Western Kenya, particularly in Western Province. The people at Mumias have shown that given a chance they can produce sugar-cane as quickly as possible. Therefore we should have two more sugar factories in that province. If this is done, in another five years Kenya will be exporting instead of importing sugar. We have the best conditions for producing agricultural products in this country. I do not see why we should go on importing wheat, sugar and rice in this country. We can produce all these commodities and we can have surplus for export.

Mr. Speaker, Sir, my fourth point is this question of oil. Let me make it quite clear that we should not only blame the Arab oil producing countries. The biggest oil producer in Africa today is Nigeria. Kenya buys 80 per cent of its oil from Iran. We should blame all oil producing countries as a group because if we do not do that Iran will always have a free conscience because Nigeria is exporting oil to African and non-African countries at the Organization of Petroleum Exporting Countries' prices. She does not distinguish. Iran is selling oil to us at the Organization of Petroleum Exporting Countries' price. Therefore, we should take all oil producing countries as a group. What I had to say about Arab oil producing countries I said it at Mogadishu and I do not need to repeat it here. But let us point out that the money that the Arab oil producing countries have set aside for the African countries is no enough. We want all oil producing countries that sell oil to Africa to contribute to that fund if that is the only way by which they can help us. The money they have given us is too little because it is only £200 million, which is an equivalent to what the Government of Kenya spends on the Ministry of Education in two years. We spend £100 million on education alone every year. If they have given the whole of Africa £200 million, I would like to point out that this is too little. This is not enough for the 42 countries of Africa. Therefore, on this question of oil I would like to plead that we include all oil producing countries and ask them to boost this fund if they do not want to sell us oil at lower prices. They should increase their contributions to this fund which is going to be managed by the African Development Bank. If they do not do that we shall have it hard; I really do not see how our economy is going to fare. I do not see how other weaker countries in Africa are going to fare in their economies, Mr. Speaker, Sir. This is a serious matter and a matter which we have to talk about with those who are concerned. We do not have to be angry when we talk about this matter, nor do we have to threaten the oil producing countries with the water weapon. If we do that we will interfere with international agreements. We have no power under international agreements to stop the waters of river Nile from flowing down to Egypt. We should talk sense and tell these oil producing countries that they have not met their obligations and that they should do so. In this case I would like particularly to appeal to Iran, which is our biggest supplier of oil, and Nigeria, which is the biggest African oil producing country. These countries should follow suit and put more money to this fund which has been set up by the oil producing countries for the benefit of the African countries which do not have any oil of their own.

[The Assistant Minister for Foreign Affairs]

In conclusion I would like to join my friends who have appealed to the Minister to reconsider the problem of agriculture in this country. I believe that if we do everything in our power to adjust the agriculture industry, Kenya will be a big exporter of agricultural products and there would be no need for us to rush to anybody for loans. We would be getting our money from tea, coffee, maize, wheat and so on. In that way we would become self-sufficient and, in fact, we might reach a stage where we might be able to give some economic aid to some of the less privileged countries.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

We are a country which is rich with natural resources and we are country rich in rain in parts of our country. We should concentrate on that, and where we do not have rain we should go in for irrigation on a big scale.

Finally, I would appeal to the Minister to move on to hydro-electricity instead of depending on oil for our electricity.

Mr. Umuro: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to join my colleagues who have supported this Motion. I would like to thank the Minister for Finance and Economic Planning for the hard work he has done in formulating this year's Budget. I think the Minister has done a good job this time, especially since the price of almost everything has gone up. People all over the country are crying because of the price increases. I think the Minister has done his work well because he did not increase the price of consumer goods like *posho*, sugar and cooking oil. I think housewives are very happy with the Minister because he did not increase the prices of these commodities.

Mr. Deputy Speaker, Sir, I would like to join my colleagues who have told the Minister that everything which is done in this country should be done in the name of Kenya. It should not be done in the name of a particular area like Nyeri, Nairobi, Kakamega, Embu or Marsabit. The reason why I say this is because all the money which is going to be collected from these additional taxes or borrowed abroad will be obtained in the name of Kenya as a nation. This money should be shared equally between all the 42 districts of this country. I say so because in this year's Budget some districts have been left out as far as development projects are concerned. Money has been borrowed for the development of roads, livestock and other projects like water but some districts have not been included in these projects. We in the northern part of Kenya have been forgotten completely in this year's Budget. In last year's Budget we were better catered for, Mr. Deputy Speaker, Sir. Every time when we raise this question we are told to wait for the next time but this next time has never come. I think this is becoming too much. I do not see why we should always be told to wait for a certain period. I think the only places which are being developed are those areas where there are important people. I say this because if you go to the Ministers' home areas you will find that roads are tarmacked right up to people's homes. How can this be allowed when the main road connecting Isiolo and Moyale is

not tarmacked? This road should be considered before some of the roads which are of less importance are tarmacked. This road should be tarmacked for the benefit of the people who live in that area. Instead of tarmacking some small roads for the benefit of a few people, this road should be tarmacked. The same is true in employment opportunities. I am sure that most of the people in the Public Galleries now are unemployed and come from areas where there are no Ministers. If you go to a company and ask them to employ your person, they will tell you that they got a letter from an influential Minister requesting them to employ his people. In most cases, Sir, you will be told that your man can only be employed after those of the Minister have been employed. This is happening in this country and I can even name a number of offices I have had such an experience.

I would like to inform the Minister that when his Ministry is considering Development Plans for our country, his planner should give priority to less-developed areas, especially in Eastern Province. In our province, Sir, there are three developed districts, namely, Embu, Meru and Machakos districts. However, we also have less-developed districts, such as Kitui, Isiolo and Marsabit districts, I urge the Minister to divide the province into two sections for the purposes of development. One section should embrace the less-developed districts while the other one should embrace the three developed districts I have just mentioned. I say this because the money given to Eastern Province for development projects is utilized mainly in Embu, Meru and Machakos districts. The remaining districts receive only a small fraction of the total development money earmarked for that province.

I can hear an hon. Member reminding me that I sit on the district development committee where these decisions are made. Well, it is true that I am a Member of the committee; we have passed recommendations to that effect but the planners at the provincial level have done nothing about it.

Mr. Deputy Speaker, Sir, another thing I would like to suggest to Government is that when allocation of appointments on statutory boards are being considered, the less developed districts should be considered separately instead of giving a block opportunity to a province. What happens is that the people who get these appointments come from the already developed districts and we are all counted as having benefited from such appointments just because we come from Eastern Province. Why should the better-off districts continue to develop at the expense of less developed and dry districts? I urge the Government to ensure that we are not left behind in the process of national development. I would like to request the Minister for Finance and Economic Planning to direct his economic planners to turn their planning to rural areas instead of urban areas.

I hope that the Minister will be returned to Parliament in the forthcoming General Election and that Mzee will appoint him as Minister for Finance and Economic Planning. I say this because he is a good Minister and I wish him the best of luck.

Mr. Deputy Speaker, Sir, when we speak in this

[Mr. Umuro]

House, it should be taken that we speak for our constituents. What we would like to see, Sir, is that there are Ministers and Assistant Ministers in the House taking notes on our views so that our advice can help the Government in solving the problems facing our people. At the moment, Sir, I can only see hon. Shikuku on the Front Bench. The few who are sitting here merely come in briefly and later on walk out. Mr. Deputy Speaker, Sir, this is a serious matter, and if necessary a Motion should be brought to this House requiring all Ministers and Assistant Ministers to be in when important matters such as this one are being discussed. They should be here to hear what we are saying so that when they go to the Cabinet they can advise Mzee on what hon. Members say here.

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

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir. First of all, may I say how happy I was to listen to the Minister for Finance and Economic Planning when he delivered his Budget Speech.

Mr. Speaker, Sir, many hon. Members have spoken of how wonderful the speech was, and I am not going to repeat that story. However, the Budget is important for what it left out more than what it said. We are in a very, very serious economic situation, Mr. Speaker, Sir, and it is gratifying to know that the Minister is so cunning that he was able to hoodwink us in thinking that we are in a very good shape. This being a year of General Election, I think hon. Members should thank him for not throwing us to the dogs. If the Minister had given all the economic circumstances that have beset the country at the moment, maybe we would have faced a very difficult time in this year of decision.

I must also thank the Minister for, at last, including the Kisian/Usenge Road in both the Development Plan and the 1974/75 Financial Year. I see the Member for Bondo nodding and I think he is also gratified that this road was included in the Development Plan.

The Minister for Natural Resources (Mr. Omamo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Member for Kisumu Rural to mislead the House that I am nodding in agreement with what he is saying while, in fact, I was just shaking my head?

Mr. Ayah: Mr. Deputy Speaker, Sir, I am quite certain that if the Minister had heard what I said he would not have shaken his head. Sir, he and I have been very concerned about the Kisian/Usenge Road, and if he now shakes his head, then I am very much surprised. I hope the people of Bondo will not hear of that, Mr. Deputy Speaker, Sir.

On a more serious note, Sir, may I say that the Minister was correct in saying that the oil crisis affected us quite strongly. This is one thing I would like to talk about quite seriously. The relationship we have with Arab oil producing countries is obvious, but we have seen that Arabs have failed to indicate that they are our friends. If you may remember, Sir, at one time they enslaved us and now when we are being squeezed by capitalistic countries, Arabs have refused to come to our aid.

I do not see the Minister of Foreign Affairs here, but the Arabs should be told that they have not helped us at a time we need aid very, very much. Africa in general, and Kenya in particular, is now facing a very critical time when the prices of all items in the world have gone up very high. When Arabs were fighting Israelis we rushed—I think that was too hasty—to their aid by breaking relations with Israeli, left, right and centre hoping that one of these days Arabs would come around and say, “Brothers, you are our friends”. But, what have we received instead? I noticed the other day that they are now hobnobbing with the Americans, the French and the British who, on their side, are squeezing every cent we can get out of our poor soil. Arabs now feel that this is their chance to make friends with Americans and other people who have not been their friends before, at our expense. I want to state very strongly that if they want to expect Kenya and Africa as a whole to be their friends, they should show by action that they are our friends. They said recently in Mogadishu that they are going to give Africa 200 million dollars. Even if that money was given to Kenya alone it would still not solve our problem. The very idea that Arabs have the cheek to tell us that our problems are going to be sorted out because they are going to give us 200 million dollars is insulting to this nation.

The second point I would like to raise is on the price control. When the Minister was speaking he used some words which were suggesting that price control may not be the best solution to our problem. I would like to advise him not to relax the price control which he has established. In fact, he should strengthen it to make sure that the unscrupulous traders—I am not talking of the Asians only even the African traders have proved to be unscrupulous because of the way they raise the prices of their goods right, left and centre. I would like him to strengthen his price control unit so that our people may at least have an idea of how much money they are supposed to pay for a certain article at any given time. In his Budget the Minister reduced the price of certain foods by implication. I would like to urge that it is now time that traders should show the Minister's goodwill by reducing the prices of certain goods the tax on which the Minister reduced. These goods include Kimbo and other edible oils. In the past, when prices of certain goods were increased traders effected the new prices overnight, but when they have been lowered by implication they are very reluctant to reduce accordingly. In fact, some of these items are not yet in the shops, and this shows that these traders or manufacturers are not interested in the welfare of the people of this country.

The third point is about a speech which I came across and which had been made by a district officer somewhere. It was said in the speech that the Development Plan is aimed at rural development. As a matter of fact, I would like to warn the Minister that our greatest failure will arise from the fact that we have instituted district development committees which we are not using effectively because there is very little communication between them and the centre. The Minister, I understand, wants to give these committees some money so that they can initiate and carry out certain development projects. This should be done with all speed and determination. So far these committees have fallen into the

[Mr. Ayah]

hands of the provincial administration. I do not want to blame them because, as I have said in the past, they have filled in a vacuum which has been created because other people do not carry out their duties properly. I would like to urge the Minister to make sure that district development committees are given enough money, room and personnel to be able to identify local projects and carry them out well without having to come to Nairobi for meetings. As hon. Members will remember, most of us attend district development committee meetings and recommend certain things which we think are important in our areas but when development plans are compiled you find that other different projects have been introduced. These projects may not be very important but the vital point is that they are the ones which have been given priority by the local people. I feel the Minister should strengthen these committees and make sure that they have a place in our development programme.

Mr. Deputy Speaker, Sir, the last point I would like to make is a political one. As I have said in my previous speeches, any financial statement must take into account the politics of the country. As we are going into elections this year—perhaps, this is the right time to repeat it—it should be noted that we cannot have security, peace and development in the country until there is a certain amount of political stability. That is why I agree with the Minister when he says that at the top we have guidance and maturity. However, we have too many people at the local level who run around calling themselves Kanu leaders, making statements on behalf of this or that body. However, unless Kanu itself has some strength at the local level—I noticed hon. Matano said that some Kanu chairmen will conduct the elections. Even in 1969 elections Kanu chairmen did not conduct elections. I do not see why somebody should come out and say that Kanu chairmen will conduct elections. Let the people of this country have the political stability which they are capable of having without having too many people making too many statements, especially at district and constituency level. If hon. Matano does not want to conduct Kanu as a party, somebody else should move into his place and strengthen it.

With those few remarks, I beg to support.

Mr. Mwicigi: Thank you very much, Mr. Deputy Speaker. I have a word of praise for the Minister for Finance and Economic Planning. I have praised him many times before and I think he is very intelligent and he knows his job. However, I am going to mention a few things which he left out of the Budget.

To start with, there is the £2 million which was smuggled from Kenya to Israel. Since things came to light about it I was expecting the Minister to include it in the Budget. I would like to appeal to him that since that was our money it should be returned to Kenya from Israel.

The other thing is about what our Minister mentioned a year ago. In his Budget he said he was going to consider imposing tax on capital gains. We have been expecting him to do that for one year now but I do not know why he failed to do so. There are some people

who buy houses on telephone. Houses are changing hands before buyers actually see them. If some kind of taxation was imposed on this kind of racket or exchange of property our country would gain a great deal.

The other thing I would like to talk about is related to education. In Kenya we have only 37 qualified accountants. If I am required to produce names I will do so tomorrow. Out of these qualified African accountants one is from Uganda and another from Tanzania. So, in actual fact, Kenya has only 35 qualified African accountants. However, we spent one-third of the Budget on education. We spent that much, and yet what we are producing or what we are getting in return is only 37 qualified accountants throughout the country. I am wondering whether there is something wrong in our educational system. I think it must be corrected by now. Therefore, we are misdirecting our educational system. I think a lot of stress should be put on technical education because we need, for instance, a lot of engineers in this country and we need a lot of doctors too. We are told that such-and-such a clinic has not been opened because of lack of medically qualified people. What has the Minister done to make sure that the money given for education is not misdirected or misused? I feel that the Minister should have taken action towards this end, and I hope that he is going to do so.

Mr. Deputy Speaker, Sir, something else I would like to speak about is vehicles. A 15 per cent sales tax has now been imposed on all vehicles, whether a small car like the Mini-Minor or a big one like the Mercedes-Benz. I think we have plenty of roads in this country, and if they are not enough, I am sure that the Ministry of Works is going to construct more new roads in the country because I believe that *wananchi* have to use roads in their communication. Therefore, why should there be a sales tax of 15 per cent for some vehicles which are cheap enough for the ordinary *wananchi* to afford? Why impose a 15 per cent sales tax on all vehicles? I think the Minister should have classified the vehicles. For instance, he should have said that for all vehicles from 1800 c.c. and over, the sales tax is going to be 20 per cent and those down below 1800 c.c. will be free of sales tax. That would have been very good and would have made a lot of difference because the big vehicles, I am sure, are mainly bought for the executives and these executives do not even pay anything for them. These vehicles are paid for by the companies employing them. Let those who want to drive Mercedes-Benz and those people who can afford buying them buy them. However, I believe that the Ministers should have left some cars, especially the small ones, free of sales tax. For instance, the Volkswagens and the Renault Roho should have been left without the sales tax. These cars should have been left without the sales tax for the common people to buy them. I think it is not too late for the Minister to consider correcting this anomaly. The bigger class of vehicles could have had a 20 per cent sales tax increase and I am sure that this would have compensated for the other small ones, which would not have had any additional sales tax. If they want to classify them by the number of cubic centimetres a car has, let them do so, but let there be a

[Mr. Mwicigi]

cheap car which ordinary *mwananchi* can afford. For instance, during the Hitler days, a car like the Volkswagen was designed for a poor man. He called it a vehicle for the ordinary people.

Mr. Deputy Speaker, Sir, I have also a point to make about the food cereals. Other Members have spoken on it and I will also speak about it because there is a danger of a big famine in this country. Sir, I can predict that before the end of this year, or at the beginning of next year, Kenya will be importing foodstuff. It is going to import food worth about £10 million because there is going to be a very acute shortage of foodstuff. Why? For instance, if one went to the Western Province now he will observe that about 50 per cent of the farmers there who have been growing maize did not plant maize during the current season.

An hon. Member: Why?

Mr. Mwicigi: It is because of the price of maize and also because of what they called the "G.M.R."—Guaranteed Minimum Returns! So, most of these farmers left farming and went to keeping cattle or dairy farming. Maize was also not going to do well because there was no fertilizer. Then, what will be the outcome of this? It means that there is going to be a severe hunger in the country and, as a result of this, there is going to be importation of foodstuff in the country. Why do we not try to save the imminent crisis by finding some methods of either subsidizing the price of fertilizers or increasing the price so that farmers can plant more maize? This would result in the maize giving the farmer more money. I hear that if a farmer applies for a Guaranteed Minimum Return Loan this year he is going to wait for almost 12 months before he gets it. Therefore, people do not rely on it because they have a lot of problems and they do not know who is going to solve them. Therefore, I would like to appeal to our Minister to try and solve this problem. I did not find anything related to the improvement of the food cereals in the country.

Mr. Deputy Speaker, Sir, I am sure that smuggling will continue in the country. It is not that I am advocating smuggling but it is because we are surrounded by hungry mouths. I am sure that a lot of our foodstuffs is leaving the country for either Uganda or Tanzania. People are thinking that smuggling is only between Kenya and Uganda. No! There is smuggling all over the country. Some foodstuffs are even going to Somalia, Sudan and even Ethiopia and other places. Therefore, something must be done to stop this smuggling. I am sure that our country is also big enough to produce enough foodstuff for our people. For instance, if enough money was put into the growing of some crops in the Tana River basin, I am sure we would have enough food for the people of Kenya and even a surplus for export. One of the main export crops of Somalia is bananas and I am sure that the Tana River basin is big enough for growing of all the bananas we need in this country.

Mr. Deputy Speaker, Sir, I would like also to touch on an item I consider to be badly neglected in this country and this is tea. Sir, while the auction for the

locally grown coffee is done here in Kenya, all the tea which is grown locally is auctioned overseas. It is put in ships and then taken to London for auction. However, supposing that tea was rejected when already in London, who would pay for its shipment back to Kenya? Nobody! I would like to say that if we have auction for coffee here in Kenya, let us also have auction for tea here in Kenya. I am sure that there has been no increase in the price of tea for the last several years. Therefore, I am wondering as to the reason why something cannot be done to make sure that the price of tea is increased. I am sure that our tea growers are now beginning to feel the pinch. There are too many deductions on tea. The cess is also too large. Payment of tea is normally 88 cents per pound. I have no quarrel with the Kenya Tea Development Authority. It is a very well organized organization. They have always been deducting 32 cents from the farmer—why deduct 32 cents and leave only 56 cents for the farmer?

Mr. Deputy Speaker: I am sorry, Mr. Mwicigi, your time is over.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to join my colleagues who have contributed to this budget speech. However, I wish to dissociate myself from the usual praise for the following reasons:—

Mr. Karungaru: What usual praise?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The praise that the budget was wonderful; it has helped the poor man; how bright the Minister is and God-knows-what. In fact, all the adjectives one can think of have been used to praise the Minister. That is what I am dissociating myself with.

Mr. Deputy Speaker, Sir, I am doing this because the ordinary man's position has not been improved by the Budget.

The Minister for Works (Mr. Nyamweya): What improvement are you talking about?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, the Member for Nyaribari is asking me what improvement; I would like to assure him that if he goes to Nyaribari, he will be informed of the improvement I am talking about.

Mr. Deputy Speaker, Sir, although the question of sugar has been touched, it still stands. There is no justifiable reason why the price of sugar should be increased. For instance, in Mumias people were producing 70,000 bags in a month and then they were instructed not to produce 70,000 bags but to produce 50,000 bags a month. Why? They say that there is no storage. However, at the same time we are importing sugar in this country. That is the reason why I say that the planning of this country is wrong. Therefore, those who say that the Minister is very brilliant—well, how brilliant is he?

Mr. Araru: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister telling us that the production of sugar was reduced from 70,000 bags to 50,000 bags per month? Can he substantiate that?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I will bring the document; I will get it from there as a matter of fact.

Mr. Deputy Speaker, Sir, how brilliant is he? I think if they wanted to help the Kenya citizens—I know the ordinary people in Butere, Nyeri, Kikuyu and in many other places are very unhappy about this Budget. If they are brilliant, let them get sugar from Mumias, Chemelil and Miwani for local consumption. If they still want imported sugar—because they want the refined for the Ministers, Assistant Ministers, Members of Parliament and other big “potatoes” who can afford it—they should have it at an increased price. The price of the ordinary sugar produced in Kenya should remain as it was before. There is no brilliance in reducing the production of sugar in Mumias or in importing sugar into this country and increasing the price generally. If that is brilliance, then I do not know—my English teacher must have been a very poor teacher, which I do not think for he was a very smart teacher.

Why has the price of salt been increased? Can anybody tell me the reason for the increase when Magadi Soda Company is only 79 miles from Nairobi? We have had the longest drought and yet you say the Budget is wonderful! The question of matchboxes—if we are here to represent the small man's point of view, we should be able to reduce the price of matchboxes so as to help the poor man living in the rural areas. The Budget is beautiful—what about *posho*? Why must we increase the price of *posho* when there is maize rotting in Western Province? It is just a question of distribution; if there is any brilliance in that Ministry of Finance and Economic Planning, then there must be something wrong. According to them, while maize is rotting in Western Province, the price of *posho* must go up! Even the ordinary man who feeds on *mandazi*—these people do not even go to Majengo; I go there myself and buy *mandazi*. I know what the ordinary man eats. The price of *mandazi* has gone up and yet we say, “Oh, the Budget is wonderful!” There is something definitely wrong. We must see the ordinary man's point of view. I do not mind what happens to the other people. I know he has increased the price of petrol; but I do not mind about this; I will manage to get on. Now that he has increased the price of petrol, drinks and other things he should see that the extra money he gets from this tax goes to subsidize the items the poor people use daily. Mr. Deputy Speaker, Sir, I can enumerate so many things that are necessary to the small man but because of time I will just go ahead.

I have said here before that there are too many Ministers and Assistant Ministers. I said this before I went to Botswana, that the number of Ministers and Assistant Ministers is too big and that it should be reduced. They do nothing; they are not even in this Parliament now. Out of 37 Assistant Ministers, would you believe that only three are present in the House now? Out of 23 Ministers, would you believe that only two are present in the House now? Why are we spending a lot of money on them, Mr. Deputy Speaker, Sir? We must cut down their number so as to relieve the people of this country of the burden of paying salaries to unnecessary people.

Out of 171 Members of Parliament, earning not less than Sh. 4,000 each per month, how many are present in the House now? We must also reduce the number of Members of Parliament also. We could do with only 42 Members, one from every district and save money. Why must we go on spending money to provide jobs for the good boys who never sit in Parliament? They are busy grabbing property from left to right and thus exploiting *wananchi*!

Mr. Deputy Speaker, Sir, increases on prices of articles is never debated in this House. If they are to ask us what we think—we, the Assistant Ministers and so forth—we would tell them which articles should be increased. However, I am glad that this time the Minister went for these cosmetics; but I do not think he went far enough, although some of the people in this House will be brought into the subsidizing something somewhere sometime.

I am now coming to one of the most touchy issues, and that is the question of our diplomatic relations with the Arab countries. I do not wish to be a diplomat myself; I will never be one and I am sure Mzee will never make the mistake of using Shikuku as a diplomat because I am somebody who speaks my mind. I will never smile when somebody—I am told that if you are an ambassador, somebody may say bad things about your country but all you would do is smile and say, “I will convey your feelings to my Government.” I can never say that; I will give him a bad reply also to take back to his country. Mr. Deputy Speaker, Sir, it has been said—and I want to say it again here (we said the same in Botswana)—that Kenya went out of its way, with other African countries, to the aid of the Arab countries in good faith. We have suffered because we have had some of our students trained in Israel; we have had some financial aid from Israel and we have some institutions built in this country by the Israeli Government—other countries on the Continent of Africa have had the same—but how much assistance did we get from Arabs? Tell me one single project which is assisted by Arabs. But we are prepared to forget all the developments and other things we got from Israel and go to the aid of our brothers. However, the oil weapon which was supposed to fight, first and foremost, the American Government and the American people for supporting Israel is now pointing at our heads. We felt that it was the proper weapon to use in fighting the big powers, American being at the top. Today the same weapon is being used against us. We thought that they could exempt us from this. Are we exempted, Mr. Speaker, Sir? Must we continue with our policy on diplomatic relations with Israel when some of the Arab countries are re-establishing diplomatic relations with the United States of America who was their enemy number one? We must be the biggest fools in the world; black Africans must be big fools if they do not change their policy on diplomatic relations with Israel. Why must we suffer so greatly when the person we went to aid is now kicking at us? We can talk softly, but our softness will not help us at all. It will not help us for the Sheikhs are not interested in our talks; they are only interested in getting money and having girls dancing around them. We must

**[The Assistant Minister, Vice-President's Office
and Ministry of Home Affairs]**

be realistic and generate electricity from our water and forget about oil.

Mr. Boy: Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to air my views on the Budget.

I was surprised to hear the Minister for Finance say that he has given directives to the Industrial Court on the wages policy for the workers of this country. Although I support the Budget strongly—Mr. Deputy Speaker, Sir, you will find that the Minister or Government has failed to establish a national incomes and wages policy in the country. You are aware that any workers' organization with a poor or weak collective bargaining will find it very difficult to have its case heard in the Industrial Court. Therefore, the Minister should have given a directive aimed at increasing wages throughout the country so that our people can get a little compensation for the recent increases in the prices of goods. There is no point in throwing the ball to the Industrial Court while the court is sometimes directed by the Minister for Finance and Economic Planning. Mr. Deputy Speaker, Sir, we are at the same time subjected to directives from the Minister for Labour. For instance the one which said that before any voluntary agreement between the workers and employers can be implemented, it has also to be endorsed and signed by the Minister for Labour. At the same time, Sir, he has also said that he has given a directive to the Industrial Court that workers should be compensated for the increase in prices. Now, since the Minister knows that the cost of living has shot up during the last four or five months, he should have given a directive to the employers to compensate the workers for this trend of affairs, instead of just giving a directive to the Industrial Court. As a matter of fact, there are the workers who are not represented by any union, who cannot take their case to that court. Now, what will happen to such workers, Mr. Deputy Speaker? They are, in fact, suffering a lot as a result of the rise in the cost of living.

Mr. Deputy Speaker, Sir, the Government should establish a national incomes and wages policy whereby every working person in this country will know how he will live. Mr. Deputy Speaker, Sir, we still have workers in Nairobi, Mombasa, as well as in the rural areas, who earn between Sh. 200 to Sh. 250, whereas the cost of accommodation, foodstuffs and every other thing has gone up. Now, how would you expect a person who earns Sh. 250 to live? Therefore, there is no point in saying that you have given a directive to the Industrial Court because not every worker belongs to a union and, in fact, not all unions have enough bargaining power to be able to confront the employers. Any union that does not have a strong bargaining power cannot achieve any results. If the Government established an incomes and wages policy, every worker would benefit and, therefore, I would like to appeal very strongly to the Government to establish a national incomes and wages policy, whereby you would consider house rents, cost of foodstuffs, taxes and the cost of every other thing. However, we should not leave the

country in a mess, whereby we still have people earning only Sh. 250 whereas the cost of almost everything has gone up. How do we expect these people to live? Now, as hon. Shikuku has said, although this Budget does not affect the worker directly, in fact, it affects him because it leaves him in an awkward position. Therefore, I would like to appeal very strongly to the Government to establish a national incomes and wages policy for the benefit of the worker.

Mr. Deputy Speaker, Sir, I was surprised and indeed shocked to see the method the Minister introduced in connexion with tourists visiting this country, and that is the requirement that these people pay for the services rendered to them in foreign currency. Now, Sir, is this not inviting the Asians in this country to send more **money out of this country** more regularly? Just imagine a tourist coming to this country and staying in a hotel owned by an Asian, where he pays for any services rendered to him in foreign currency. This Asian will collect this money and try to smuggle it out of the country. Therefore, Sir, there is no point in saying that tourists should be paying for any services rendered to them in foreign currency. I think it would be better to have a regulation providing that when a tourist comes to this country he will be asked to declare how much money he has brought with him. When he has changed this money into the local currency, he should be issued with a receipt. When he goes to a hotel, he will then be able to show how much money he has paid there against the receipt he received from the bank. However, if you allow the tourist to pay his dollars or pounds or whatever money it is to a Mr. Patel, or a Mr. Shah, the Asian will smuggle this money out of the country without the knowledge of the Government. I think you are, in fact, giving an opportunity to the people who want to smuggle money out of this country in the form of foreign currency. Therefore, Mr. Deputy Speaker, I strongly oppose the idea of allowing tourists to pay for any services rendered in foreign currencies. They should change their money at the Central Bank whereby they will be issued with a receipt, which they can produce at the hotels, after which the hotels would check with the Bank whether, in fact, these people have changed their money there. I think that would be a proper procedure to follow. However, if you do as the Minister has suggested, then the country will lose a lot of money in the form of foreign currency. Therefore, I would like to appeal very strongly to the Minister for Finance and Economic Planning to look into this matter once again because I do not think it will help us very much.

Now, my third and last point, Mr. Deputy Speaker, Sir, is as follows. Although our planners in this country as far as economic planning is concerned are still working, there must be something wrong with them. Mr. Deputy Speaker, Sir, we, people at the Coast do not rely on maize, coffee, and tea as the up-country people do. Instead, we rely on cashewnut, Mr. Deputy Speaker. Now, I have seen here that people are given good loan schemes, in order to be able to grow more cash crops. However, Mr. Deputy Speaker, our Government does not do the same to the people at the Coast. Instead, everything is left to the initiative of the farmer at the Coast. We find that people with big plantations of tea, coffee, and sisal are given loans whereas we at the Coast

[Mr. Boy]

are given nothing whatsoever. I feel very strongly, Mr. Deputy Speaker, that this situation should be corrected because we depend on the cashewnut. There is no scheme at all for issuing loans to the people who own cashewnut trees at the Coast.

An hon. Member: But you never apply for loans!

Mr. Boy: Apply for what? Do you ever apply for loans in order to increase your camels in your area? We do apply for loans but the Government has never initiated a scheme for us. The Government has not given us any support at all. We only hear the Government saying that farmers should apply for loans here up-country. We at the Coast have never been told to apply for loans.

Mr. Deputy Speaker, Sir, we feel that cashewnut is a very important cash crop and that the Government should aid us by giving us loans so as to enable us to improve our farming at the Coast. Mr. Deputy Speaker, Sir, we would also have had quite a good number of cash crops there if the Government supported us. Therefore, the Government should establish a marketing body for such crops at the Coast, which would buy and market these cash crops. The Government knows that cashewnut is a very important cash crop but it does not encourage its growing simply because it is grown at the Coast. I am sure that if that crop was grown here, in the up-country, it would receive financial support from the Government and, in fact, the Government would have offered all the facilities for loans. However, because it is grown at the Coast these facilities are not available. Therefore, I am saying that the Minister here must try to help the farmers at the Coast so that the cashewnut trees could have a boom as well.

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

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would also like to congratulate the Minister for Finance and Economic Planning for the way in which he made his Budget Speech. I would also like the Minister to be exonerated as far as the price increases are concerned because we have of late been informed by Ministers here that these are as a result of a collective responsibility on the part of the Cabinet. Mr. Deputy Speaker, Sir, I want to challenge that collective responsibility because the Minister for Finance and Economic Planning has become the scapegoat on the Floor of this House and outside this House. No other Minister is helping him in shouldering the blames being heaped on him on this question of price increases. If this is as a result of collective responsibility, then all the Ministers should be involved in it, and even the top civil servants, and should explain the basis of this price increases to *wananchi* of this country. This is one of the reasons why I would ask the whole country to exonerate the Minister for Finance and Economic Planning who has been made a scapegoat on the price increase.

The other point I want to bring up here is that of casual labourers. We want to know the policy of this Government as far as casual labourers are concerned. The people could be employed either by the Government or private sector for over fifteen years and yet they

are regarded as casual labourers. We now want to know what definition the Government has for casual labourers. If a person can work for over fifteen years as a casual labourer without any hope of enjoying any pension or gratuity, then I think I am right in calling this system "robbery without violence". I think this is a method designed to enslave our people. So, I want the Government to come out with a clear policy on this issue of casual labourers.

Another point I would like to touch on here is this question of price increase on petrol. We were assured here by the Minister for Finance and Economic Planning that the ordinary man is not going to be affected by this Budget. It is true he is not going to be affected directly, but he will be affected indirectly. If the price of petrol goes up, it means that bus fares will also go up and, therefore, the cost of living for the ordinary man will also go up. Who will bear that burden? This is going to be paid for by the consumer, who is the ordinary man. I am, therefore, calling upon the Minister for Finance and Economic Planning to re-examine his Budget and try to find ways and means of helping these people.

Mr. Deputy Speaker, Sir, what was cooked by the Arabs and other oil producing countries should not be passed on to us. These Arabs have enslaved us in the past and we appear to be getting scared that if we are not careful we may end up being enslaved once again. Who is enjoying the fruits of our independence today? These are the tourists who come to this country; these are the people who live in our beautiful hotels which have clean water in them and plenty of electricity. However, what is the position of the tax-payer in this country? He is told to stay in the rural area but continue paying taxes. You will see beautiful houses going up in Muthaiga area, Bernard area and many other places. We would like our Government to pay attention to the ordinary citizens of this country. In this way, we would accept the policy of give-and-take.

Mr. Deputy Speaker, Sir, we are the people who struggled for the independence of this country but now there seems to be a clever way of enslaving us economically. We want the economy of this country to be in the hands of the true citizens of this country. I hope we are not going too far in asking for this. I think we are entitled for this because it is our right.

Mr. Deputy Speaker, Sir, the other point I want to bring to the attention of the Minister is this question of exempting the brewers of *karugu* and *njohi muratina* from paying taxes. This is a killing industry. Very many people have been taken to the hospital after taking this type of brew and sometimes some of these people die as a result. It has caused a lot of deaths in this country. Now, the tax-payers are being asked to pay for the services of these people who are not paying taxes, so that they can go on killing more and more people. I think the Government is asking for too much from the tax-payers of this country. They are asking us to pay for the services of people who are themselves earning fat salaries and do not pay anything in return. This kind of business must be destroyed immediately. If I was in power today, I would say, "to hell with it"; after all, the Government does not raise any revenue from this particular industry.

[Mr. Karungaru]

Mr. Deputy Speaker, Sir, for the information of the Minister, in Eastlands, all the lights are put off at about 9.00 p.m. and the people subjected to communal beating. Some people have even been beaten to death. I want the Government to take note of this and try to investigate into the matter immediately. I think this might have originated from these drinks which are also killing people.

Mr. Deputy Speaker, Sir, I want to give a warning here to the people who make delegations to His Excellency the President and ask him to exempt them from paying certain taxes so that they can keep on exploiting other people. Why should they continue enjoying free money without taxation? This is the quarrel I have today.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to challenge what the Head of State has ruled, especially with regard to this question of *Njohi Muratina*?

Mr. Deputy Speaker: He is challenging the delegation, not the President as such.

Mr. Karungaru: I am challenging the people who are in the habit of making delegations to the President. I am asking them to refrain from doing this because in so doing they are exploiting this country.

Another point I want to bring to the notice of the Minister is that ordinary *wananchi* have no quarrel whatsoever with the present Budget. It does not matter—the Minister can raise the prices of such luxury goods like Mercedes Benz cars and beer to any level; the Minister can go on increasing these prices to the level he pleases, but let him not increase the price of petrol. The reason for this is that these people want to be going back to their own homes every weekend. They want to be going for work every morning using buses and cars. I am suggesting to the Minister that instead of raising the price of petrol he should raise the price of soda because this is a luxury. It is true that if one does not want to take soda he can take water comfortably well. Therefore, I do not know why soda was exempted from taxation. This should also be subjected to luxury taxation because not everybody takes it in this country. After all, we know it is full of acid and that it causes some stomach trouble.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Nthenge: Thank you very much Mr. Deputy Speaker, for giving me this opportunity to join my colleagues in contributing to this very important debate. First of all, I would like to emphasize the importance of equal development for all parts of this country and I hope the Minister for Finance is going to take a good note on this. I am saying this because the trouble in any country starts with favouritism which later goes too far. Human beings are created in such a way that they can tolerate quite a great deal, but a time comes when they cannot tolerate any more. This is my main fear and this is why I am telling the Minister for Finance to consider this position seriously. I am saying this because the Kenya of today is not the Kenya of tomorrow. Therefore, we must take into consideration all

areas in the country when we come to allocate development funds.

Mr. Speaker, Sir, I have been thinking about a particular point which was omitted by the Minister for Finance and this is with regard to the unemployment problem in the country. Today, Sir, there are certain Africans who are earning so much money per month, that if you told an ordinary man in Majengo, Kariobangi, Mathare or even in Ukambani how much these fellows are earning per month, they would tell you that you are a liar even if you only told them half of what these people get per month. What are these fellows doing with their money? Some of this money is not even taxed and therefore, I would like to appeal very strongly to the Minister for Finance to try and force these fellows to employ just a few people. I am saying this because if every Member of Parliament was forced to employ a driver, I am sure they could afford thereby creating employment for many people who are now unemployed. These people can also afford to employ cooks! Therefore, I would like to—

An hon. Member: Have you employed a cook yourself?

Mr. Nthenge: I have not employed one because it is not a rule, but if I was forced to employ one, I could gladly do so. However, Mr. Deputy Speaker, even if I gave up all the money I have, what difference would it make? It would make no difference at all. However, if it is made a general rule that all big fellows must employ drivers and cooks, this would involve thousands and thousands of people and therefore, we could benefit. What I am trying to get at, Mr. Deputy Speaker, is the spreading of wealth among many people instead of accumulating wealth among a few individuals. The Minister should be able to devise a method whereby our unemployed people are able to obtain jobs.

Mr. Deputy Speaker, Sir, there is another point which I think the Minister should consider seriously and this is about machinery. Mr. Deputy Speaker, if you go to the laundries which used to employ a lot of people, they have all imported machines which do all the manual work while so many people are looking for jobs. If I took the hon. Kibaki's suit to a man who can wash it at Sh. 8, this man will be very happy to find something to do instead of looking for job the whole day. However, most of our washing these days is done by machines which are just switched on and the machine does everything. As a result, Mr. Deputy Speaker, very few people are employed. This is just one example, otherwise, there are very many others where our people are losing jobs. Therefore, I would like to appeal to the Minister for Finance to find ways and means of taxing these machines so that they are not imported whenever one feels like. This would create jobs for our own people. I am saying this because there are very many people today who would like to clean suits, but how can they clean them if the machines have taken everything! What do we gain out of these machines? Nothing! Who get the benefit? European countries get all the benefit. You will even find that we in Nairobi here have switched to machines for stopping cars thereby depriving some of our constables their good job

[Mr. Nthenge]

of directing the traffic. Mr. Deputy Speaker, if we are not careful, we are soon going to become too much modernized. We in Africa have not accepted the concept of the so-called family planning and birth control. We do not believe in having a child or two, we want many children. Why should we get machines to do the work which we are able to do with our own hands? We have too many people looking for jobs and when you have too many people looking for jobs, what are the consequences? The result will be frustration and the end of frustration will be action which will be to the disadvantage of the Minister and his colleagues. This action is to the disadvantage of the Ministers and the society at large including myself. When we warn Ministers on anything they do not take heed of what we say. Right now the Minister for Finance and Economic Planning is busy with other things instead of listening to what I am saying. Maybe he is now being told how much property his colleagues have grabbed today.

Mr. Deputy Speaker, Sir, some civil servants who have worked long enough and if they are retired the work they are doing will be done very well by somebody else and by retiring they would create jobs for others. At least we have people who have waited for a job for quite a long time. When we went out for Africanization some very young people took over some very important jobs, and these people are not likely to die soon and, therefore, they should be retired prematurely so as to give way to others. *Matunda ya Uhuru* must be tasted by everybody but should not be left to only a few.

Mr. Deputy Speaker, Sir, the Minister for Finance and Economic Planning should have told us something about the taxation of the money contributed for Harambee projects. Harambee projects are a part of the development of this country. If we build a maternity hospital or a school, or other things that the Government should have built, then the Government should not tax the money we contribute for such a purpose. This money should be free of tax. This point should be considered very seriously because some of us have spent a lot of money but when we tell the Income Tax Department that one has spent about Sh. 30,000 on Harambee projects they do not listen but go ahead and tax the money as an income. The officer to look into this is the Minister for Finance and Economic Planning. Some of us do not give donations from the money we get from foreigners like some people do. We know this is politics and some of the foreigners give people money to give as donations so that they can appear great. Some of us do not accept that. I have been offered money but refused to accept it. I give my own money and I should, therefore, be entitled to an allowance in taxation; and so should any other person who is a donor.

Mr. Deputy Speaker, Sir, we have plenty of land in Kenya, plenty of water and many idle people. Why are we, then, not producing enough? The blame lies on the Minister for Finance and Economic Planning. If we had all the boys and girls now roaming in the streets doing nothing given something to do at Garissa, and

we watered all the land in that area instead of letting water flow into the ocean, as if the ocean requires extra water, then we would be able to produce enough for us to consume and have a surplus for export. We do not have a shortage of water or land. All the Minister needs to do is fly over to Mombasa and see how much unutilized virgin land we have. Why does the Minister not go to the World Bank and borrow money to use in diverting the Tana River and Athi River water to the dry land so that we can produce some crops there, rear cattle for meat and milk? We have a very wonderful climate in Kenya since we do not have winter here. It is surprising to hear that a country like Kenya, with so much land, water and personnel imports sugar. This is all due to lack of proper planning, mainly because we are controlled by people who have some special interests for other countries; our advisers are Europeans and whenever they advise the Minister they consider their position in this country. We should forget their problems and solve ours.

Mr. Deputy Speaker, Sir, the Minister has started taxing the money saved by our people in insurance and the pension schemes—we call it the annuity policy. The professionals have been given house allowances—but what about the ordinary businessman? Does he not require this?

With these few remarks, I beg to support.

Mr. Kĩlu: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to say something on the Budget Speech.

In the first place I would like to join my hon. colleagues in congratulating the Minister for Finance and Economic Planning for great work he has been doing since he was appointed a Minister. In fact, this Budget is one of the best Budgets we have had in this House. However, as some hon. Members have said, very many people are going to be affected by the increase on the price of petrol. As hon. Members know, the increase in the price of the petrol is going to result in the bus fares going up. Therefore, I would like to ask the Minister to normalise bus fares throughout the country because in some parts people pay very high fares. There is no reason why we should not introduce uniform bus fares throughout the country. At the moment bus owners charge as much as they like. I am sure that if nothing is done about that problem, when this Motion is passed bus fares will rise throughout the country and our people are going to suffer very much. As hon. Members know, the people in the rural areas cannot afford to buy vehicles or drinks like beer and cigarettes. That is the reason why I have no quarrel with the increase in the price of beer, cigarettes and vehicles. However, when it comes to increase in the price of petrol, which is going to affect the majority of the people in this country, I have some misgivings. That is the reason why I would like to appeal to the Government to let the price of petrol to remain as it was before the Budget. That is the only increase that can make our people feel that the Government is not caring enough for them.

Mr. Deputy Speaker, Sir, having said that I would now like to ask the Minister for Agriculture to approach the Minister for Finance and Economic Planning and

[Mr. Kiilu]

ask for more money to finance water projects in this country. In some areas in this country people are suffering a great deal because there is no water. For instance, in my constituency some dams which were constructed by the colonialists have dried up. There is no reason why the present African Government should not repair such dams so that people can make use of them. I also fail to understand the reason why the Government has neglected boreholes which were drilled during the colonial days. In fact, there are very few dams which are not functioning at the moment. Why should such a thing happen in an independent country? I hope the Government is going to do something about the boreholes which have been neglected for a long time.

Mr. Deputy Speaker, Sir, I was surprised this afternoon to learn that no farmer has been given a loan in my constituency. In my area there are people who own more than 200 acres, but they have not been given any loan by the Government. People in Yatta grow plenty of maize which is sold in other areas of the country. Therefore, the farmers in my constituency should be helped by the Government. Why is this not considered by the Government so that farmers in this area can be advanced loans for better farming? These people should be encouraged by the Government so that they can put more efforts in their farming. They should get loans from the Government money-lending institutions. The Ministries of Agriculture and Health are not adequately represented in my constituency. People cover very long distances in search of medical facilities. My people have to travel from Yatta to Thika where medical facilities are available, a distance of about 40 miles, or from Yatta to Machakos a distance of about 80 miles. We do not have any health facilities in Yatta Division, Mr. Deputy Speaker, Sir. This is a complete division with a Member of Parliament, a district officer, chiefs and assistant chiefs, Mr. Deputy Speaker, Sir. We even have a police force in that division, Mr. Deputy Speaker, Sir. If this is the case, why should Yatta be made to look as if it is nowhere within this Republic of Kenya? I would therefore, like to ask the Government to provide the services which are lacking in Yatta Division. In this division we have a location which does not have a dispensary at all. There is one location, known as Kinyatta, which does not have any dispensary. When Athi River gets flooded it overflows and people are not able to cross it to go and seek medical attention in the nearby dispensaries. On the other hand, when Tiva River is flooded my people cannot get to Kitui to seek medical assistance. We have only one mobile health clinic at Masii, which is very far from this location. I would like to ask the Ministry of Health to consider setting up a health centre or dispensary in this location. If this does not happen the Ministry should not complain when it is blamed by the people of Yatta for not providing these facilities. We shall keep on complaining about these things until the Government opens its eyes and comes to the aid of the people of Yatta. The Government should give more consideration to the areas which were left behind by the colonial administrators.

Mr. Deputy Speaker, Sir, I would also like to say

something about the Ministry of Works. In Yatta Division there are very many areas which do not have any form of roads at all. Some people who have vehicles have to leave them very far from their homes because there are no roads leading to their homes. This is very bad and, therefore, I would like to request the Ministry of Works to open up new roads in this area. We have presented our request to the district development committee of the area on the opening up of new roads in this area but nothing has been done about this matter. When we ask questions in this House the Minister for Works always asks us whether we have channelled our complaints through our respective district development committee. For how long are we going to forward these matters to the district development committee? When it comes to the tarmacked roads in this area, there is almost none, Mr. Deputy Speaker, Sir. The Thika/Garissa road, which traverses two provinces, is not tarmacked. This is a very important road because it joins two provinces. Why does the Government not consider tarmacking this very important road? Most hon. Members have said that such plans are not approved by the Minister for Finance and Economic Planning alone. They have rightly argued that such decisions are made by the Cabinet; but I feel that the Minister should present such matters very strongly before the Cabinet because he is responsible for development in this country. If such roads are tarmacked the people of this country will have a feeling that the Government is doing something for them.

Mr. Speaker, Sir, I would also like to say something in connection with the Ministry of Tourism and Wildlife which also affects my area. The Minister is in this House but I am sure he has never visited my area. When people plant their crops in Yatta the wild animals come about and destroy their crops completely but they are never compensated for such losses. When we ask about compensation in this House the Minister tells us to forward such matters to our respective county councils. When we forward these matters to the county councils they tell us that they have no money. What should we do in such circumstances, Mr. Deputy Speaker, Sir? What the Minister does is only to reply to such questions in this House and nothing more. He always directs us to the county councils. Sometimes the Minister tells us to take up the matter with the Ministry of Agriculture for the assessment of the value of the destroyed crops but when we do this we are never compensated for the loss. What should we do? Mr. Deputy Speaker, Sir, the other point is that Kilimanjaro National Park is not fenced and so wild animals damage people's crops year after year.

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

Mr. arap Cheboiwo: Thank you, Mr. Deputy Speaker, Sir, for allowing me to congratulate the Minister for Finance and Economic Planning for the excellent manner in which he presented the 1974/75 Financial Statement.

Mr. Deputy Speaker, Sir, many Motions have been passed in this House but very few of them have been implemented. Therefore, I would like to urge the Ministries concerned to implement the Motions so far passed

[Mr. arap Cheboiwo]

by this House. We are now in a new Development Plan period and if we adopted the previous attitude, I do not think we would be able to help our people. In connexion with this, Sir, I have a few observations to make regarding the Budget Speech.

The first observation, Sir, is with regard to the problem of water in this country. I have listened carefully during the debate now under discussion and noted that every speaker has mentioned or spoken about the question of lack of water in the country. This shows the importance of water to the nation as a whole. Many Motions have been passed in this House urging that a Ministry for Water be established in this country. In fact, Sir, as I speak now, there is a Motion pending before the House urging that the question of water be given a serious attention; I hope that it will be passed by the House. This, Sir, is the wish of the 90 per cent of our people who live in rural areas.

Mr. Deputy Speaker, Sir, I would like to suggest to the Office of the President that the Ministry of Local Government be combined with the Ministry of Housing so that the Government may be able to establish a new Ministry for Water. Such a combination will save Government finances and also facilitate the creation of a new Ministry to deal specifically with water development in the country. If you consider the functions of the Ministry of Local Government and those of Housing, Sir, you will come to the conclusion that their activities are not dissimilar; they work very, very closely. After having combined the two Ministries, Sir, we should be able to create a new Ministry to be known as "Ministry of Water and Rural Development". If that is done, Sir, we, as a country, will have made an important step in our development. This suggestion should be taken seriously because we need water in this country. In the Ministry of Water and Rural Development, Sir, boards such as the Irrigation Board would become departments of that Ministry. In this way, Sir, all irrigation schemes in the country, including Tana River and Marigat Irrigation Schemes, will be looked after by one Minister. If we irrigate our dry areas, such as Kano Plains, the Lambwe Valley and Kerio Valley, we will have more agricultural land being utilized by our people. In fact, this will reduce landlessness in this country and the scramble for former White Highlands will be minimized.

Another thing I would like to advise the Minister about is in connexion with money being returned to the Treasury unused every year. I hate to see money being returned to the Exchequer at the end of every Financial Year. Why are millions of pounds returned to the Treasury? Sir, I believe that the money is returned because there is no proper planning and co-ordination of development projects. A lot of money is being returned to the Treasury when some areas like Masailand, Turkana, Baringo and other places, which were neglected by the colonial regime are still underdeveloped. I would like to ask the Minister for Finance and Economic Planning to see that money is not returned to the Treasury when some areas in the Republic are suffering. Such a thing should come to an end. Instead

of there being underspending there should be overspending in genuine cases, and I think the Public Accounts Committee will not be very harsh.

The other thing is about subsidizing farmers. The price of fertilizers and other inputs have gone very high. I do not see the reason why our Government should spend a lot of money to import wheat from America and from other countries and pay three times the amount of money which we would use to produce the same amount of wheat locally. The same thing applies to maize. The money which is used to import these foods should be used to subsidize farmers so that they may be able to grow enough maize and wheat.

Mr. Deputy Speaker, Sir, one hon. Member has talked about the decentralization of industries. This is a very important thing to the rural areas. If this is done we shall be able to prevent our people from going to towns like Nairobi, Mombasa, Kisumu, Eldoret, Nakuru and others. Government should come out and invite some expatriates or any other people who have knowledge about the location of different industries. I have been saying in this House that Baringo, for example, is leading in the keeping of goats in the whole of the Rift Valley Province. Why can't the Government, through the Ministry of Commerce and Industry, see that an expert is sent to the district to see that an industry of hides and skins is established there? If that is done the local people will get employment.

Mr. Deputy Speaker, Sir, the Ministry of Works has done a very good job, but they lack one thing. I would like to ask the Minister for Finance to provide enough money to the Ministry of Works to enable them to buy machinery. Recently I saw in a newspaper—I cannot remember the correct date—that some machinery—D6 and graders—are being imported. I wish some of them are sent to Baringo District because nothing can be done without them. We cannot blame the Minister for Works by saying that he has not done a good job if he has no machinery. Therefore, when the Vote on the Ministry of Works is brought here we would like to see that the necessary funds are provided to buy enough machinery to be sent to the rural areas so that the roads there may be improved and brought to all-weather standard. Of course, the Ministry of Works has done a very good job. We should give credit where it is due.

The hon. Member for Embakasi mentioned something about casual labourers. It is very unfair that some sub-chiefs, who are under the Office of the President, have worked for 18 years but they are still under temporary terms of service. You will also find some people in the Ministry of Natural Resources, in the Forestry Department, who have large families and they have worked for eight, 15 or even 20 years but they are still casual labourers. This matter should be looked into and Government should come out and see that something is done to place these people under permanent terms of service so that they may also enjoy the facilities of gratuities, pensions and other privileges.

Mr. Deputy Speaker, Sir, on the question of prices, I agree with the Members who said that the Budget was not bad for the rich people and those who can

[**Mr. arap Cheboiwo**]

afford to buy things. However, the Budget, to the common man was very bad and it was the wrong time for the Minister to add this 20 cents on the price of a litre of petrol because this will affect the common man. Therefore, I would like to join those colleagues of mine who have said that something should be done to rectify this anomaly. The prices of commodities like cement and sugar are too high—I think the Government should come forward and do something to see that the prices of these commodities are lowered.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Mboja: Thank you very much, Mr. Deputy Speaker, Sir, for giving me chance to participate in the Budget Debate.

Mr. Deputy Speaker, Sir, I would like to emphasize one thing here, and I would like the Minister to pay a special attention to what I am just about to say. Sir, the struggle for the independence of this country emanated from the provocation by the colonialists meted out to our people. They used to suppress our people for a very long time on the question of land ownership. For this reason, our people decided that they could no longer tolerate the behaviour of the white people who were living on our land.

Mr. Deputy Speaker, Sir, as you are aware our rich black fellows, citizens of this country, became like the same colonialists. They behave in the same manner. They have now decided to frustrate their fellow Africans. It is this particular reason that makes me fear that democracy is now at stake in this country. It is very important that we—

Mr. Abdallah: On a point of order, Mr. Deputy Speaker, Sir. The Member now speaking has alleged that some Africans today behave like colonialists. Now, can he substantiate that because I would like to know who these Africans are.

Mr. Deputy Speaker: That was only an opinion; he was expressing his own opinion.

Mr. Mboja: Mr. Deputy Speaker, Sir, it is quite clear that a few of our rich people today, say, top civil servants, top Members of Parliament, top Ministers and top everybody are the people who own land in this country. It is only seven days ago when one of our Members of Parliament was proved to be owning more than 900 acres of land in this country. Therefore, for this—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member speaking not out of order to refer to some Members of Parliament as "top Members of Parliament" when all Members of Parliament are just the same, same rank and everything?

Mr. Mboja: Mr. Deputy Speaker, Sir, I think some Members want to take a lot of my time. I wonder whether the Chair is going to protect me on this.

Mr. Deputy Speaker, Sir, I want to raise this matter because it is doing a lot of harm to our people. For instance, when one goes to some places, he finds that there are funny stories about a certain rich man in the area. For example, in my area there is an African who

owns a lot of land, and this man decided to demolish a house of a poor woman only three days ago. He demolished the house of this poor old woman simply because she happened to be a squatter. The poor woman has nowhere to go. However, we expected this rich man to have mercy on the poor old woman. I am sure that this rich man has forgotten the history of the past ten years of our Independence because this was actually engineered by the same sin of suppressing the poor people of this country. I feel there must be a way for protecting these poor people. There is also another person, a *Mzungu*, who destroyed houses of poor people within the same week. This is the Bamburi Cement Factory landlord. However, we still remember what made our people struggle for Independence. They are poor people and they have no way of getting land. It happened to be bad luck on their part. Therefore, this Government should ensure that our people are not suppressed as far as land is concerned because we are the majority in this country.

Mr. Deputy Speaker, Sir, there has been something wrong in our planning. I would emphasize that the highest priority in our plans should have been placed on water development. Kilifi District, with about 310,000 people, has no water. The people there expect God to bring rain, and yet it is likely that in three years to come we shall have no rain at all. Although these people pray God for water, God brings rain when He likes. We expect our Government to take water to these poor people. However, after ten years of independence, these people are still in grave danger of missing water. Therefore, the Minister should not be very sensitive when we criticize his Ministry for not planning for this very important project in that area. There was a disturbing rumour on the water from Sabaki River—the Minister promised that he will bring water to the hinterland and now we hear that there is a campaign by some Africans, who happen to be interested in the matter, to have the water piped straight to Mombasa beaches to serve the tourists coming there leaving thousands of poor *wananchi* in grave danger due to lack of water.

Our Minister should be vigilant to see that these civil servants, who have built hotels at the coast and want water immediately for their tourists, do not block the interests of our people—he should make them understand that Kenya is a free country and that our Government is more concerned about the interests of the majority of our people than those of a few rich people.

Mr. Deputy Speaker, I would like to speak on minerals. When we discover minerals, what happens is that—we are told that all minerals belong to the Government. That is fine. However, if, for example, there is gold below your house and you are forced to leave that particular place because the mineral belongs to the Government, would the proper thing to do not be to ensure that you are properly compensated and that you and your neighbours are given the first priority in the enjoyment of the wealth of that mineral rather than just saying that such wealth will be distributed equitably throughout the country? For example, in Kilifi South there is zinc and I think it is fair that the people who were kicked out of the area where it is

[Mr. Mboja]

being mined are given proper compensation. They should be provided with medical and educational institutions before the wealth is given to the nation. It does not make sense to have the people in an area where minerals have been discovered treated like slaves or pushed out like dogs. This is very unfair and, therefore, I feel there should be a change in our policy on this matter.

Mr. Deputy Speaker, Sir, there has been a talk about the rise in the price of oil. Sir, the price of petrol has not only affected the rich, it has also affected the poor. This is because our people depend on buses to go, for example, to Kisumu, Nyeri and Mombasa. They travel by vehicles every evening and they will have to pay more for their fares. The increase in the price of petrol will certainly affect the owners of public vehicles, who will, in turn, raise the fares, and as a result the poor *wananchi* will be affected in all directions. It is for this reason that I appeal to the Ministry and the Government at large— The Attorney-General was trying to defend the Ministry as if we were trying to hit the Minister personally. This House was not directing the attacks to the Minister personally. The House has only pointed out the mistakes, which it is perfectly

justified to do. Therefore, it is wrong to come here and say that this House or any Member of this House has attacked the Minister personally. It is important to note that Kilifi District, with its population of 310,000, has only three hospitals, one of which is a missionary hospital, and they are all very poorly managed. There are no drugs in these hospitals at the moment. What is wrong with our plans? I believe that it is the responsibility of the Government to see that all the people of this country are provided with adequate medical facilities and that the wealth of our country is distributed equitably throughout the country. It is for this reason that I think we are justified in pointing out some of these weaknesses to the Government through this House which is the supreme authority of this nation.

I hope the Minister will be more vigilant in planning for this country in future.

With these few remarks, I beg to support.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for interruption of business. The House is therefore, adjourned until tomorrow, Wednesday, 19th June, at 2.30 p.m.

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

Wednesday, 19th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—

Mombasa Pipeline Board Report and Accounts for Financial Year ended 30th June, 1973.

(*By the Assistant Minister for Agriculture (Mr. Wanjigi) on behalf of the Minister for Agriculture (Mr. Nyagah)*)

Legal Notice 219 of 1969—The Extradition (United Kingdom) Order, 1969.

(*By the Assistant Minister for Agriculture (Mr. Wanjigi) on behalf of the Attorney-General (Mr. Njonjo)*)

ORAL ANSWERS TO QUESTIONS*Question No. 378***BENEFITS—BREACH OF DIPLOMATIC RELATIONS WITH ISRAEL**

Mr. Ebu asked the Minister for Foreign Affairs if he would give a synopsis of the economic benefits the Kenya people have had as a result of the Government's decision to sever diplomatic relations with Israel in a desperate attempt to express a new-found solidarity with the Arabs over the Middle East crisis.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, may I seek the leave of the House to defer this question till another day?

(*Question deferred*)

*Question No. 403***DRILLING OF BOREHOLES IN TURKANA**

Mr. Areman asked the Minister for Agriculture whether he is aware that boreholes are urgently needed in Turkana District, and that one drilling machine is not enough for the place.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

Yes Sir; the Ministry is very much aware of the need for further drilling of wells in Turkana. However, the Water Department has only three drilling rigs for deep wells to cater for the needs of the whole country. It, therefore, means that with the ever-increasing demand for boreholes throughout the country, even the one rig in Turkana should not be regarded as being permanently stationed there.

Mr. Areman: Mr. Speaker, Sir, is the Assistant Minister aware that Turkana District is much bigger than the whole of Central Province and therefore, one drilling machine is not enough to cater for this district?

Mr. Wanjigi: Mr. Speaker, Sir, I think I have answered that part of the question.

Mr. Ejore: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, where he said that the drilling machine already in the district should not be regarded as permanently stationed there, would he see to it that this machine is left there permanently because if it is

removed most of the people in that area will suffer a lot?

Mr. Wanjigi: Mr. Speaker, Sir, I wish I could say that. There are other districts in similar conditions, like Taita Taveta, Narok and Kitui. Therefore, Sir, Turkana people should be very appreciative for the fact that they do have one drilling machine which is almost stationed there permanently. I think to ask for more than one machine is taking the question too far.

Mr. Lotodo: Mr. Speaker, Sir, when does the Assistant Minister intend to increase the number of these drilling rigs, since he said he has only three in the whole department?

Mr. Wanjigi: Mr. Speaker, Sir, that is blocked by financial constraint and, therefore, I cannot answer the question now.

*Question No. 416***VEGETABLE CESS AT MOMBASA**

Mr. D. M. Kioko asked the Minister for Local Government why "Ship Chandlers" are required to pay cesses for vegetables that go to ships calling in Mombasa and yet they are not exporters by law of the country.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I would like to inform the House that this question was directed from the Ministry of Agriculture to the Ministry of Local Government and we are directing it back to them and I hope the answer will come later on.

(*Question deferred*)

*Question No. 339***SPORTING LINKS WITH BRITAIN**

Mr. Y. Ali asked the Minister for Co-operatives and Social Services, noting the fact that there were conflicting statements in the country over the ruling by the Supreme Council for Sports in Africa and the subsequent decision by the Kenya National Sports Council to cut off all sporting links with Britain as a result of the current tour to South Africa of the British Lions Rugby Team, he would state clearly to the House the Government's stand on the issue.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply.

I do not see any conflicting views or statements deviating from the decision by the Supreme Council for Sports in Africa. The Kenya National Sports Council, as the body to advise the Government on sports, have made it clear that they do not at all support the British Lions Rugby Team's going to South Africa and, as such, they have decided that they will sever sports relations with Britain. The International Olympic Committee has barred South Africa from participating in Olympic games. The British Olympic Committee and the British Sports Council have hitherto been silent although the British Government had definitely been opposed to the current tour of the Rugby Team to South Africa.

I am convinced that the British Olympic Committee and the British Council of Sports are not going to risk a Black World boycott because of one sporting organization and I am sure they are going to engage in discussions with their Government and, possibly, the Supreme

[The Assistant Minister for Co-operatives and Social Services]

Council of Sports in Africa, to come to some amicable solution. Until this question is resolved Kenya will continue boycotting British sportsmen.

Mr. Y. Ali: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, which is quite satisfactory, would he assure the House that if any sporting organization in Kenya tries to disregard the ruling of the National Sports Council his Ministry will fully back the Sports Council on the issue?

Mr. Ngureti: Yes, Sir.

Question No. 356

POTENTIAL ATHLETES

Mr. Kurgat asked the Minister for Co-operatives and Social Services—

- (a) whether he knows that there are many untapped potential athletes in the rural areas, particularly in Rift Valley (Kalenjin) and Nyanza (Kisii) provinces;
- (b) if he knows, what immediate plans there are to encourage these youths to take interest in athletics; and
- (c) whether he will, as a matter of urgency, post a fulltime sports officer to each district of the said provinces.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply.

(a) Yes Sir, I do know that there are many untapped potential athletes in the rural areas and this includes the provinces which the hon. Member has stressed in his question.

(b) The Government policy is to develop sports throughout the country by encouraging voluntary organizations, private firms and colleges to organize competitions for the youth and adults throughout the country. Through such competitions untapped potential athletes are found and better coaching is given to enable them to compete in international games.

(c) As it is Government policy to develop sports throughout the country, plans are underway to recruit sports officers for development to all districts throughout the country.

Mr. Kurgat: Mr. Speaker, Sir, in view of that satisfactory reply from the Assistant Minister, and since he has accepted the fact that there are several untapped potential athletes in the country-side, would he explain how he is going to tap these potential athletes?

Mr. Ngureti: Mr. Speaker, Sir, as I said in my earlier reply, the Government, through my Ministry, is trying to make sure that if money is available during this Plan period, we shall make sure that we have a sports officer in every district and in every division in the country.

Mr. D. M. Kioko: Mr. Speaker, Sir, I think the Assistant Minister will agree with me that sending a sports officer to a given area is not enough. Now, is the Ministry also ready to provide other facilities, where people do not have them, so as to encourage our people to take part in sports?

Mr. Ngureti: Mr. Speaker, Sir, there would be no use in sending a sports officer somewhere just to do nothing, even if he has the necessary equipment.

Rev. Kalume: Mr. Speaker, Sir, when our sportsmen and sportswomen go abroad, there are many events they do not actually take part in and, as a result, we miss very many medals. Now, is the Ministry planning to include these other events on the training programme so that when our sportsmen and sportswomen go abroad they can fetch as many medals as possible?

Hon. Members: Hear! Hear!

Mr. Ngureti: Yes, that is being taken care of, Mr. Speaker.

Mr. Speaker: Next question. Mr. Isaac Lugonzo.

Question No. 417

GOVERNMENT ASIAN DOCTORS

Mr. S. Lugonzo, on behalf of Mr. I. Lugonzo, asked the Minister for Health how many Asian doctors who have qualified after being educated at public expense since the medical school was established at the University of Nairobi in 1967 are still in Government service; how many of these have left the country and for what reasons, and why Government doctors of Asian origin object to postings to rural areas such as Marsabit, Moyale, Lodwar, Kuria, Kisii, etc.

Mr. Speaker: Anybody here from the Ministry of Health? Next question.

Question No. 419

DISTRIBUTION OF EARNINGS FROM WILDLIFE

Mr. Mwamunga asked the Minister for Tourism and Wildlife, while appreciating his current money payments to districts in respect of revenue accruing through the Game Department, he would inform the House—

- (a) what formula he has devised for the distribution of the money at the district level;
- (b) why the money is not given direct to the county councils' treasuries or registered ranches in the districts;
- (c) of the money that Taita/Taveta District received last year, how much was given to development projects in the Voi Division that suffers much from injuries and destruction by wild game; and
- (d) what measures he has taken to ensure that this money will not be used as political leverage at the district level.

Mr. Speaker: Anybody here from the Ministry of Tourism and Wildlife?

Next question. Mr. Nthenge.

Question No. 415

PUPILS WELCOMING DIGNITARIES VISITING THEIR AREAS

Mr. Nthenge asked the Minister for Education—

- (a) whether he is aware that when leading dignitaries pay official visits to Machakos Town, pupils from the schools around are required

[Mr. Nthenge]

to go and wait for them when the visits have nothing to do with educational matters; and

(b) how the pupils are compensated for the time so wasted.

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

(a) If the hon. Member had indicated more specifically what he means by leading dignitaries, it would have been easier to answer his question. The top leading dignitary in this country is His Excellency the President.

Mr. Nthenge: On a point of order, Mr. Speaker. The Assistant Minister has just said that he does not know what I meant by leading dignitaries. However, I meant such people as Ministers and the like or the important people of this country. However, the President is an exception in this case because people normally call him "the President".

The Assistant Minister for Education (Mr. Rubia): I do not know whether the hon. Member would gather a little more patience until I have finished answering his question and I hope he will gather the points I will make at the end.

However, Sir, I beg to reply.

(a) If the hon. Member had indicated more specifically what he means by leading dignitaries, it would have been easier to answer his question. The leading top dignitary in this country is, of course, His Excellency the President. It is quite right and proper for the children whose schools lie on the route he is taking to come out and indicate their welcome and homage.

Similarly, if a Government Minister is visiting a school in an official capacity, the children should, whenever it can be arranged, indicate their pleasure for his visit to their school. Apart from cases of this kind, I confirm that there has been no indiscriminate gathering of pupils to wait for people, whether they are classified as dignitaries or not.

(b) Every school has built-in machinery for compensating any time lost for various reasons. Any headmaster or headmistress who is trained and knows his job will find no problem over this matter.

Mr. Nthenge: Mr. Speaker, Sir, I must, honestly, say I was not quite clear as to what the Assistant Minister was trying to get at. My question here is asking the Minister to tell the House what advantages pupils get by leaving their classes to go and line up for almost everybody—I am now talking about what happens in my constituency, which I know best, although the same thing could be happening in other district headquarters—who passes near their schools, even though they may not be visiting their schools?

Mr. Rubia: Mr. Speaker, Sir, I have stated here, and I would like to emphasize most categorically, that no instruction has been issued to any school in our Republic, except in the cases I have mentioned, of any indiscriminate gathering of pupils. Therefore, if the hon. Member has any one specific case in mind, we will take action. However, it is definitely not in line

with the general educational system that children should be interrupted whenever every Tom, Dick and Harry is passing by.

Mr. D. M. Kioko: Mr. Speaker, Sir, since this issue is not confined only to Machakos, is the Assistant Minister now telling us that children should not be made to walk more than ten miles just to see a Minister or provincial commissioner, unless he is specifically going to visit a given school?

Mr. Rubia: Mr. Speaker, Sir, I have made it very clear that schools are not permitted to interrupt the studies of children, unless it is in the case of His Excellency the President and a Minister of the Government visiting that particular school.

Mr. Gatuguta: Mr. Speaker, Sir, while appreciating this reply from the Assistant Minister, that no instructions have been given to that effect, while we know, as a matter of fact, that students all over the country are interrupted in this manner by small people while visiting their districts, would he now issue a directive to the effect that no students will be interrupted unless it happens to be one of the cases he has mentioned?

Mr. Rubia: Mr. Speaker, Sir, I would like to confirm that these instructions have already been issued, and I promise the hon. House that they will be re-circulated to all schools in the country.

Question No. 406

COMMERCIAL BANK FOR ISABANIA

Mr. Marwa asked the Minister for Finance and Economic Planning, since Isabania control post serves travellers to Tanzania, Uganda, and Rwanda, besides those to our country, his Ministry would consider establishment of a commercial bank there to facilitate exchange of money.

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): Mr. Speaker, Sir, the hon. Member was actually here when his question was called out first, but I hope he was not asleep.

Mr. Speaker, Sir, I beg to reply.

The Isabania border control post is only 13 miles from Migori where the Kenya Commercial Bank operates a fulltime branch with exchange facilities. This branch caters for travellers to and from Kenya and, as such, it would not be economically justified to set up a separate exchange bureau at Isabania at the moment.

Mr. Marwa: Mr. Speaker, Sir, the Minister knows the problem of border areas, where the exchange of money has nowadays become a problem to travellers to Tanzania or any other part of East Africa, what is the Ministry doing to alleviate this kind of problem which is prevailing at our common borders with Uganda and Tanzania?

Mr. Cheron: Mr. Speaker, Sir, I do not see any new question emanating from the hon. Member's supplementary question. The area around Isabania has been traditionally pastoral but after independence crop cultivation was encouraged and has developed although not to a very large extent. There also exists tribal animosity between Kuria and Luo and this has often manifested itself in a request for a separate administrative

[The Minister for Finance and Economic Planning] centre for the Kuria and I believe we have discussed a Motion to that effect in this House. Thus, the request for banking services at Isabania, which is only 13 miles from Migori, should be seen against the background of the usual effort by the Kuria to have a separate identity.

Question No. 414

ABOLITION OF LOCAL COUNCILS' RATES

Mr. Tsuma, on behalf of Mr. Masibayi, asked the Minister for Local Government whether, in view of the fact that he is now closing down all area and local councils in the Republic, he will also direct that local rates which are being raised for the maintenance of the aforesaid councils be abolished so as to relieve *wananchi* from inflation.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply.

All services which were being provided by the area councils will be transferred to the county councils. I cannot, therefore, abolish local rates as the county councils will require the money to continue providing services previously rendered by local and area councils.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that local councils had balances up to Sh. 40,000, would he tell the House whether this money will also be transferred to the county councils or whether it will be left in the locations concerned to be used in local projects?

Mr. Munoko: Mr. Speaker, Sir, so long as the county councils will be providing services for the areas that the hon. Member is thinking about, they will have to use the funds that are available.

Mr. Tsuma: Mr. Speaker, Sir, is the Assistant Minister trying to introduce a Bill in this House to authorize the county councils to spend the local councils' money which does not belong to the county councils at all?

Mr. Munoko: Mr. Speaker, Sir, the local area commissions have been established to wind up these councils and it will only be after they have been wound up that we will know whether there were any balances at all.

Mr. Tsuma: Mr. Speaker, Sir, the Assistant Minister appears not to know what is happening in his Ministry at all. My question talks about the local councils which have their own rates and, therefore, they have their own accounts. So I am now asking whether the Minister is going to introduce a Bill in this House to legalize the transfer of the funds to the county councils and/or whether he will leave the money with the respective local councils for development in the areas concerned. Is the Minister going to have a law passed in this House or is he going to run the local councils from his office?

Mr. Munoko: Mr. Speaker, Sir, right now it is not possible to say whether the local councils have any balances, and until the local councils' commissions have submitted their report it is not possible to know the state of the finance of these local councils. When the report is out, then the finances will be used for the services which were being rendered by local councils in the relevant locations.

Mr. S. Lugonzo: Mr. Speaker, Sir, I do not understand whether the Minister is saying that he does not know the situation. The situation which has brought about this question is that local councils in Kakamega are councils of the locations. They did collect their rates which amounted to about Sh. 60,000 to Sh. 70,000 and this money was supposed to be under the security of the county councils. In other words, the county council treasurer was the custodian for the money. Now the local councils, which still have their secretaries, chairman and treasurer go for the money from the county council and they are told that there is no money and that the money has been spent by the county council and nobody knows as whether it will be refunded to the local councils or not. Is the Assistant Minister implying that the county councils had the authority to spend the local councils' money for which they did not budget or for expenditure which they did not get any permission from the Minister for Local Government?

Mr. Munoko: Mr. Speaker, Sir, I know that the local councils have their own accounts but the point I am making is that until the Local Government Commission which is now looking at the affairs of the local councils and, indeed, the councils are wound up, has submitted the report, the state of the finances of the local councils cannot be ascertained. That is the point I am making.

Mr. Speaker, Sir, in some local councils the staff has not been paid and, therefore, the hon. Member should not generalize and say that all local councils have balances.

Mr. Tsuma: Mr. Speaker, Sir, local councils deal with local rates. How will the Ministry, outside the law, make the local council rates become county council rates? Could he tell us whether or not he is going to do away with local rates or he will turn it into county council rates? My Sh. 35,000 in Butso Local Council cannot become the property of the County Council of Kakamega.

Mr. Munoko: Mr. Speaker, Sir, local councils are not autonomous. They are under the umbrella and function under the direction of the county councils. Therefore, there is no question of saying that we have another law for this.

Mr. Tsuma: Mr. Speaker, Sir, local council rates—about Sh. 10 per head—are completely different from county council rates. Is the Assistant Minister not misleading the House when he says that local councils were not autonomous when they were saving the rates?

Mr. Munoko: Mr. Speaker, Sir, for the information of the hon. Member, there has been no law in Western Province empowering local councils to levy any rates. I am telling you about your own area where you say that there are balances. There are no balances because this year there is not any local council levying any rates in the Western Province since the abolition of the graduated personal tax.

Question No. 389

MARALAL TOWNSHIP TITLE-DEEDS

Mr. Lentaya, on behalf of Mr. Lenayiarra, asked the Minister for Lands and Settlement when the

[Mr. Lentaya]

title-deeds for Maralal town plot-holders will be issued in view of the fact that surveying of the town is already completed.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

The survey of Maralal township has not been completed. However, my Ministry has requested the county council of the area to forward the names of the plot-holders in respect of the 27 plots which were surveyed earlier on. Arrangements will be made to issue the owners of the surveyed plots with title-deeds once the names are received.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that the Survey Department has already completed its job; and if so, how long will it take before these people are given their title-deeds so that they can develop their plots?

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is true that survey work has been completed, but the survey computations which are necessary for the drawing up of the necessary plans to be used for the preparation of the deed-plans to be attached to the title-deeds is not finished. We cannot, therefore, say that all the requirements have been fulfilled.

Mr. Kurgat: On a point of order, Mr. Speaker, Sir. In the first part of his reply the Assistant Minister said that names of 27 people whose plots have been surveyed should be forwarded to his Ministry. Is he, therefore, not misleading the House because the names of the owners of the plots were definitely given when the survey was being done? He is now asking the hon. Member to send the names of the owners of the plots—I really do not understand what he wants the hon. Member to do.

Mr. G. G. Kariuki: Mr. Speaker, Sir, it seems as if the hat the hon. Member is wearing is making him find it difficult to listen. I did not say that the hon. Member should supply us with names. I said that the county council has been requested to send the names of the plot-owners to my Ministry.

Mr. Areman: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does it now mean that if he receives the names of the plot-owners, he will take the necessary action?

Mr. G. G. Kariuki: Mr. Speaker, Sir, if the names are brought to us and at the same time the remaining work completed, we shall issue these people with title-deeds.

Question No. 397

AGRICULTURAL ASSISTANTS FOR GETA SCHEME

Mr. Kabingu-Muregi asked the Minister for Lands and Settlement whether he is aware that Geta Haraka Scheme has only one veterinary scout and one agricultural assistant, and whether he would post more staff to this very vast scheme.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to give the following reply.

I am aware. I would like to inform the hon. Member that arrangements are now being made to provide more staff for the scheme.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House when we can expect the additional staff in the scheme?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am quite sure that the hon. Member is aware that an officer of the position now being required by the hon. Member is not all that easy to find and arrangements are, therefore, needed before the officer is posted there. In the first place, the officer will require a house and other facilities. Therefore, as soon as all these things are finalized, the officer in question will be posted there.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and also bearing in mind the need to educate farmers so that they can produce more, will he not agree with me that there is some urgency to provide the officer in question as soon as possible so that the farmers can benefit without losing too much time waiting.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I do not think there is any problem here. Since my Ministry is satisfied that there is a need to post more staff to this particular scheme, we are making arrangements to make sure the officer in question is posted there.

Mr. Speaker: Mr. Lugonzo's question.

Question No. 417

GOVERNMENT ASIAN DOCTORS

Mr. Speaker: Mr. Lugonzo not here? Mr. Mwamunga's question then.

*(Question dropped)**Question No. 419*

DISTRIBUTION OF EARNINGS FROM WILDLIFE

Mr. Mwamunga asked the Minister for Tourism and Wildlife:—

While appreciating his current money payments to districts in respect of revenue accruing through the Game Department, he would inform the House—

- (a) what formula he has devised for the distribution of the money at the district level;
- (b) why the money is not given direct to the county councils' treasuries or registered ranches in the districts;
- (c) of the money that Taita-Taveta District received last year, how much was given to development projects in the Voi Division that suffers much from injuries and destruction by wild game; and,
- (d) what measures he has taken to ensure that this money will not be used as political leverage at the district level.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of the Minister for Tourism and Wildlife, I beg to reply.

The answer to part (a) of the question, Mr. Speaker, Sir, is that the money is given in the form of Controlled

[The Minister for Housing]

Area Fees directly to the private land-owners or to the county council in the case of Trust Land or in the form of donations to the district development committee for the development projects originating from the committee.

The answer to part (b) of the question is that the Ministry does, in fact, give money direct to the county councils and registered ranches in the districts. This money is handed over in the form of controlled area fees which can be used freely by the county councils or by the private land-owners. The current donations to the district come from a revolving fund and these donations are intended to help the approved tangible Harambee or public projects that have an immediate and direct benefit to the *wananchi* to demonstrate the role played by wildlife in development.

Mr. Speaker, Sir, the answer to part (c) of the question is that the decision as to what projects and from what divisions in a district are to be financed through these donations lies solely with the district development committees or the relevant county council to which the money is donated. The hon. Member is aware that the membership of the district development committees are normally drawn from all the relevant authorities in a district. So, any project that is submitted to the Ministry must have been considered thoroughly at the district level. Mr. Speaker, Sir, Voi Division, which is, of course, represented by the hon. Member, received Sh. 40,000 for a Health Centre at Mwambirua and Sh. 20,000 for Kasigau Health Centre out of the Sh. 100,000 given to the district as a whole last year.

The answer to part (d) of the question is that the money is handed to the district commissioner, who is the chairman of the district development committee which is responsible for the development projects. District commissioners, being civil servants, are by definition, not supposed to indulge in politics. We always require that the district commissioner confirms in writing that the money will only be used for the project it was given out for. The game warden of the area also sees to it that the money is utilized on specified projects.

Mr. Mwamunga: Mr. Speaker, Sir, while appreciating part of the answer given by the Minister, I would like to make a slight correction. Mwambirua Health Centre is not in Voi Division; it is, in fact, in Wundanyi Division. Mr. Speaker, in the case of the Sh. 100,000 that the Ministry gave to Taita District last year, the Minister did say that this money was given to the district development committee. I do appreciate this, but as we all know, Members of Parliament are *ex-officio* Members of the district development committees and my submission is that this money was not a subject of any decision of the district development committee as the Minister says. Would the Minister, therefore, tell this House whether or not the district development committee actually met to decide on the allocation of this Sh. 100,000?

Mr. Ngei: Mr. Speaker, Sir, I would like to inform the hon. Member that the money has been made use of by the *wananchi* in that division. Whether the expenditure of this money was not subject to a decision

by the district development committee or not, the money was properly used and, therefore, if the hon. Member was asking why it was not used, that would be understandable. However, this money has been used properly on specified projects and within the district. I would like to request the hon. Member to make more attempts to attend the meetings of the district development committee in order to acquaint himself—

Hon. Members: No! No!

Mr. Ngei: I wish some of these Members, Mr. Speaker, would refrain from interrupting me. They should give me time to reply because I have not finished what I wanted to say. This establishes the fact that they are not listening at all. Mr. Speaker, Sir, I was trying to say that so long as the money has been properly used and on the projects for which it was specified there is no problem.

Mr. ole Marima: Mr. Speaker, Sir, would the Minister tell us what has become of the group ranches? Although I realize that he is not the Minister for "wild animals", would he really tell us what has become of the group ranch areas which have already been demarcated and title-deeds issued out and which must, therefore, be included in the handy blocks just like the former European farms in Laikipia or in the former white highlands? Why do the owners of these farms not get money directly?

Mr. Ngei: Mr. Speaker, I thought I answered that question when I said that the money goes to the county councils or the district development committees or even to the private landowners. I think I made this quite clear. I do not want to answer a question with a question and, therefore, I would like to assure the hon. Member that if he brings any information whereby a private landowner has not received his payment, the Ministry will tackle the matter.

Mr. Murgor: Mr. Speaker, Sir, will the Minister consider setting aside a small amount of money to be used in paying compensation to those people whose crops are destroyed by wild animals?

Mr. Ngei: Mr. Speaker, Sir, as I have just said, since this money is derived from the Tourist Industry and is meant to be used in financing development projects, I fail to see the reason why it should be used in paying compensation to those people whose crops are destroyed by wild animals. If we do that we shall not be developing the tourist industry in this country.

Mr. Karungaru: Mr. Speaker, Sir, I am not yet satisfied that the Minister has answered part (d) of the question. Will the Minister answer that part of the question because we are anxious to know the answer? We do not want the Minister to play his usual game in this House. For his information, we know who he is very well.

Mr. Ngei: Mr. Speaker, Sir, if the Member for Embakasi thinks that I am irresponsible, the only thing he should do is petition the President so that he can dismiss me. However, I am not prepared to accept the hon. Member's shallow remarks about me. However, in reply to the hon. Member's question, as I have said, district commissioners are not allowed to indulge them-

[The Minister for Housing]

selves in activities which can be considered to be political in nature. As and when district commissioners are given some money by the Government to distribute to given individuals their work is to make sure that the money goes to the right persons.

Mr. Mwamunga: Mr. Speaker, Sir, will the Minister tell us how many ranchers, in Taita-Taveta, have been compensated for their crops that were destroyed by wild animals?

Mr. Ngei: Mr. Speaker, Sir, I do not have the figure at the moment, but I am prepared to supply the hon. Member with the necessary information at a later date. However, all I would like to tell the hon. Member is that the Government has compensated some people in the area in question.

Mr. D. M. Kioko: Mr. Speaker, Sir, arising from the Minister's reply that the money is normally sent to the district development committees, will he tell the House when the Taita-Taveta District Development Committee met to discuss how this money would be paid to those people whose crops had been destroyed by the wild animals? If, for instance, this money was spent without the approval of the district development committee in question, then one is bound to suspect that the money was used for political purposes.

Mr. Ngei: Mr. Speaker, Sir, with your permission, I would like to inform the hon. Member that whenever the Government gives money to a certain area to be used for development the question of politics does not arise. For instance, if I, as the Minister for Housing, set aside some money, let us say, £20,000, to be used in financing a housing scheme in Kisii, and an hon. Member from that area is of the opinion that I gave it to be used for political purposes in the area, then I can do nothing apart from insisting that the money should be used to finance the housing scheme.

QUESTIONS BY PRIVATE NOTICE**OPENING OF ILKERIN AND DIKIR SCHOOLS**

Mr. ole Sompisha: Mr. Speaker, Sir, with your permission I would like my question to be put off till tomorrow because the Assistant Minister who was supposed to reply to it has approached me and informed me that he is not in a position to reply to it today.

Mr. Speaker: Next Order.

(Question deferred)

Mr. S. Lugonzo: On a point of order, Mr. Speaker, Sir. Why have we skipped hon. Isaac Lugonzo's question?

Mr. Speaker: When I called for the question nobody stood up to ask it. Therefore, we have to leave it unanswered.

COMMITTEE OF WAYS AND MEANS

(Order for the Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance and Economic Planning on 12th June, 1974)

(Resumption of Debate interrupted on 18th June, 1974)

(Fourth and Final Day of the Budget Debate)

The Minister for Housing (Mr. Ngei): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to say something about the Budget Speech which was made in this House last week by the able Minister for Finance and Economic Planning.

While supporting the Budget Speech there are some things I would like to ask the Minister to consider. Two months ago, I asked the Minister to look into the question of development in agricultural areas. I mentioned two or three rivers which can be utilized for development. If we develop such areas I have no doubt that in the near future we shall be able to grow various crops. I am convinced that there is a ready market for a number of the crops we can grow in Kenya in such areas like Middle East. In Kenya we are lucky to have big rivers like Nzoia, Athi and what-have-you. If the waters of these rivers are properly utilized, I am sure people in Kenya will benefit a great deal. There is no reason why we should not construct reservoirs along say, Athi River. If this is done, we shall be able to expand the fish industry very quickly.

Mr. Speaker, Sir, the Minister for Agriculture will agree with me that in Western Kenya we have a lot of land lying idle. I am also convinced that in such areas like Yatta in Machakos, Kitui and Tana River, there are rivers which flow throughout the year and water from such rivers can be used for irrigation. This can be done by constructing dams along those rivers. I am also of the opinion that such water can be used to generate electricity which can be used in a number of industries in place of oil which is very expensive today. As hon. Members know, whenever a dam is constructed we benefit a lot because we also get a place for breeding fishes. Such dams, however, are mainly used for irrigation. There is no reason why water from such rivers, which flow from such mountains like Aberdare and Kilimanjaro cannot be used for irrigation. A river like Uasin Gishu—

An hon. Member: When will this happen?

The Minister for Housing (Mr. Ngei): The hon. Member should listen to what I am saying because I am trying to tell him how best we are going to develop this country.

Mr. Speaker, Sir, in such areas like Central Province and Western Kenya, the population is growing very fast. In such areas, due to overcrowding, it is not possible to utilize the land there economically. However, until such a time that our country will be highly industrialized to such an extent that the people in the rural areas will be able to get jobs locally, we should continue looking into the best ways we can make use of the land available in this country. Since we are building industries at a very slow rate, there is no reason why we should not make use of all the land available in Kenya. Mr. Speaker, Sir, I am emphasizing this point because of the unemployment situation which is looming over our country at the moment. If the land which is

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in this country is utilized in better ways, agriculturally, this unemployment situation will be eased, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would like to say one or two things about the Arabs and their oil. Time and again we have attacked the Arabs about their oil but we must also understand that oil is the only raw material for the Arabs. We can only exploit this Arab oil by selling them wheat and meat because they do not have these two commodities. If we grow more wheat and keep more animals for meat then we can raise the prices of these commodities as high as we can on the Arab market to compensate for the high prices which they are asking for their oil. Let it not be construed wrongly that when the diplomatic relations between Kenya and Israel was at stake we acted on anything else except the question of principle. According to the United Nations Charter it is an accepted fact that no country should raid another and try to colonize it. It is on this principle that we severed diplomatic relations with Israel. It is not because we wanted the Arabs to help us on the question of oil. We have seen many other nations, like the powerful United States of America, Britain, Russia and the rest go to negotiate with the Arabs on the price of oil. We should do the same when the Arabs come to our country to negotiate about the prices of our coffee and other commodities which they would like to have from us. We should not be prejudiced against any country in this case. If the Arabs are in the wrong, we should tell them so; and if it is the Israelis who are wrong, we should not hesitate to tell them that they are wrong. This is because of the principle which is cherished by the nations of the world. That is also the principle which we follow when it comes to matters concerning the other countries of the world. All I would like to tell our people is that they should put more effort in the agriculture industry and grow more products to sell to the Arabs so as to offset the rising costs of oil. Of course, I am not saying that Mr. Shikuku was not right when he appealed to the Arabs to consider reducing the price of oil. This is an accepted fact, but we would be doing ourselves a lot of good if we strived hard to produce more commodities to sell to the Arabs and earn some foreign exchange.

Mr. Speaker, Sir, I stand here to appeal to the Arabs to be more reasonable and give us more money for our development programmes because they are richer than ourselves.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Are you crying?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I am not crying. I existed even when the Arabs were here and I shall remain to exist in this country. If I may answer the Assistant Minister, I would like to tell him that Kenya will be there when the Arabs are there and it shall remain to be there for ever. Therefore, there is no question of striking a balance on this matter. This is an issue which must be approached diplomatically and reasonably. We should tell the Arabs that they should reduce the price of their oil.

Mr. Speaker, Sir, we are now in the 11th year of our nationhood. It is important that we pull together and unitedly realizing that the country needs our services as leaders and representatives of the people of this country. We are now faced with an election, which we need to confront unitedly to show our people that the past five years that we have been in this House have not been used going around *Majengo* with questionable purposes but with the aim of telling the people what the Government has done for them.

Mr. Karungaru: What is this *Majengo* you are talking about?

The Minister for Housing (Mr. Ngei): I think the hon. Member is more versed with this language than I am because I am a rural man while he lives in town. If human beings were horses I would request you, Mr. Speaker, to harness the image of the hon. Member for Embakasi and use that image better for the service of his constituents. Hon. Karungaru is very fond of interrupting other Members. I think one of these days we better— Mr. Speaker, Sir, I am saying that we should go out unitedly and tell to the people what we have done here in the last five years that we have been here. We should also tell them what we intend to do for them in the next five years if they return us to Parliament. There is no question of going to face our people in an ailing mood. We should not go to them and say, "Oh, So-and-so is opposing me; such-and-such a teacher is opposing me; the district commissioner is becoming political..." It is high time we picked the courage of *jogoo* and went out to defeat our opponents so as to come back to this House triumphantly to serve the nation. I know the Attorney-General will have very little work to do during the elections.

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

Mr. Ebu: Thank you very much, Mr. Speaker, Sir, for giving me this chance to say a few words in connexion with the recent Budget Speech.

First of all I would like to congratulate the Minister for Finance and Economic Planning for the very able way in which he presented the recent Budget. Mr. Speaker, Sir, last week, when the Attorney-General was contributing to this debate, he ably defended the Minister for Finance and Economic Planning. I can now see that he is trying to strain his ears so as to hear what I am going to say. I am trying to say that the Minister for Finance and Economic Planning has found himself in difficulties not because he wanted it but because whenever there are shortages of commodities in this country people are not told the causes of these shortages. When such a situation occurs, the people should be told the root cause of such shortages. The Attorney-General stated very clearly last week that the present situation, whereby we have shortages of commodities and general increases of prices of goods has not been brought about by the Minister for Finance and Economic Planning. He said that most of these are as a result of the decisions of the Cabinet. If the Minister for Finance and Economic Planning accepts the principle that there are three types of people, namely, the few who make things happen—I believe the Attorney-General, the Ministers and Members of this House and the civil servants are among those few—and the many who see things happen,

[Mr. Ebu]

and the millions who have no idea of what is happening, then it is not too much to expect the vast majority of our people, who belong to the third category, to accuse the Minister of being responsible for the increase in the cost of living. It is, therefore, upon the Government, particularly the Cabinet, to come out whenever we have a problem, be it of oil or of whatever nature, and explain to the public of this country what has caused it. In the absence of such an explanation I do not see how the House, or for that matter how the Attorney-General, can absolve the Minister for Finance and say that he is not responsible for such a crisis. Who is expected to explain such shortages to the *wananchi*? This is primarily the work of the Minister for Finance and Economic Planning. Why should the Cabinet adopt the technique of the tortoise, so that whenever there are problems around it hides its head in its shell until the trouble is over?

Mr. Speaker, Sir, last week the Minister indicated that they are trying to move away from the idea of thinking that by developing trunk roads they are actually developing this country and that in the next Financial Year they are going to put more emphasis on minor roads. This is a very welcome idea because these roads are going to open up the areas where the vast majority of our people live. A few weeks ago, when I moved a Motion in this House concerning cotton growing in the country, I said that one of the ways by which we could boost the production of cotton was through opening up more roads in the rural areas. If the Government is going to give more consideration to these rural roads the people of this country will be very grateful. I know that in the past the Government had a tendency to believe that by opening up trunk roads and major roads, tarmacking them and improving them to super highways they were developing this country. This was a very erroneous idea, Mr. Speaker, Sir. So, the more attention the Government is going to pay to roads in rural areas, the more food we shall get from the farmers in the rural areas. The importance of roads in the rural areas cannot be overemphasized because, as we all know, Kenya is an agricultural country. Sir, besides facilitating marketing of goods, the roads in rural areas will help in the expansion of the schools which have been mushrooming in recent years. The Provincial Administration will also benefit from the facility of roads in the rural areas because our people will get closer administration than ever before.

Mr. Speaker, Sir, I welcome the taxes that were proposed in the Minister's Budget Speech, but I would like to see beer and cigarettes taxed much higher than the present tax. However, I am not happy about the tax imposed on petrol because I represent a rural constituency and I have to travel to get to Nairobi.

Now, Sir, I would like to ask the Government to supply electricity to Busia District. We may lag behind for quite some time simply because we do not have electric power in Busia District. I am told, Sir, that before the army take-over of the civil government in Uganda the Kenya Government was undertaking discussions with the former government with a view to supplying more electricity in Busia District. I am told that these negotiations have been suspended; but since

our Government has friendly relations with the Government of Uganda, I urge that the negotiations be resumed soon so that we, in Busia District, can have electricity supply from Uganda. If this is not done, then we should harness electricity from the rivers we have in Busia District or else have the power used at Webuye increased and extended to cover our district. We would like to have industries in Busia District but these cannot be established without sufficient supply of electricity. Since we are a border district, the Government will do our people a great service if it established many industries there so as to absorb our young men who are now unemployed.

We have been requesting that the existing Mumias Sugar Industry should be extended to Busia District, but recently I learned that although there will be a second sugar factory in Western Province, it will not come to our district. We have other viable raw materials that can enable us to have industries. There is a lot of cassava in our district and if these can be processed, we are capable of manufacturing starch. We also have cotton grown in Busia District and I hope that the next cotton industry will be established in Busia District. I urge the Government to take these things seriously because it is becoming clear every day that our people will not be able to travel all the way from Busia to Thika, Nairobi or any other large town to look for jobs because the costs of transportation are continuing to rise.

We would like to have the roads in Busia tarmacked, especially the two main roads in the district. If the Government can pay great attention to the things I have mentioned, I am sure we shall have no more quarrel.

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

The Minister for Co-operatives and Social Services (Mr. Muliro): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to say a few words on the Budget Speech which was delivered here a few days ago by my colleague, hon. Kibaki, the Minister for Finance and Economic Planning.

For the first time in about 18 years that I have listened to Budget Speeches in this House—Mr. Speaker, Sir, I would say that the 1974/75 Budget Speech has been one of the most balanced Financial Statements we have listened to in this House. It has ably attempted to tax those who have more than those who have nothing. Therefore, Sir, those who have will have to pay more money towards the services of this country and these services will be enjoyed by everybody in this country. This, Mr. Speaker, Sir, is something that the country should be proud of. Some hon. Members, including the previous speaker, argue that the Minister for Finance and Economic Planning is bringing things here in piecemeal. However, hon. Members fail to understand that Kenya cannot live in isolation from the general trend of inflation now existing throughout the world. Mr. Speaker, Sir, Kenya has to be affected because we are part of the world economy. In fact, all our agricultural inputs are imported into this country and because of the rising costs of imported goods, production costs in Kenya have to rise as well.

[The Minister for Co-operatives and Social Services]

Mr. Speaker, Sir, I want to say one or two things regarding self-sufficiency in agriculture. In this country we have the potential of being self-sufficient as far as sugar production is concerned. Sir, we have the land, the people and all that we require are the resources for increasing sugar in Kenya. To depend on the importation of sugar while we can be self-sufficient is not good. The headache here is that we have advisers in this country whose mother countries benefit when Kenya imports sugar from their countries. This, Mr. Speaker, Sir, is one of our problems. I do not see why we cannot be self-sufficient as far as wheat is concerned. It is senseless that we still import these essential commodities although we have plenty of land in this country. It is senseless for us to import food from other countries when we have a lot of land. This economic dependence creates political instability. Some years back before some parts of Africa were independent, we were being referred to as dependent British colonies politically. Today Africa is again virtually dependent on the western powers economically. This cannot be ratified unless our people are determined to clear it. Let us produce locally whatever we can and have raw materials we have for export used to earn us money from overseas for establishing our own processing industries locally.

The other point, Mr. Speaker, is that with this good Budget we are now rightly going out for General Elections. Let us contest the elections peacefully and honestly and leave out any tribalistic ideas. We should not vote for a person because he belongs to our tribe but we should vote for effective and capable politicians: those who will come here and contribute to the stability of this country. There are some people in this country who usually say that they want So-and-so and that they do not want tribalism when, actually, they mean the opposite in their hearts. Any political leader in this country must be sincere in whatever he does. No tribe in this country can claim to be able to live in Kenya alone without the rest of Kenyans. We are all in this country bound in one "basket" where a Kikuyu, Luo, Mkamba, Kalenjin, Giriama and Turkana will die. Looking at the elections, therefore, I would like to say that we should get capable people to come here and deliver the goods to *wananchi*. We should not vote for a person just because he is our nephew.

Mr. Speaker, Sir, Nigeria was landed into a mess because of rigging. Those who were in power wanted to remain there perpetually as a political party, and that caused a civil war which lasted many years. It will take Nigeria many years before it goes back to a civilian government. I would like to say that I would prefer a corrupt civilian government to a perfect military rule. The people who have never tasted the evils of a military rule will never understand what it is. I would like to invite them to come over to Western Province and look across the border and see what is happening there. A box of matches in Uganda today costs Sh. 5 when it costs only 20 cents or 25 cents here. It is absurd to hear some people say, "Oh the Government of Kenya is not good". I would like to tell them that they are only playing with fire for their own destruction!

I would like to say that I have enjoyed the presence of hon. Members of this House. We have stayed together for some years and I have listened to their speeches. I hope that at least 90 per cent of them will come back here. Those who will not come back will give way to other new Members because it is the right of the electorate to say that "X" will come to Parliament and "Y" will have to remain. Some candidates buy drinks for the electors to vote for them. I have made a declaration, and I am giving this advice to my hon. friends in this House freely—I do not require any payment for it. I have already told the people in my constituency that if they want me back here they should buy me drinks because they are giving me a death warrant. When somebody is going to be hanged he does not have to pay anybody for it. In fact, he gets all that he wants free of charge because he is going to the gallows. I look upon politics as a very hazardous job, particularly in Africa today. Therefore, if there is any hon. Member in this House who tries to buy his electors to return him here, Mr. Speaker, Sir, I consider a guy like that one an idiot because he is prepared to buy his own misery. I am giving this free, elderly advice to my colleagues, that they see that they do not corrupt the public. Let them come back here genuinely because they are worth coming back. If they are not worth coming back, then the electors will drink their beer but the votes will not go to them.

With these few remarks, I beg to support.

Mr. D. M. Amin: Thank you very much, Mr. Speaker. I would like to support the Budget partly and oppose it partly.

The way the Minister for Finance and Economic Planning has planned the development of the North-Eastern Province shows that he has actually forgotten us. The amount of money he has been allocated for education is very little. In fact, since the colonial days our area has been forgotten with regard to education, agriculture, water and other items. Of course, the Government is doing something to develop other parts of this country, but very little is being done to develop our area. We do not have a secondary school, a well equipped hospital, neither do we have rivers to enable us to irrigate our land and grow some crops. I would like to urge the Government to take action with regard to education to help the people of the North-Eastern Province, particularly those of Wajir East Constituency.

The other problem is with regard to roads. There is not even one major road, leave alone a tarmac road. The Government must consider constructing at least one good road in our area. I would like the Government and hon. Members of this House to give me a hand in seeing that there is some development in the area.

North-Eastern Province does not have good schools, no university and no technical school. Mr. Speaker, Sir, hon. Members should give support to this particular area. The amount of money which has been allocated for development in this area is very little, especially on the side of education.

An hon. Member: How much is it?

Mr. D. M. Amin: I hope the hon. Member has a copy of this book—he should not ask me how much money has been given to my area; he can see that for himself!

Mr. Speaker, Sir, we need a lot of development in my area. For instance, on the side of health, Wajir District Hospital does not even have a ward for tuberculosis patients. It does not also have enough doctors and there is not even one qualified doctor. The Government must look after the health of people in this particular area. Therefore, I would like to appeal to the hon. Members as well as the Government to look after the health of these people. The people in this area lead a nomadic life and, therefore, a mobile clinic is really essential. Moreover, our people are attacked by lions and hyenas from time to time and, therefore, they must be taken care of by the Government. They are attacked by almost everything, particularly wildlife. The amount of money allocated for this area, despite all these problems, for development is very little. Shame! I would like to appeal to the Government very strongly to see that this area is looked after properly.

Mr. Speaker, Sir, I would like the Kenya Meat Commission to open another beef industry in Wajir East. We must have another factory for meat processing in Wajir East because we have plenty of cattle in this area. Therefore, I would like the Government to have a look at this and see whether it is possible to have a factory there.

Mr. Speaker, Sir, on the side of sugar, I would like to say that the price has gone up a bit too high. Therefore, I would like to support the hon. Members who spoke in support of a reduction of the price of sugar because it is too high. For instance, in Wajir East a bag of sugar costs Sh. 268/50 whereas the same bag costs, maybe, Sh. 190 or Sh. 200 here in Nairobi. So, there is a big difference in the prices charged here and in Wajir East. I think this is due to transport costs, but all the same, the price has gone up too high. As a result of this, our people, in fact, are even unable to buy even a cup of tea in the hotels. Therefore, the price of sugar must be reduced.

Mr. Speaker, Sir, I would like to say something about the civil servants. Since the price of everything has gone up in the country, I think it is only fair and fitting that the salaries of civil servants be also increased. The reason for this is simply because those who are getting, say, Sh. 265 cannot even manage to pay school fees for their children. For instance, somebody who is getting, say, Sh. 800 and has a family of eight children cannot afford sending them to school, let alone buying them clothes and other things. Therefore, the salaries and wages for the civil servants should be increased so as to match with the cost of living.

Mr. Speaker, Sir, local authorities staff have not benefited much from the Ndegwa Commission Report. Therefore, their salaries should be increased this time since the price of practically all items has been increased. Therefore, I do not see the reason why the people who are in high positions should benefit more than the others. That is the reason why, Sir, I am saying that the salary of everybody in this country should

be increased a bit, with exception of those of Members of Parliament who, I think, are getting enough pay.

Mr. Speaker, Sir, I think the Development Plan is for everybody in this country. Therefore, I do not see the reason why the staff of the local authorities should not be given enough money so as to afford their daily bread and also be able to send their children to school and do everything else they feel like doing. Since we, in this House, are enjoying ourselves, I do not see the reason why we should not allow other people also to enjoy themselves. For instance, the people working for the oil companies are getting very low salaries. It may be they are getting only Sh. 200 while the people they are working for are making something like Sh. 4,000 or Sh. 5,000 profit. They are getting this profit from us. Therefore, there is no reason why some people should be neglected and others helped.

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

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I will first of all thank you for giving me this opportunity to congratulate my colleague the Minister for Finance and Economic Planning. He has given this country what we did not expect, and that is a very good and unexpected Budget Speech. I am sure that everybody was worried as to what would be contained in this year's Budget because of the current inflation crisis which is affecting not only Kenya but the whole world. We thank God that the Minister for Finance and Economic Planning was able to give us this service. He used the brains in his head; the ability he has in his whole body, and produced what this country could term as a very acceptable Budget. I am saying this as a Minister for Labour and my workers throughout the country have been hard hit by the inflation crisis which is affecting the world as a whole.

Mr. Speaker, Sir, having said that, let me change course a little bit and say something about the Development Plan. I would like, first of all, to start with the Ministry of Agriculture. I do not know whether my colleague, the Minister for Agriculture, is present so that he can listen to what I have to say. Sir, Kitui District is one of the few districts which are at the present moment faced with the problem of shortage of water. There is no water at Kitui. I am sure that even the Speaker will agree with me that we have only enough water to last us a month in Kitui Township. I think we are going to be faced with a very, very serious water shortage in Kitui Township. Actually, I do not think I should really call it "shortage" because there will be practically no water at all in Kitui Township in the month of August. I am sure that if we are going to survive in July, in August there will not be even a drop of water left in the whole of Kitui Township. This is because one of the two dams which were used to supply or to store water for the Kitui Township, was broken down by floods and the other one was completely silted. Now, if there is any water at all left in this silted dam it is only about one-and-a-half foot in depth. Therefore, I think the

[The Minister for Labour]

Minister for Agriculture should take a word of warning from me and note that from the month of August onwards there will be no water left at all in Kitui Township. I do not know whether the Administration at Kitui is aware of this because they are now busy drinking. They are completely doing nothing. They are busy in bars campaigning for their candidates because they seem to be choosing the candidates for the coming Local Government and also Parliamentary elections. I think the Minister for Agriculture should now take this opportunity, since I have given him the true picture of the matter, to act now. He should listen to what I am saying as a true representative of the area, that we are not going to have water from the beginning of the month of August.

Mr. Speaker, Sir, having said that when I looked at the Development Plan on page 15, which is dealing with the question of water, I was surprised to see how much money has been allocated to water development in our country. Also, when I turn to page 33 on Water Development, I see that Kitui District has been given, during this year, 1973/74, £15,000 plus another £1,000 which has been added on; next year, £15,000; so on and so on. During 1978, Kitui District will be given £141,000. This is too little. It is not enough for water development in Kitui. This is not enough because the situation of water in Kitui District is very serious. Therefore, we need a lot of money to develop water projects in Kitui. We need a very big dam near the town so as not to be having this occasional lack of water all the time. The money provided is really very little. Mr. Speaker, Sir, I do not want to be parochial; but if you look, for example, at the section dealing with Embu District you will find that in 1975/76 the district will get £139,000 compared to Kitui District which has £90,000 for the same period. There is rain in Embu all the time of the year; it is not as dry as Kitui. Therefore, I think something should be done to improve the water situation in Kitui.

Turning to the Ministry of Works, I am very pleased to say that it is within my life as a Member of Parliament for Kitui that the Government has agreed to tarmac the road from Thika to Kitui. I am coming to the end of my life as a Member of Parliament, unless I am elected again, and, naturally, I am very pleased by this move. Probably it is written in a language that is not quite clear since it is shown as "Kangonde/Garissa Road". I have checked with the people concerned and found that it is actually the Thika/Garissa road that is going to be tarmacked. Also in the same plan it is indicated that the Government is going to tarmac the road connecting Machakos with Kitui and Shongila, which passes right at my home. I am very pleased about this. Therefore, even if the Kitui people choose to knock me out of Parliament, I have a good record.

An hon. Member: Why do you say that?

The Minister for Labour (Mr. Mwendwa): I say that because I am man of no ambition. I have only 12 stomachs to feed. Even if I do not come back here, my wealth can support the 12 stomachs. I do not want to support a million stomachs because I have only—

12 stomachs. Therefore, it is up to the people in Kitui; if they want to elect me back to this House it is well and good. If they do not, I will say, "Thank you very much for electing me for the third time as your Member of Parliament." I am facing these elections with a liberal mind. If I do not come back here, I will just be an ordinary man and I will do something else.

An hon. Member: Will you come back?

The Minister for Labour (Mr. Mwendwa): I will make up my mind, I do not know yet.

Mr. Speaker, Sir, now let me say something about what my colleague, the Minister for Co-operatives and Social Services, said. We have to realize that Kenya is the property of everybody; from the furthest northern part of Kenya to the southern part of Kenya.

An hon. Member: I do not agree with you.

The Minister for Labour (Mr. Mwendwa): If you do not agree with me, then you can agree with anything you like. He must also understand that Kenya is not going to end when we leave this House; Kenya will remain for many generations. Therefore, in the forthcoming general election, for goodness sake, let the administration allow a bit of democracy to be shown and practised to every candidate who will choose to stand no matter where he comes from. I come from an area where weak candidates choose to say, "This man belongs to Mr. So-and-so"; or "this section of people are not loyal to Mzee Kenyatta" or "these are the ones who wanted to take over . . ."

Mr. Speaker, Sir, I do not need to repeat that we have seen countries falling apart because the leaders have taken and used them as their property. What happens is that the ordinary people get tired of such leaders and hence trouble starts. We do not want trouble in Kenya any more. For example, not going very far, in the country next to us, a box of matches costs nearly Sh. 1.50. We do not want anything of this nature here. We want to become a democratic country and to live in this country as long as our lives can carry us.

Mr. Speaker, Sir, thank you very much.

Mr. Mwavumo: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this debate. I rise to support the Minister for Finance and Economic Planning for the speech he gave us on the Budget Day. However, before, I go to my points, I want to comment on what the Minister for Labour has said, that they will have no water during the month of October this year. This is upon the Members of Ukambani. Instead of going to organize schools of technology, why can they not organize water projects? Instead of organizing the establishment of a college of technology, following what Kiambu and other places are doing, they should have a water project. It is up to the hon. Members from Ukambani to organize a water project. If they do so, I will donate Sh. 2,000 to the project. This is because I know there is a shortage of water in Ukambani and this makes it difficult for Kamba people to embark on development projects. I know that Kamba are very hard working people and that the only problem they have is on lack of water. However, if the Members from Ukambani could

[Mr. Mwavumo]

organize themselves, they would overcome it within no time. Everybody sympathizes with the situation.

The Minister for Labour (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir. I am not the Budget— The hon. Member should talk about the Budget. How can we organize ourselves to build a dam like the Aswan Dam on self-help basis? This is the kind of dam we would like to have. Let him tell us how Kitui people can organize themselves to construct a dam like that one.

Mr. Mwavumo: Then why are you organizing yourselves for the Ukambani Agricultural Institute? Why can you not think of a water scheme?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order Mr. Speaker, Sir. Did you hear the hon. Minister say "*huyu amelewa*"? Is that in order.

Mr. Speaker: I did not hear that. Did you say that Mr. Mwendwa?

The Minister for Labour (Mr. Mwendwa): What does the hon. Member think he is? Is he the Chief Whip? He is just a Member like any other person. If the gentleman heard it, let him say it.

Mr. Speaker: Every Member has the right to raise a point of order if he thinks something has gone wrong. What I am asking is: did you say that?

The Minister for Labour (Mr. Mwendwa): Yes, I said it and I apologize.

Mr. Mwavumo: Now that the Minister agrees that he said it, could he withdraw and apologize?

Mr. Speaker: He has apologized.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): In view of that apology, could he not also withdraw the remark he made, that "What does the hon. Member think he is? Is he the Chief Whip?" This was very wrong.

Mr. Speaker: That is not necessary.

Mr. Mwavumo: I would like to say something about the importation of items which are also being manufactured locally. We have a company at Mombasa known as Brolo Kenya Limited which produces pipes and other items. There are Asians who are importing these items into the country so as to defeat the Government policy. Also, the Tanzania Government is importing these pipes and selling them at a very low prices in Kenya. Therefore, I would advise the Minister to stop the importation of these pipes from Tanzania. We have also blankets being imported from Tanzania and yet we have enough blankets in this country.

An hon. Member: Why are you advising the Minister?

Mr. Mwavumo: Of course, you have to plan and advise your colleague. There are a lot of items which are produced here and which could be sold but because we have a lot of illegal importations in this country, our products have no market. Mr. Speaker, Sir, if the Minister could care to stop this importation from Tanzania, I think we would save a lot of foreign exchange that is going out of this country.

The other point I want to make here is with regard to the ferries at Likoni and Mtongwe. We have very frequent breakdowns of these two ferries. Now and then, we have to make long queues for these ferries and this is affecting trade at the south coast very much. Last Tuesday, for example, there was a very long queue for these ferries and, as a result, hon. Mwamzandi was late to come to the Parliament because he was held up there for two hours. I am now requesting the Minister for Power and Communications to arrange that the hon. Members of this House, from that area, are given preferences to cross at these ferries as soon as they get there, especially when they are coming to Parliament. If hon. Mwamzandi was given the chance to cross at this ferry, he could attend Parliament on time. However he was late because of the long queue which he found there.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of information, Mr. Speaker, Sir. I would like to inform my friend that the Government has agreed with the company that operates these ferries at Mtongwe and Likoni that they would buy a bigger, faster and more modern ferries, which should be coming shortly.

Mr. Mwavumo: Thank you very much, Mr. Minister, for the information.

The other point I want to mention here is with regard to our African colleagues who are taking up businesses from the non-citizens. Most of these people are dodging the income tax. There are very many Africans who are doing very good business but not paying income tax.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir. As we all know, dodging income tax is a criminal offence and is a serious matter. Is the hon. Member in order to say that some Africans are dodging the income tax? Can he substantiate his allegation?

Mr. Mwavumo: Mr. Speaker, Sir, I am only informing the Minister so that he can be on the look-out because I know most of the Africans in business today are not paying their income tax.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir. If the hon. Member says "most Africans", then I think he should have no problem in giving us one or two names of the Africans he has in mind; those who do not pay income tax. Can he give us names of two or three of them?

Mr. Speaker: I think you are making too much generalization, Mr. Mwavumo, and unless you are prepared to substantiate your allegation, you should not make that kind of remark. You cannot get away with it by just saying "most Africans". If they are so many, then you will be challenged to give examples.

Mr. Mwavumo: Mr. Speaker, Sir, I wish to withdraw that remark and go on.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir. Since the hon. Member has agreed to withdraw his remark, would you advise him to also apologize to anybody who may have been offended by his remark or else substantiate his allegation?

Mr. Speaker: No, I thought he was only withdrawing that allegation. That is how I understood it.

Mr. Mwavumo: Mr. Speaker, Sir, the other point I would like to raise here is with regard to *kanga*. Recently we had a shortage of *kanga* at the Coast but now we have plenty of them from Japan and China. However, this type of *kanga* is very expensive. I would like to request the Minister to have their prices reduced because at the moment the price is between Sh. 45 to Sh. 50. Our people are paying a lot of money for this item. I would also like to request the Minister to put up an industry here in Kenya so that we can be manufacturing our *kanga* locally.

The other point is with regard to the Ministry of Tourism and Wildlife. Some time back the Minister promised this House that he would bring a Bill here to empower him to pay compensation to farmers when their crops are destroyed by wild animals. Up to now, Mr. Speaker, the Minister has not brought up the Bill. I would, therefore, like to request the Minister concerned to bring up this Bill quickly so that our farmers are paid their compensation on time.

With these few remarks, Mr. Speaker, Sir, I beg to support.

The Assistant Minister for Agriculture (Mr. Wanjigi): Thank you very much, Mr. Speaker, for giving me chance to also compliment my colleague, the Minister for Finance and Economic Planning. There are those of us who get very difficult to satisfy, but I would like to say here that the majority of the people in this House and outside are very, very much satisfied with the Budget that the hon. Mwai Kibaki was able to give to this House, particularly at a time when we are all getting very, very excited as to where we are going in terms of the management of our economy.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I think the Budget that he gave us is the best that anybody could have given. All we can say here is that it is very, very unfortunate that we should be going through such an ordeal, talking about African solidarity, African brotherhood, when, in fact, our friends, the Arabs, do not appreciate the cost we are having to incur for oil. I think this is very, very important and we must not mince our words about the cost to this country and the cost to the rest of Africa for oil that we have to pay to the Arab countries. I think our people must be told in no uncertain terms that African solidarity has been sacrificed by the selfishness that has so far been displayed by the Arab countries as regards oil prices.

Mr. Temporary Deputy Speaker, Sir, we had come a long way, since the time of slavery, to convincing our people that Arabs were working for masters somewhere else. We were coming to a stage when, in fact, we could have seen the Arabs as part and parcel of an African brotherhood. However, it is now on their side to realize that if we are having to pay fifty times more per barrel of oil, in order to retain African brother-

hood, this is not good enough. Only the other day we were told of the great split that was displayed when the heads of governments were trying to appoint Secretary-General of the Organization of African Unity. There was a straight split between the Arabs and the Arab oriented countries and the rest of Africa. Are we ever going to have a proper African solidarity conscientiously dedicated to the development of Africa or are we just talking empty slogans just for the sake of it? I would myself like to suggest that our question of foreign policy should be looked into. Our people should be told just where we stand with the Arabs and where we stand with the high cost of oil so that in future, if we have to decide to sacrifice this country to support an Arab country, we make them also realize that the cost of our action to Kenya and its development is very great. I think this has not gone home enough, it has not sunk far enough to our own people to realize that it is not Mwai Kibaki's fault and not anybody else's fault that we are having to pay Sh. 10 or Sh. 11 for a gallon of oil.

Mr. Temporary Deputy Speaker, Sir, I very much accord with the suggestion from our sister organization, the East African Assembly, that we should now follow the United Nations directive of capitalizing and exploiting for our benefit the national resources of this country. There will be talk about the human conscience of damming the Lake Victoria—what is the human conscience? Why should they not pay for the water?

Hon. Members: That is a natural resource!

The Assistant Minister for Agriculture (Mr. Wanjigi): Yes, it is a natural resource for this country and, in fact, water is more important than oil, and, therefore, they should pay for it. I think, Mr. Temporary Deputy Speaker, somewhere along the line, we have to accept the fact that it is a tit for tat or proper brotherhood.

Mr. Temporary Deputy Speaker, Sir, I think we have been too soft; we have always played the humanitarian aspect, that when you get slapped on one cheek, you also turn the other cheek and get slapped there as well. Now, Sir, we have people in this country who talk about Arab/African solidarity. Now, I would like to talk about Arab/African solidarity, but I would like also to feel that I am having the proper reception from the other side. So far, there is no such reception and, in fact, it is quite the opposite.

Now, instead of spending money to develop this country, in better housing, better water and many other things, we are having to pay just as much as an American is having to pay for oil, just as much as a Frenchman is having to pay for oil, and here we are talking about Arab/African solidarity. Mr. Temporary Deputy Speaker, Sir, this to me is hollow, it is meaningless, and it is about time we reassessed our foreign policy.

Now, coming nearer home, Mr. Temporary Deputy Speaker, Sir, again, I would like to applaud hon. Kibaki's exposition of where we are going as far as the economy is concerned. I would only like to say that there are two major missing links in that sector. I would like to say, Sir, that one of the major links that is missing in our own system of Government is exactly what hon. Mwendwa talked about a few minutes

[The Assistant Minister for Agriculture]

ago. We have a major resource of water but so far we have not made the best use of it. I am myself in the Ministry of Agriculture, where water is one of our responsibilities, but the time has come when we need a separate Ministry for water and irrigation development. We must have a Ministry with a capable administrative structure, with a capable head, who is going to make sure the water in Tana River, Athi River, Lake Victoria and in any other lake we have in this country is utilized for the benefit of our people.

Now, Sir, this is not possible when water is only one of the few departments in a big Ministry like that of Agriculture. I talk with some knowledge as a technically qualified officer, and also as an Assistant Minister in that Ministry. Mr. Temporary Deputy Speaker, Sir, we have also discussed this question in a substantive Motion moved by hon. Kitonga here, and we would appeal to the next Government to give us a Ministry of Water and Irrigation. Let us have a Ministry, and let it get the money it needs, the money we have had, for example, in the development of roads. Perhaps, all the road money can be directed towards water so that our people can be given water and water in plenty. We have plenty of water here, and before it goes to feed Egyptians and other Arabs, let us have it here, in the Kano Plains, in Naivasha and in any other place so that we can make the best out of it.

My other point, Sir, on the missing links is that of manpower development. Now, we are spending £47 million for education. I support this wholeheartedly. However, it is a great paradox. Mr. Temporary Deputy Speaker, if we are going to spend £47 million, only to educate a chap from primary school to high school, and even to university and then we have no interest in him after he qualifies. Today, Sir, the graduate from Form IV, the graduate from the university roams around, seeking for work in an Asian institution, in an Asian factory, in an unsympathizing expatriate organization, and we sit around watching these people moving to and fro in River Road and other streets of Nairobi.

Mr. Temporary Deputy Speaker, Sir, again we need a Ministry dedicated to making sure that every human resource, whether skilled or unskilled, whether educated or uneducated, is being used to benefit this country. At present, we have very many people who are trained and well educated and yet we cannot use them because somebody just decides to be a dog in a manger; he is not going to employ any more people than he needs, he does not need to develop very much, he is a wealthy man, and therefore, what does he care? Therefore, can we have a Ministry—call it what you will, manpower development—which will be able to make sure that we harness our human resources to direct these resources to the best development of our own country.

With these few remarks, Mr. Temporary Deputy Speaker, I beg to support.

Mr. Kassa-Choon: Thank you very much, Mr. Temporary Deputy Speaker. Sir, I stand to join my colleagues who have spoken in support of this Motion.

Now, without wasting any time, I would like to say

I fully congratulate the Minister for Finance and Economic Planning in the way he has prepared this year's Budget. Sir, it is true that this year's Budget is going to affect only those who can afford certain luxuries, and since we all advocate development, we must support the Minister because without the necessary money, we cannot develop this country. Therefore, Sir, I would like to appeal to the Minister now to make sure that whatever money he gets from this exercise, he will use it in the areas which were forgotten during the colonial days.

Now, in my district of West Pokot, development was started recently, and that is when the Government decided to include that district in the special rural development programme. Mr. Temporary Deputy Speaker, Sir, I understand that the time for this programme will expire in 1976, and I want to take this opportunity to ask our Government to extend the time for the programme in that district for another five years, so that the whole of West Pokot can be developed under this special rural development programme. I say this, Sir, because the only area that is being developed under this programme is around Kapenguria. Now, this area is already developed, Sir, and we would like the programme to be extended to other parts of the district; for instance, it should be extended to Tigori Division and Kara-Pokot, which are very dry, as hon. Members have already said in this House. In Masol Location, for instance, where there are no rivers at all, people walk for over 20 miles in order to get water. I was there recently, Sir, and I now understand that the Government is going to start construction of water dams. However, Sir, I would like to say that these dams become useless during the dry season, and even when they collect water during the rainy season, the water is not fit for human consumption. Therefore, I would suggest that instead of wasting this money for constructing water dams, the best thing is to drill for boreholes, and this way, we can be able to get water fit for human consumption, as well as for their livestock.

Mr. Temporary Deputy Speaker, Sir, I now want to come to another point, and this is about roads in my district. There are certain roads there which are classified, for instance, the road from Amaleri to Chesekon, and the one from Nyang'aita to Lomut. These roads are classified as D4 and I consider them to be important because they are security roads. However, I do not understand why the Ministry of Works cannot start improvement work on these particular roads. Mr. Temporary Deputy Speaker, Sir, let me say something about Munyu location. There is a road from the divisional headquarters at Sigor which goes right up to the Samakal Health Centre. This road should be maintained. I am, therefore, appealing to the Ministry of Works to do something about it.

Mr. Temporary Deputy Speaker, Sir, I would now like to say something on the Ministry of Education. West Pokot is one of the areas which were given free education. Recently, there was a directive from the Ministry that the students in boarding school should pay Sh. 180 per year. My appeal is that these students were exempted from paying school fees because they

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could not afford and, therefore, they cannot, even now, afford to pay the school fees. The Ministry should therefore see to it that divisions like Kara Pokot and Sigor are not affected so that the children in that area can go to school. I was told this morning that some students were sent away from the school. If the Ministry will continue sending children out of school because of lack of school fees then it means that no Pokot child will go to these boarding schools since they are very poor and they cannot afford the fees.

Mr. Temporary Deputy Speaker, Sir, I would now like to say something about the establishment of the health centres. West Pokot is a very vast area and I would like to urge our Government to improve some of the health centres. The health centre at Sigor is in an appalling situation and the Government should do something about it. At present there are no doctors to treat patients at a health centre at Kaputirr and I am heretofore appealing to the Government to send a doctor to Kaputirr health centre.

Mr. Temporary Deputy Speaker, Sir, I have asked many questions in this House concerning irrigation schemes in Waiwai Location. The water goes to Lake Rudolf flowing through this location. I would like the Government to use the present methods to get this water to irrigate the *shambas* along the river Waiwai.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the security at Masor location, Chepture and so on. Recently, we had a meeting at Lotongor, that is the border of Turkana and Pokot and we agreed that we must live in peace so that we can develop the area. It was suggested by both Pokot and Turkana that the Government should put a school at Lotongor for both the Pokot and the Turkana so that the students can learn together and the differences will end. I therefore appeal to the Government to put up a school there so that these people can feel that they are one and the animosity they have will be no more.

Mr. Temporary Deputy Speaker, Sir, I must thank the leaders from Turkana who attended this meeting because in this meeting we agreed that the Ngorokos should be stopped from fighting the Pokot people. I would like to finish my speech by thanking the Minister for Works who visited Kapenguria recently and said that the special rural development programme should be extended to my area so that it can be developed. I would like to tell him that we need development, not only in Kapenguria, but in many other places in that area.

With these few remarks, I beg to support.

Mr. Mwithaga: Mr. Temporary Deputy Speaker, Sir, I would like to start by saying that the two hon. Members who spoke before me, hon. Shikuku and hon. Wanjigi, on the issue of the Arab relationship to our countries in African spoke on an issue that must not be taken lightly because everybody is suffering because of the Arabs who tortured the black people. Just now they are seated in their palaces saying that whether we are their brothers in that solidarity of Organization of African Unity, you will have to pay for our oil. These

people must be told, under no uncertain terms, that we now know them better. They have an Arab organization—the Arab League and at the same time they are members of the Organization of African Unity.

An hon. Member: Nonsense!

Mr. Tsuma: On a point of order, Mr. Temporary Deputy Speaker, Sir, is it in order for an hon. Member to say that what the other hon. Member is saying is nonsense?

An hon. Member: Forget about him.

Mr. Mwithaga: Mr. Temporary Deputy Speaker, Sir, I am saying that the Organization of African Unity is meant for the entire Independent Africa and we cannot continue pretending that we have an Organization of African Unity with black African nation and brown Arab nation and saying that we are united. This is a mockery of unity. If the Arabs have any sympathy for black nations, having known that we have gone should have sympathized with the situation and continued taxing the big powers and giving the black Africans a concession.

An hon. Member: We are too poor.

Mr. Mwithaga: Mr. Temporary Deputy Speaker, Sir, an hon. Member says that we are too poor. In any case we know him very well but I would like to tell him that we know who the Arabs are and we know what Islam is. These are two separate issues. We cannot continue pretending that when we talk of an Arab we talk of a Moslem. This is not the same. We welcome Islam in Africa but we hate Arabs. Their struggle for capturing Africa is understood. We have had the western imperialism and we are now going to be faced with Arab imperialism penetrating Central Africa to the South in order to capture Africa and have a big army to fight Israel. We cannot sacrifice our diplomatic connexion with some countries like Israel because of Arab Sheikhs. We have benefited a lot from Israel. They have trained our people but the Arabs think of destroying this nation and others. Therefore, Sir, because of their penetration in East Africa, where is Kung'u Karumba now? Could anybody tell me where he is? Look at the headlines on this *Evening News*, it says "Kung'u Karumba disappears in Uganda". Sir, I hear an hon. Member over here saying that—

Mr. Mwamzandi: On a point of order, Sir—

Mr. Mwithaga: Sir, I hear an hon. Member over here saying that—

The Acting Deputy Speaker (Mr. Mutunga): Order, Mr. Mwithaga. You will have to learn to give way for points of order.

Mr. Mwamzandi: Sir, my point of order is: the hon. Member who is speaking seems to be blaming the Arabs all the time when he knows clearly that last month, the Arabs sent Sh. 110,000 to the President of this country. Is he really in order to criticize the Arabs by saying that they do not help us in any way when they have sent a lot of money to our President?

Mr. Mwithaga: Sir, I accept the opinion of the hon. Member. However, I was talking about today's *Evening News* report which says that Kung'u Karumba has disappeared in Uganda. This is as a result of Arab

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infiltration and I dare say that the people of Uganda are safe to stay here in Kenya. Some of them are now eating and drinking safely in our hotels, they are free to live with us! However, this evening we hear that a freedom fighter—Kung'u Karumba has disappeared in Uganda. They must tell us where Kung'u Karumba is! All I am trying to say is: we shall have to re-consider our position because Kenya cannot continue with this "unholy marriage" of the Organization of African Unity. We cannot continue with our alliance with people who are interested in sneaking into our affairs like snakes in the grass.

Having said that,— If these people have ears, they have heard what we have said today in Kenya. I am speaking with the mandate of my people. These Arabs are only using the guns and therefore, they do not have any mandate. Therefore, Sir, I would like to say that if water is a natural resource, so is oil. Therefore, the United Nations should have a commission to take such issues like the issue of oil crisis, so that this oil does not remain the property of just a few people, but becomes the property of the people in the whole world. I hear an hon. Member saying that the United Nations delegate would be shot dead by the Arabs if they attempted to do this. However, Sir, leaving that aside,—

Mr. Kitonga: On a point of order, Sir—

Hon. Members: Sit down!

Mr. Kitonga: Mr. Deputy Speaker, could the House listen to me? Sir, would I be in order to ask the Chair to give us some guidance on this matter. Since we know that blood is thicker than water, are we really in order to attack the Arabs in this House while we know very well that we have an Assistant Minister in our Government who happens to be an Arab? This is my question! I am very serious about it and, therefore, I would like to know whether or not we are really in order to do this kind of thing!

The Temporary Deputy Speaker (Mr. Mutunga): Order! If we have an Arab Assistant Minister in our Government, he must be a Kenyan and that is all that is required of him.

Mr. Mwithaga: Sir, today, we all know very well that we have a very serious problem of unemployment which particularly affects our youths. Sir, I will continue to fight for the establishment of the youth brigade. All hon. Members in this House have the problem of youths in their own constituencies and therefore, we must find out a formula which will enable us to tackle the problem of the school-leavers in this country. At the moment, I know of certain school leavers in my constituency who hold university degrees and one of these young men has been looking for a job in the Government for the last three months and yet he has a Master's degree from a recognized university. Now, Sir, if we continue to waste the brains of these people, it is going to be just too bad for us. When these people leave school, we must bear in mind that it is our responsibility to find employment for them so that they can live happily in the society.

The other point which I would like to make is this question of mass arrests in towns particularly in con-

nexion with the so-called illegal brewing and vagrancy. Sir, we must re-examine the Vagrancy Act because I know that when people have no jobs and these people are expected to pay rents for their houses, they are expected to pay school fees for their children and at the same time they have to pay taxes of various forms, while at the same time, they are trying to put up with the present high cost of living, and you continue arresting them, this is very bad. Therefore, I would like to appeal to the Attorney-General to look at the Vagrancy Act once more with a view to finding ways and means of publicizing another Bill to allow these people to brew beer as long as one gets a licence to do so. If this is done, all that these people will need is a licence from the Chairman of the Liquor Court to brew the beer without being arrested.

With these few observations, I beg to support.

Mr. Tsuma: On a point of order, Sir. Those of us who have any form of human sympathy cannot forget the issue which was raised a few moments ago regarding the disappearance of Mr. Kung'u Karumba. This has been mentioned by one of our hon. speakers in this House that something should be done about this matter. Am I in order really to ask whether the Government is intending to make a statement regarding the matter so as to clear the bad feeling existing in the minds of the hon. Members of this House?

The Temporary Deputy Speaker (Mr. Mutunga): If the Government feels it is necessary for them to make a statement regarding the matter, they will no doubt do so.

The Minister for Local Government (Mr. Osogo): Thank you, Sir, for giving me this opportunity to contribute to this debate. I would like to inform the hon. Member for Lurambi South that the Government has just heard about the matter in the same way that he has heard about it through the *Evening News*. We understand that a relative of Kung'u Karumba rang from Uganda and said that Mr. Karumba was not available. The Government does not therefore have any more information until it makes further inquiry.

Having said that, Sir, I would like to say this, I would like to speak quite differently from the hon. Members who have been saying that we should sell water to the Arab countries. I think we should utilize our water for growing enough food to sell to the Arab countries rather than selling the water to them. I am saying this because water from Lake Victoria does not go to the Arab countries. It only goes to Egypt and the Egyptians use this water to re-claim the desert. I have been to Egypt and I know that they are now growing food which we could otherwise sell to them had it not been for the water they are using from Lake Victoria. Therefore the right thing for us to do is to utilize our water to grow crops in the desert— An hon. Member from North-Eastern Province tells me it is all the same. It is not the same! If we grew food in the North-Eastern Province and exported that food to Egypt, we would be feeding the Egyptians rather than them utilizing our water for that purpose. What we should speak about, Sir—and I am very serious about this—is to utilize the water we have to produce more food. I am being asked how. We can do this by damming up the rivers that flow into the Lake Victoria. If the hon. Member does not know even

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a bit of geography, I will teach him. By damming up all the rivers that flow into Lake Victoria and utilizing that water for irrigation, we could produce a lot of food. Therefore, we should think of how we can pipe the water from Lake Victoria and on to the Aberdares and into the North-Eastern Province so that we can irrigate these dry areas to grow crops. This is a much more important thing for us to do. We should at this time—and I would like to ask the hon. Minister for Foreign Affairs—resume relations with Israel. I am saying this because they were investing a lot of money in Kenya. When I was the Minister for Commerce and Industry, a lot of projects were abandoned by Israel when we severed our relations with them. We must now resume relations with Israel so that they can start investing in Kenya once more. We have received no investments at all from these so-called Arabs. I am not afraid to say that we have not received any form of assistance from the Arabs. It is true that the Arabs make a lot of money from oil, but they are not interested in investing in this country. Time has come when we told our Arab friends that we are tired of their dirty tricks. Instead of praying to the Arabs trying to ask them to help us, we should try to utilize whatever little we have in this country so that we can be self-sufficient in several aspects.

Having said that, I will now talk about the Budget itself. A number of hon. Members have complained in this House that the prices of several items have gone up considerably. Time has come when we became more realistic in our approach to our electors when explaining to them why the price of several items have gone up. For instance, there is no reason why we should try to blame anybody in this House because the price of *posho* has gone up. Maize growers expect to get benefits for growing maize. Where is the money going to come from to pay the farmers? It must come from the maize consumers. Merely because the price of *unga* has gone up we should not say that the Government is responsible for that. The Government increases the price of *posho* after the farmers including some hon. Members who have complained that the price of *posho* is too high have asked that the price of *posho* should be increased. The same thing applies to sugar. As a number of hon. Members will bear me witness the other day, sugar-cane growers sent a delegation to the President to ask him to raise the price of sugar-cane in this country. When that was done, then the price of sugar had to go up accordingly. Of course, I object to the importation of sugar bearing in mind that we are capable of growing enough sugar-cane for local consumption. However, since we do not have enough factories in this country to process sugar-cane to sugar, we have to import some sugar. When the sugar-cane growers ask for more money for their sugar-cane, then it is commonsense that the consumer will be the sufferer. We should not deceive ourselves that sugar is used by the ordinary man only. Sugar is used in greater quantity in the brewing of beer.

I am glad to learn that two new sugar factories are going to be built in the near future. I hope that when these two factories are completed Kenya will be self-sufficient in sugar. I would like to inform the Minister for Agriculture and the Minister for Finance and

Economic Planning that one of the sugar factories should be built in Busia.

Having said that I will now talk about the sales tax. I have visited a number of shops and I have discovered many of our businessmen do not know how to assess sales tax. Of course, I am aware that some hon. Members know how to assess sales tax, but the fact remains that there are some manufacturers who charge sales tax on all the goods they sell to retailers. However, when the retailers sell the goods they bought from the manufacturer they charge sales tax. This is completely wrong and unfair. That is cheating the *mwananchi*. For instance, if someone is allowed to make children clothes in his shop, he is exempted from paying sales tax at the factory where he buys the cloth he uses. However, whoever buys the clothes I make in my shop, will not be required to pay sales tax. I hope the Minister for Finance and Economic Planning will look into that queer transaction taking place at the moment in the country. Unless something is done, then it means that some people will be paying sales tax twice.

Having said that I will now move on to the tourist industry in this country. I personally feel that there is something lacking in the way we plan for tourism in this country. The Tourist Development Corporation should be staffed with experts but not with civil servants who do not know anything about tourism. There are very many organizations which are willing to invest in tourist industry in this country. For instance, the Holidays Inn, which is a giant in the building of hotels in the world, wanted to build a hotel in Kenya. When they approached the Corporation I have just referred to they were told that the best place they can put up a hotel is in Nairobi. Personally, I feel that there are other better places apart from Nairobi where hotels can be built. There is no place in this country where a hotel cannot be built. Time has come when this corporation was re-organized. The Tourist Development Corporation should operate in the same manner the Industrial and Commercial Development Corporation is operating. The latter is responsible for looking for investors, directing, and advising the would-be investors. However, the Tourist Development Corporation is a useless organization. This is because the corporation is staffed with people who have no experience at all. If these people had the necessary experience very many hotels would have been opened in a number of areas in the rural areas. Nairobi at the moment has far too many hotels. Time has come when the Government did something about that problem.

Finally, I would like to ask the Minister for Foreign Affairs to look into the ways we can start buying oil from African countries, such as Nigeria. I am advised that some oil has been discovered off-shore in Gabon, and there is no reason why we should not approach such countries so that we can buy oil from them. There is no reason why we should not buy oil from African countries.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Budget Statement.

Mr. Mulwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say something about the Budget Speech.

[Mr. Mulwa]

With all fairness I would like to join those colleagues of mine who have praised this Budget. To say the least the Minister for Finance and Economic Planning has done what he can at a time when there is inflation not only in Kenya but throughout the world. As it has been ably put forward by some hon. Members, that it is not the Minister's wish to raise the price of various items in the country. The reason why the price of various items rose is due to the fact that there is inflation in the world at the moment.

Mr. Temporary Deputy Speaker, Sir, I would like to remind the Minister for Commerce and Industry that there are very many commodities which are missing in our markets. This is the case, not because we are not producing enough of those commodities, but despite the fact that the manufacturers of cooking oil, match boxes and what-have-you are producing as much of these items as before, there are some people who are hoarding them so that at a later date they can sell them at higher prices. For instance, I am made to understand that there is a kind of rice which is obtainable secretly, but it is very expensive. For instance, one bag of 20 kilogrammes of rice will cost more than Sh. 120 in the black market. However, people who trade in the black markets will not agree to sell their commodities to politicians because they fear that if they do that we shall come here and expose them here. If it is true that these commodities are being produced as in the past, the Minister should investigate the matter so that he can know the people who are hoarding them. The Minister should try and establish whether or not it is the African traders who are hoarding these goods at the expense of the others. It might be the same Africans who are hoarding these commodities who are going to be given the distribution of the same commodities from the manufacturers and then we shall be faced with the same shortages once more. We cannot get local things in shops at the moment. I think this is a very serious matter which can bring very grievous repercussions if they are not looked into. We should not let the public suffer just because few individuals want to mint money and become very rich overnight. Before we start hammering the Arabs I think we should also hammer those people who are hoarding the essential commodities in this country.

Mr. Temporary Deputy Speaker, Sir, much has been said about the Arabs and their oil.

An hon. Member: Leave that subject alone!

Mr. Mulwa: No, I cannot leave it before I say something about it. I think here we should differentiate between Islam and the Arabs. Some Members in this House who profess the Muslim faith are very sensitive whenever Arabs are attacked. In this case we are not talking about Islam as a faith but we are talking about Arabs who claim to be members of the Organization of African Unity, and about the solidarity for which we broke our relations with Israel. We broke relations with Israel so that we could give the Arabs solidarity during the "Yom Kippur War". In fact, it appears that if Dr. Kissinger, the United States Secretary of State, succeeds in bringing about peace in the Middle East then Arabs will not longer have solidarity with the

Africans. It is quite clear that the reason why we went so far as to break relations with Israel was not because Israel had done anything bad to Kenya but just to accord our brothers the Arabs this so-called solidarity. To say the least we could have expected the oil weapon to be used against the racist regimes in Rhodesia and South Africa. However, the way things are going is that this game is being played so coolly that immediately the most important matter is solved, the Middle East crisis, I am sure the oil weapon is not going to be extended to South Africa and Rhodesia. We can deduce this from the way the Arabs are dealing with the African countries. I am not going to the extent of saying that we should sell water to the Arabs because that is just going to the extreme. However, we should learn a lesson from what the Arabs have done to us. We should not cry over spilt milk because that has already happened. What we should do is to re-examine ourselves and see how we are going to foster the so-called unity between ourselves and the Arabs.

Mr. Temporary Deputy Speaker, Sir, the other point which I would like to touch on is about the East African Federation. Much has been said about this federation but I think we have not been very realistic. I say this because there are very many things which we should look into before we urge for an East African Federation. So far what we have been doing is to disintegrate anything which could have gone towards an East African Federation. The Income Tax Department which we had and which we thought was one of the linking bonds towards an East African Federation has been disintegrated. The same has happened to the currency in East Africa.

The Minister for Local Government (Mr. Osogo): You know the reason for that!

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, I do not know the reason for that. All I know is that for any federation to be of any meaningful use these things must be there. If today you could show me how we could revert to the old East African currency then perhaps I would advocate for an East African federation. The economic systems which we have in the three East African countries do not encourage us to set up a federation. In fact, we should be talking about loose confederation among the three countries. First of all we must get the East African Authority to meet to ensure that the East African Community works because at the moment it is not working. This is because there is no linking bond which can make it work. The East African Authority which makes the East African Community work is not there. Without these things I think it is a dream and it will continue to be a dream to talk of a federation in East Africa. Let us first show that there is a need for an East African Federation. Let us convince ourselves that we need such a federation. Unless we do that—

The Attorney-General (Mr. Njonjo): There is no need for a federation!

Mr. Mulwa: My learned friend the Attorney-General is saying that there is no need for a federation in East Africa. I do not disagree with him. What I am saying is that there will be a need for a federation at one time

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or another. I would like to see us as one country. The common man in Kenya does not understand why he should not travel freely to Tanzania as he used to do before. He does not see why he should not go to Uganda and get a job there without disappearing in that country. It is a reality which we should accept that we can no longer have the *status quo* which we used to have during the colonial time. That is because we as leaders are not convinced of the usefulness of the East African Federation.

An hon. Member: Do not talk about the East African Federation!

Mr. Mulwa: I will talk about it because it is something which should be there and the common man does not understand why it is not there at the moment. I think we are hiding the truth and running away from reality when we talk of an East African Federation before we pave the way which I have elaborated. It is most important that before we talk about such a federation we must consider these things. How are we going to co-ordinate the different economic systems which we have in our three countries? Uganda has no economic policy at all, Kenya has a capitalistic system of economics while Tanzania follows a socialist system. We must think of how we are going to co-ordinate these different patterns of economic policies before we talk of an East African Federation.

An hon. Member: I condemn *Ujamaa* villages in Tanzania!

Mr. Mulwa: Well, you might condemn *Ujamaa* villages in Tanzania but that is the best policy for Tanzania as it is the best thing for us here to embrace capitalism and as it is best for Uganda to have no economic policy at all. Therefore, Mr. Temporary Deputy Speaker—

An hon. Member: Do you mean to say Uganda has no economic policy?

Mr. Mulwa: No, in fact, if you go there you will just disappear!

Mr. Temporary Deputy Speaker, Sir, the other thing which we should welcome in this House as the supreme organ of law-making in this country is the event which took place in Portugal. I say that because since we came to this House we have been sending a representative to the United Nations from this House who has been manning our seat in the Decolonization Committee of the United Nations. One of the items which has been coming before that committee year after year was the Portuguese territories in Africa. The way things are going now we must welcome the overthrow of the Government of Dr. Salazar and Marcel Caetano because it looks as if the new regime in Portugal has some consideration of giving Portuguese territories in Africa independence. Mr. Temporary Deputy Speaker, Sir, Kenya being a country which attained her independence through bloodshed I think we are in a position to urge the Portuguese Government to grant independence to its African territories.

With those few remarks, I beg to support.

Mr. Komen: Thank you very much, Mr. Temporary

Deputy Speaker, Sir, for giving me this time to join my colleagues in supporting this year's Budget.

The Temporary Deputy Speaker (Mr. Mutunga): What is going on in the House? Order, Mr. Murgor! I did not call upon you to speak; it was Mr. Komen who caught my eye.

Mr. Komen: Mr. Temporary Deputy Speaker, Sir, it is a pity that I have been interrupted from the very beginning of my speech.

Mr. Mulwa: On a point of order, Mr. Temporary Deputy Speaker, Sir, with all due respect to Mr. Komen is it not wise for him to sit down and let his father-in-law, Mr. Murgor to speak instead?

The Temporary Deputy Speaker (Mr. Mutunga): In this House we do not have fathers and sons-in-law; instead we have hon. Members.

Mr. Komen: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to congratulate my colleagues who have supported this very excellent Budget which was Tabled by the Minister for Finance and Economic Planning in this House last week. For the last four years I could say that this is the best Budget that we have ever had in this country.

Mr. Temporary Deputy Speaker, Sir, the Minister for Finance should be congratulated because even people who are outside this Chamber do appreciate what the Minister has done in this year's Budget. The hon. Minister and his colleagues in the Treasury have tried very much to see that the common man in the rural areas will not be affected very much by this year's Budget. The price of nearly everything in the country has gone up in the last few months and the common man is very happy because the Minister did not increase the prices of consumer goods in his Budget. People who have very little or no income at all feel very much relieved by this year's Budget.

Mr. Temporary Deputy Speaker, Sir, hon. Members in this House have been talking about the Arabs and their oil. I, for one, say that there is no need for us to keep on talking and criticizing Arabs. We have seen African heads of state and their Ministers going to Arab countries with a view to persuading them to sell us oil at reasonable prices, but this has not changed the position. As the Minister for Local Government said, Sir, we should do something else instead of talking about Arab oil. We should ensure that our country is well supplied with oil by trying to find oil in this country. I am sure that there is plenty of oil in this country.

Now, Sir, I would like to speak about the Ministry of Lands and Settlement. Mr. Acting Deputy Speaker, Sir, land policy in this country has so far not been clearly defined. The Minister for Lands and Settlement has always said that he will safeguard Section 75 of our Constitution, but he does not practise what he says. We have all seen them objecting to Motions brought here seeking a repeal of Section 75 of the Kenya Constitution, but he does not adhere to the policy of "willing seller, willing buyer." We have farms in this country which are owned by foreigners and every now and then these foreigners negotiate with Africans with a view to selling the farms to willing buyers. However,

[Mr. Komen]

Sir, do you know what, in fact, happens? Sir, after all negotiations have taken place, the Ministry of Lands and Settlement comes to intervene. We should be told, by Government guidelines, how we should buy a farm. Why should the Minister direct the European seller that he should not sell the farm to a given group of people but that he should sell it to a group approved by the Minister? It is my view that this situation should be rectified once and for all.

Another point I would like to point out to the Minister is that the distribution of wealth in the country is quite unproportional. Sir, you find that a lot of money is being spent in developed areas whereas there is no development in less-developed areas. It is true that there are small tribes such as Dorobos and El Molos who own virtually nothing in Kenya. Sir, unless something is done to develop their areas, they will eventually disappear. Quite often Government officers tell us to urge Dorobos to come out of the forests, but, Sir, once they leave forests, where will they go? They have no land to go to! Well, if there is land for Dorobos, then we shall be only too glad to urge them to come out of the forests. We are now in the eleventh year of our Independence, and yet nothing has been done about Dorobos; they have all been neglected whereas other major tribes have been settled in settlement schemes. Why should Dorobos remain languishing in forests? I would like to suggest to the Government that a sizeable part of our forests should be excised and given to Dorobos where they would settle themselves, build schools for their children and also establish health centres. These people have been left in forests without education or health services.

Mr. Acting Deputy Speaker, Sir, I would like to talk about fertilizers. It is my view, Sir, that there will be famine next year and the mistake lies squarely on the Ministry of Finance and Economic Planning. We find ourselves in the situation of shortages of fertilizers because the Treasury delayed in processing an agreement to buy fertilizers from Holland. Therefore, the shortage has come about because somebody sat on papers of the agreement here in the Treasury. I know that the Minister is capable of ensuring that we have sufficient fertilizers in this country for next year's crop. In fact, Sir, a fertilizers' factory should be built in this country as a permanent solution to this problem so that we can avoid relying on other countries.

I do not want to take more time of the House on this Motion, Mr. Acting Deputy Speaker, Sir. However, I hope that hon. Members will support this important and good Budget.

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

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Thank you very much, Mr. Acting Deputy Speaker, Sir, for allowing me to support this Motion which was tabled by hon. Mwai Kibaki, the Minister for Finance and Economic Planning.

Mr. Acting Deputy Speaker, Sir, the work that the Minister and his staff have done for this country is remarkable. The Minister for Finance and Economic Planning should be thanked for the efforts he has put

in planning for the economy of Kenya. His Ministry has been able to provide finances for the various projects we have in this country. Sir, this is a very difficult job that requires the Minister and his personnel in the Ministry to work hard and be able to provide the finances required for Government services. It is for this reason that I wish to tender my thanks to the Minister and his staff in the Ministry. As an Assistant Minister in the Ministry of Co-operatives and Social Services, I know that without money, Sir, we cannot start and complete Harambee projects in this country. Through the Harambee spirit, Mr. Acting Deputy Speaker, Sir, we have been able to uplift the economic standard of our people.

As the Minister delivered his Budget Speech, Sir, he mentioned one important point concerning economic stability which we now have in the country. It is this stability that has enabled Kenya to develop faster than other countries in Africa and indeed the world. The Minister said that our Head of State has been able to maintain stability in this country and this has accelerated economic progress; we wish His Excellency the President a longer life. As the Minister for Finance and Economic Planning said, Sir, we have benefited a lot from the guidance, advice and wise leadership of our Head of State in this country.

Mr. Temporary Deputy Speaker, I have a few observations to make for the attention of the Minister as he goes ahead to make more plans for the future economic matters of the country. The first one is about the self-help projects which we have in the country and which were earmarked and approved by the various district development committees. I am sure hon. Members of this country will support me on this issue when I say that it is not a good thing for the Ministry to fail to implement the proposals of district development committees. You will find a dispensary which has been put up on a Harambee spirit but it has no staff when the people there require its services very badly. When the Minister is distributing some money to different projects he should make sure that health centres, dispensaries and schools are taken care of for the benefit of the common man in the country.

The other point is on the distribution of goods which are manufactured locally or abroad. I know very well that agencies are appointed by the manufacturers or by the Kenya National Trading Corporation. However, I would like to bring to the attention of both the Minister for Finance and Economic Planning and the Minister for Commerce and Industry that thorough checks should be made on those who distribute goods in the country. There is a lot of black market going on inside and outside our borders and this does not make the common man happy. I would like to advise the two Ministers to make regular visits to the stores of these people, the distributors and the manufacturers to avoid suspicions and rumours that such-and-such a thing is happening through the backdoor.

I would also like to talk about co-operative farms. At the moment we have many unemployed people throughout the country. If we introduce more and more farms of this kind they will be able to absorb unemployed people in the country. I do not intend to say

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that this will absorb all the youth in our country, but I intend to say that this will reduce unemployment in the country. I know some of the youth have no money or experience. However, if they are grouped together in co-operatives they will be able to secure loans from commercial or co-operatives to enable them to be trained for their own future benefits.

We should also have crash programmes for economic development in this country, particularly, with regard to forestry and road construction. These programmes will encourage our youth to be self-employed when they have been trained in different crafts and skills and they will come up to start their own businesses. On the other hand, it is painful for us to have many schools to educate our youth, both boys and girls, who, in the end, do not benefit anything out of their education. Although we do not expect to have all our youth employed it is high time we did something to reduce the rate of unemployment.

Mr. Temporary Deputy Speaker, I would like to thank the Minister, particularly for the water projects which he has already started in the country. I have visited various areas during my official tours and I have noted some of the work which the Ministry of Agriculture has done with the money which they have received from the Minister for Finance and Economic Planning. I would like to urge the Minister for Finance and Economic Planning to make more money available for development. We would like to develop the areas which are capable of producing more food for the country and for export. If we cannot raise enough money locally for that purpose, then, since Kenya is friendly to many countries in the world—in fact, we have more friends than enemies—we shall be able to borrow it, either with or without interest, from other countries abroad. We are lucky that we have mountains and hills on which we can tap water without having to use engine power as those people who live in countries where there are no mountains do. Mountains like Kenya, Elgon, and the Aberdares, for example, can be used to tap water. Once the water has been collected it can be pushed by pressure to travel long distances. I suggest that such a thing should be done as soon as possible because we, in the country, cannot do without water.

With these few remarks, I beg to support.

Mr. Abdallah: Thank you very much, Mr. Temporary Deputy Speaker. I would like to make it quite clear that the majority of the people of this country are young people. If you count all the people from infants to young men of 35 years you will find that they form a bigger percentage than the one of those who are over 35 years. For that reason, the Minister should take note of certain things in this Budget which affect the young people. This Motion here is about finance and there are many things which a human being can do to get money. Since I was elected to this House I have not seen the Minister for Finance bringing a Motion here to reduce the prices of goods in this country. He always brings proposals here to raise the price of goods here and there. I am not blaming him as a Minister because he is

part and parcel of Government and he has to perform his duties just like any other Minister in this country. However, we must understand that we were elected by the members of the public most of whom are poor. They cannot match our standards of living, but they elected us to protect them. When they elected us they regarded us—and they still do—as their public advocates. Mr. Temporary Deputy Speaker, Sir, there is no point in coming here and suppressing them with prices. For instance, a packet of maize flour used to cost only Sh. 1.25 sometime back but today it is costing something like Sh. 3. This type of meal is used mainly by the poor people I do not think most of the highly paid people waste their money buying maize flour. Therefore, to raise the prices of a commodity like the maize flour is very bad.

Mr. Temporary Deputy Speaker, Sir, I have seen that the intentions of this year's Budget are not all that much bad but, there were some things which were not included in the Budget. For instance, the Government of Kenya today was elected by workers. This must be understood. It is the workers who elected this Government. Therefore, this Government is for the workers. However, the workers were not included in this Budget because the Minister did not consider increasing the wages and salaries of the workers of this country. For instance, Mr. Temporary Deputy Speaker, Sir, you might find that somebody who is a fully grown up person with a family still being paid a salary of, say, Sh. 200 per month. This is very bad and I think that this is encouraging such people to join the *panga* gang. However, when people join the *panga* gang or when they form *panga* gangs then, the Government begins to shout. Why?

Mr. Temporary Deputy Speaker, Sir, I think that this Ministry of Finance and Economic Planning should look for ways and means of getting employment for the young generation. You will find that the Government has given instructions to police officers to arrest everybody found roaming in the streets. This is causing a lot of embarrassment to the people of this country. For instance, the Government asked the people of this country each one of them to look for means of livelihood: either look for employment or be self-employed. Somebody must either be employed in the private sector or by the Government. He should also either create his or her own employment. Now, we have seen that a good number of women in this country have looked for employment in every corner of this Republic but they have not been successful. Now, because they did not want to join any *panea* gang or thieves, they started operating their own businesses and yet the Government started to arrest these people. I think this is very bad.

An hon. Member: What business were they operating?

Mr. Abdallah: Do not ask me what business women operate because I am quite sure that you know what business I am talking about. You do not have to ask me because it might be that you are one of the customers and yet you are asking me what business they carry out. This does not sound very friendly.

Now, Mr. Temporary Deputy Speaker, Sir, when these women operate their own private business, and I am sure that in the long run it will not be a bad business at all, the Government orders that they should be arrested. I am sure that even some of the people get married

[Mr. Abdallah]

when they are quite old and if you ask them where they were "getting the stuff" since their youth and up to the time when they got married, they cannot answer that. This means that they were also participating in this business. In fact, they have been encouraging it. I am sure that everybody is aware of the fact that yesterday and the day before, the police have been very active during the night sweeping every citizen who is found roaming especially those who are black in colour. However, I am very angry with them because they have not made any attempt to arrest at least even one European or Asian. You will find that the greatest number of people who are arrested during the night are Africans. I think this is very bad because it is the Africans who fought for the independence of this country. It is the Africans who fought the colonialists. Therefore, I think the Government must consider respecting the African. However, it is very annoying to find that the Europeans and the Asians are never arrested by the police. It is assumed that they are law abiding people but the black people are not. Therefore, they are always arrested even if they are in their own rooms manufacturing children.

Mr. Temporary Deputy Speaker, Sir, another point which I would like to speak about is that I come from an area called Mombasa North and 40 per cent of my constituents are Arabs. Now, one of the hon. Members stood up here and challenged the Arabs. However, on the other hand, he was right but, not all Arabs are bad. For instance, I am a Moslem by religion but I am an African by tribe. Now, when we go to pray, the moment we come out from the mosque, I will go straight to my African colleagues and the Arabs will join their own people as well. However, in religion, I am a Moslem but, I would like to make it very clear that the members of that area known as "Old Town", although they look brown and some of them white with long hair, those are not really the Arabs we are talking about. These people are the Waswahili and they even bear identity cards which were issued by the Kenya Government. They are even a tribe known as the Waswahili. Now, these are not the Arabs we are referring to. These are the Waswahili. Therefore, when we speak about the Arabs of Arabia then, we should not forget them. For instance, in 1963 when Kenya was fighting for its independence, it was only the town of Cairo in Egypt which was assisting Kenya in its struggle for independence. The town of Cairo was the only town which was announcing the activities of the *Mau Mau* and Kenya at large. It is Cairo which provided Kenya with money and moral support to fight the colonialists at that time. I think we should not forget this and that is the reason why I wanted to make it very clear so that we should not forget it.

Mr. Temporary Deputy Speaker, Sir, I am a Member of this Parliament and I would like to come back. I have people in my area who are recognized by this Government known as Arabs. Therefore, until such time when this Government—

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker, Sir, do you not think that the hon. Deputy is bringing in a very dishonourable and sensitive issue of discussing our Arabs here and he knows that we cannot do that because they are Kenya citizens,

while we were discussing the Arabs connected with the Arab powers and the oils? Is he in order to bring in the Kenya Arabs when they are not being referred to by anybody?

The Temporary Deputy Speaker (Mr. Mutunga): Yes, Mr. Abdallah, I think you should refrain from involving those Arabs who are Kenya citizens from the Motion and differentiate them from those of the Arab world.

An hon. Member: Go ahead now, Mr. Teenager!

Mr. Abdallah: Do not shout at me like that! I am sure that they have relatives and, therefore, if the Arabs here in Kenya have relatives here and there, it means that they are just the same people. It makes no difference.

Mr. Temporary Deputy Speaker, Sir, I wanted to make this question quite clear—to all the hon. Members because our people did not shout in 1963. They were very happy to get help from the Arabs. Not only that—even the hon. Kamwithi Munyi cannot deny that during 1963 he was in Cairo where this country had opened its office there. We had been encouraged by those Arabs to do so and they provided us with everything at that time. Therefore, if the Arabs have done a mistake then, it is our duty to correct the mistake. Sir, I think when we speak about the oil, this is business. Nobody forces us to buy this oil from the Arabs. In fact, we cannot do without buying this oil from the Arabs even if it is too expensive. Moreover, why do we not complain about the whisky which is imported by the British people to this country? The price of whisky is also very high and, therefore, we should also condemn it. Whisky and other things like cigarettes are imported here and whatever rates they are raised to, nobody complains. For instance, the price of imported cigarettes has gone up by Sh. 1 and yet none of the hon. Members here has stood up to criticize this anomaly. Why? Why do they come here and speak everything against the Arabs? I feel very bad when hon. Members speak against the Arabs. It is only the Arabs who helped us during the struggle for our independence in 1963.

Hon. Members: No! No!

Mr. Abdallah: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Murgor: Mr. Temporary Deputy Speaker, Sir, first of all, I wish to congratulate the Minister for Finance and Economic Planning for his excellent Budget Speech which he delivered the other day.

Secondly, Sir, I was very surprised this afternoon to hear a Government Minister criticizing the Provincial Administration. We have very often asked in this House as to who is who and whether I am no longer—it is for us here to correct things when they go wrong. This afternoon the provincial commissioners were criticized by a Minister. Who is to correct the civil servants when they go wrong? Is it Government or who should do it? How can a Minister come here and criticize another Ministry? Is the Cabinet not supposed to do this job and see to it that if there is anything wrong within a certain Ministry, Government should correct it? We are tired of this!

Mr. Temporary Deputy Speaker, Sir, I would like to say something about the purchases of land. As an

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hon. Member said some time ago, we are confused about Government policy on this matter. In 1970 I went to the Minister for Lands and Settlement and told him that in my constituency there were a number of farms which were to be sold out. There were *wananchi* there ready with the money required to purchase this land. He told me to put in writing what I had told him and so I did as he wanted. I then got a reply to my letter. He said in his reply that the Ministry of Lands and Settlement will not move on to that area since there were *wananchi* ready to buy those farms and so we waited. The Europeans who were the owners of these farms also waited to hand over these farms to *wananchi* who had the money. All over a sudden these Europeans disappeared one night! Who came in the following day? It was the Ministry of Lands and Settlement. They said that the reason was that the expatriates wanted to be paid in United Kingdom currency and that the money which had been given by the British Government was there. I said, okay, if that is the case, how about paying those farmers with that money there and you Government receiving the money from *wananchi* and use the same money to purchase land elsewhere for other landless people? I spoke about this matter to some other Ministers including the Minister for Finance and Economic Planning and they agreed that there was nothing wrong with it. When I went back to the Ministry of Lands and Settlement they said that this was not possible and gave some excuses. What was being planned for in the end was that other people should come from outside and be settled on these farms. The ones who were ready there with the money were turned out. That money is still there and it could have been used by Government. Why can Government not get these people farms instead of using loans which they have to repay for many years? Government could have sold these farms outright to *wananchi* and have no loans to repay!

The question of forming co-operative farms is most unpopular in that part of the country. This is an issue which is being forced to the people. They do not like it at all. In fact, they are waiting for a day when they will repay the loan and then come back to the proper running of the farms in the way they like themselves. I do hope that this policy will be changed, and that we will not have our people waiting and keep asking, "How many Governments do we have in this country?" You can have somebody from Government saying one thing only to find another person coming the following day with a different directive. Where do *wananchi* stand? We want these things to be changed.

Mr. Temporary Deputy Speaker, Sir, things are becoming very difficult in this country. Prices of goods are soaring up. It is only recently when I said in this House that soon the country will run short of food. There is going to be shortage of maize next year. At the moment—although some other people may be bringing some advices to the Ministry saying that everything is going to be alright—I still say that things are not going to be as good as many people are thinking. At the moment the land which was planned for planting maize this year is still less than the land which was plant-

ed with maize last year. There is a lot of land which has not been ploughed up. What we would like to see is (Inaudible) because of the situation we are in, and because of the difficulties the farmers are facing, I think, Government should come forward and subsidize the prices of diesel and fertilizers and raise the prices of maize so that the farmers can be encouraged to plant more. If that is not done, then I do not know where we are heading to?

About two or three years ago, an hon. Member and myself spoke to the Minister for Finance and Economic Planning about a road from Eldama Ravine to either Burnt Forest or Kibsabos which is the shortest way from Nairobi to Eldoret. We asked that the road should be tarmacked. However, looking at the Development Plan that has not been included. We have also requested in this House that certain roads which are used for transporting milk in Uasin Gishu should also be tarmacked like the tea roads or coffee roads and the like elsewhere. So far nothing much has been done. However, when you go to certain areas you will see certain roads which have been built up and when you look at them you will find that they are not as important as some roads elsewhere. They should not have had top priority and yet they are included in this Development Plan. Therefore, we would like to see that something is done about the roads we have requested to be improved. Government should look through the list and see which roads should have priority over the others.

Mr. arap Cheboiwo: Kerio Valley!

Mr. Murgor: We are always talking about Kerio Valley—the road from Eldoret to Kabarnet should be tarmacked but nothing seems to be done. A lot has been said about water and the oil crisis. I am not going to talk about the water and the oil because that subject has been exhausted. However, I think we should come together and have something done. We should probably construct a lot of dams and reduce the amount of water going to Lake Victoria and use the water for irrigation purposes for the betterment of our farming. A lot has been spoken about lack of water in places like Ukambani and Turkana and yet there is a lot of water which is being wasted into the sea. This water could have been used to irrigate such dry areas which are highly potential agriculturally if there can be enough water.

Mr. Kitonga: So you support me?

Mr. Murgor: I support you highly. I request Government to do something. Let us have a huge water development project and then have other small ones. We want a huge water development which will help the people in the end.

With these few remarks, I support the Motion.

The Assistant Minister for Works (Mr. Kuguru): Mr. Temporary Deputy Speaker, Sir, while congratulating the Minister for Finance and Economic Planning for this Budget, I beg to point out what is going to happen in the farming community.

This country depends on farming and we have proposed to mechanize the farming industry. Therefore, Sir, I think it is time Government created a commit-

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tee which has the experience to look into prices and cost of production; for example the cost of producing a bag of maize, the cost of producing a pound of coffee and so on.

Mr. Temporary Deputy Speaker, Sir, unless the Government does something to the farming community, I think, in future we shall depend entirely on imported food products. It is high time now that the price of milk was doubled. This should be so because the cattle feed that we are using at the moment is very costly. The price of daily cube, used to be Sh. 39 but now it is Sh. 81. Since the economy of this country depends on agriculture, it is high time the Ministry of Finance and Economic Planning and the Ministry of Agriculture sat together to formulate the price which should be paid to the farmers for their produce. At the moment the cost of labour paid by the farmers is very high. The price of fertilizers has gone very high and the farmers find it very difficult to make the two ends meet. Therefore, the Minister for Finance and Economic Planning has to do something to save the farming industry, otherwise if nothing is done at this stage, we shall have to import our foodstuff at very high cost, which this country cannot afford. This would be very shameful on the part of the Government because we shall have to import foodstuff which this country is able to produce. I think this point should be taken very seriously by the hon. Members in this House and also by the Government as a whole.

The second point which I would like to make here is with regard to education. As far as education is concerned, I would like to thank the Government for having abolished school fees for Standards I to IV. However, I would suggest to the Government that they should also take over the running of nursery schools, which are now being cared for by the Ministry of Cooperatives and Social Services. All nursery schools in this country should be taken over by the Ministry of Education so that they are able to supply these nursery schools with qualified teachers. It is my considered opinion that the Government should also provide free education to nursery schools in this country. That point should also be taken seriously by the Government.

Mr. Temporary Deputy Speaker, Sir, we have so many Harambee schools in this country, some of which are badly managed and are spoiling our children. It is high time, therefore, the Government took over all these schools, because I believe we have enough manpower to man all these schools. I think the Harambee schools in this country should be taken over by the Government as we were promised by the Ministry of Education. Now, if they are not taken over by the Government, at least they should be provided with qualified teachers. I think it is high time this section of our educational institutions was taken over by the Government.

Mr. Temporary Deputy Speaker, Sir, I would not like to forget to say that there are millions of young men and girls who have no employment in this country. Now, the Ministry of Finance and Economic has indicated there will be a fund to help to provide employ-

ment for these people in the way of road construction, afforestation and other economical projects. Sir, I think it is high time that unemployed people were also considered. Now, I am not suggesting that they should be given food free of charge. However, we should realize that they are, in fact, leading a hard life because they do not have any money. That is why we see very young men here in Nairobi and elsewhere stealing, as well as taking part in daylight robberies. Therefore, Mr. Temporary Deputy Speaker, Sir, I think that point should also be taken seriously by the Government. I feel that if these things are taken into consideration, instead of having criminals increasing in this country, they will, in fact, be reduced. If one is hungry and poor, Mr. Temporary Deputy Speaker, and has no means of earning a livelihood, one will have no alternative, but to try one's best for one's survival. Therefore, Sir, I feel that the Government should try and find means of accommodating our young school leavers into our society. They can be trained to do several jobs; we would increase our armed forces by recruiting them, we could expand our police force as well by recruiting some of these young people, and we could also increase the number of teachers in this country by training some of these young people, and make sure that we have engaged these young people usefully, and also improve the standard of living in this country.

Mr. Temporary Deputy Speaker, Sir, I do not have to repeat what has actually been said in connexion with the price of agricultural commodities, as well as the price of the items we are buying from the shops and so on. These prices can remain where they are, but something should be done about agricultural products, since the economy of this country depends on agriculture. Therefore, before I conclude what I am saying, I would like to point that the price of tea has not changed for a long time. As a matter of fact, the price of tea has not been increased for a long time. Therefore, I feel that it is high time now that the price of tea was considered.

Hon. Members: Cotton as well!

The Assistant Minister for Works (Mr. Kuguru): Mr. Temporary Deputy Speaker, I will speak about cotton later on. However, right now, I am speaking about tea because I come from a tea growing area. The price of tea leaves should be reviewed, with a view to raising it.

Mr. Temporary Deputy Speaker, Sir, the price of milk should be doubled and the price of cotton should also be doubled. In fact, the price of all agricultural produce should be raised.

Therefore, Mr. Temporary Deputy Speaker, Sir, I beg to support this Budget and congratulate the Minister for the good work he has done.

Mr. arap Cheboiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir, would the Mover be now called upon to reply because we only have thirty minutes left?

Hon. Members: Oh, no!

The Temporary Deputy Speaker (Mr. Mutunga): Order! That is for the Government to decide, but I think they are prepared to give hon. Members another ten minutes.

Mr. Muthamia: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to air my views.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for Finance and Economic Planning for his excellent Budget. When hon. Gichuru was the Minister for Finance some people were asking who was going to take over from Gichuru, since Gichuru was a very able person. Can I assure the country now that we have the ablest person in that Ministry in this country and he is doing his best. He is a young man, who is straightforward and who represents problems of our people to this House. The Budget did not touch the people in the rural areas. The old people have not been affected by the Budget. I am only asking the Minister who is responsible for the transportation to see that the transporters do not increase the fares from one place to the other. The Minister for Power and Communications should lay down the correct fare for one mile. The present mileage charge is 12 cents but since the oil crisis the fare has gone up to 30 cents per mile. In some cases, for example, from a place in Meru to Nkubu, which is seven miles, the transporters are charging Sh. 3 for the journey, that means that the people are paying 35 cents per mile. Therefore, the Minister responsible for this should make sure he does something about this.

Mr. Temporary Deputy Speaker, Sir, the Local Government Elections will take place sometime in July and the National Assembly Elections will take place sometime later when the President likes. I have been told by some hon. Members that if the two elections are combined, then, it will not be possible because there will be a lot of work to be done by the Government officials. I am of the opinion that if the Local Government Election and the National Assembly Election are done at the same time—if the Government extends the Local Government Elections to a later date to coincide with the National Assembly Elections in August or September, it will be a good thing because it will save a lot of time and money. I think that this should be done to avoid chaos in this country. Electioneering campaign is a serious thing in the country. A Member of Parliament is going to campaign for his local authority candidate and thereafter campaign for his own election. It is, therefore, a waste of money and energy for us to separate the two elections.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have talked about Arabs and the oil. May I tell this House that we had a European hon. Member in this House, and an Asian hon. Member who ran away and yet he was a Kenya citizen. Sir, the other foreigner who is now remaining in the House is an Arab. He is a paper citizen just like any other Arab, Asian or European in this country. Why does the Government not Africanize this particular Arab? Why can they not do it?

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Sir, is the hon. Member really in order to attack another hon. Member by saying that he is a paper citizen. He is a Kenya citizen, born here just like the hon. Member. If we start saying that the hon. Member in question is an

Arab we can, of course, say that the hon. Member is a Meru or whatever he is. Arabs form another tribe in Kenya.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Mutunga): I hope hon. Kitonga is going to behave himself otherwise he will land in trouble. No Member in this House has the right to discriminate against another hon. Member whether black, white or red citizen. So long as a Member of this House is a Kenya citizen, he has the same right to be treated as any other citizen in this country.

Mr. Muthamia: Sir, I know the hon. Minister for Finance and Economic Planning has read history much more widely than I have done because at one time or another, he was teaching history at Makerere University.

The Minister for Finance and Economic Planning (Mr. Kibaki): No! No! No!

Mr. Muthamia: I have remembered now: he was actually teaching economics and not history, but I still maintain that he has read history quite a lot and therefore, he knows the history of the Arabs only too well. These Arabs were selling our own people and he knows this very well. Just imagine those long caravans of slaves that used to be obtained from Africa by these Arabs who have now raised the price of oil thereby making the same Africans suffer even more! These are the same Africans who suffered during the slave trade period under the Arabs. Therefore, Sir, I think it is now time that—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Sir, I think the hon. Member is evading my point of order because he is now talking about Arabs in Arabia. I raised a point of order because he said a particular Member of this House is a paper citizen and that he is an Arab. I raised a point of order seeking to know whether or not the hon. Member was in order to attack the integrity of another hon. Member of this House who is a citizen of Kenya, born here and a genuine Kenyan.

The Temporary Deputy Speaker (Mr. Mutunga): Order! I think the hon. Member ought to have taken heed of my earlier ruling when he made the same attack regarding a certain Minister in the Government. I ruled him out of by saying that all Ministers in the Kenya Government are Kenyan citizens and I said that I hoped that no other hon. Member was going to refer to another hon. Member as a paper citizen. The House is responsible for deciding things here and if you feel that you should call them paper citizens, then you should change your Constitution. However, as long as the Constitution remains unchanged, any citizen, irrespective of his colour or place of origin, he is a Kenya citizen and should be treated just like any other citizen in the country. I hope no other hon. Member is going to make the mistake of repeating the same thing.

Mr. Muthamia: Sir, I took your ruling quite correctly and since you advised me not to talk about the hon. Member in question, that is why I have been talking about the Arabs in general. Sir, if you look in this House, you will find—

Mr. Ahmed: On a point of order, Sir, according to our Standing Orders, we are not allowed to repeat what has already been said in the House. Am I in order therefore to ask the Chair to call upon the Mover to reply. We seem to have exhausted the material in this debate because hon. Members are just repeating themselves.

The Temporary Deputy Speaker (Mr. Mutunga): The Minister for Finance and Economic Planning should have started replying to the debate at six o'clock, but since he felt that he did not need much time to reply to the debate he allowed hon. Members to utilize ten minutes of his. However, I have been waiting for an hon. Member to move that the Mover be now called upon to reply.

Mr. Araru: On a point of order, Mr. Temporary Deputy Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Mutunga): Yes, I think it is reasonable for the House to consider that now.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, I am very grateful to those hon. Members who have contributed to—

The Temporary Deputy Speaker (Mr. Mutunga): Order! Will hon. Members be silent so that they can hear what the Minister is saying in silence?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, I am very grateful to the hon. Members for the sentiments they have expressed about the Budget. In fact, as everybody knows it is very rare for those of us in Treasury to be congratulated. Therefore, it sounded very strange for the first time, to see that this year we are being congratulated. However, we are very grateful all the same to those hon. Members who have congratulated us. I am encouraged to learn that a number of hon. Members have realized the obvious point that at a time when there is inflation in the world the increase in the prices of various commodities cannot be avoided.

However, there are some hon. Members whose names I am going to mention who refuse to accept the logic that the prices of various commodities must go up due to inflation. These hon. Members continue talking about subsidies. For instance, the hon. Member for Lurambi South, hon. Nabwera, stood up in this House yesterday and in all seriousness said that the price of petrol since it is not a luxury but a necessity should not be raised. As I said earlier on in my Budget Speech during the current Financial Year we are going to spend an extra £50 million of our foreign exchange to buy petrol. If the consumer of petrol, that is the motorist, does not pay for that part of the money, then we are going to put that extra burden on ordinary tax-payers including those who do not own cars. If we do that, shall we be leading a just Government of men? In this country, let us not make a mistake, any person who can afford to buy a car is a rich man. This is literally the truth. The general level of income in Kenya is so

that any Kenyan who can afford to own a car must be counted as amongst the rich Kenyans. We do not need any other economic indicator to learn the truth. There is no reason why some hon. Members should pretend that although they are not economists they feel that what I have done is wrong. This is an obvious way of life. Any person in Kenya who can afford a car is a rich person. This is not the kind of poor people we should be talking about in this House. That is the reason why motorists must meet the extra money we are going to spend buying oil.

The same hon. Member, the hon. Member for Butere, the hon. Member for Kitale West and all hon. Members from Western Province have brought several Motions to this House asking the Government to increase the price of maize and sugar-cane. We agreed to increase the price of sugar-cane to Sh. 62 per ton and we also agreed to increase the price of maize to Sh. 40 per bag of 90 kilograms. Then those same Members, particularly the Member for Butere and the Member for Lurambi North, came to this Parliament with all seriousness and without even blinking an eye, looked at us in the face and said, "You must increase the price of maize and the price of sugar-cane", but somebody somewhere, not the consumer, will be paying for these increases. Now, who is this mysterious guardian angel who will pay for these increases? Where is he to be found? Mr. Temporary Deputy Speaker, Sir, we must desist—I said this in my Budget Speech and I will continue to say so—from asking for these price increases. If we accept leadership we must accept it with all its problems. One of the problems of leadership is that we must shed our fear of the truth because we are too afraid of it. We are so afraid of the truth because we look at it and turn our faces. There is a song which says, "For how long can we go on pretending that we do not see". We cannot go on pretending that we do not see. The fact is that if we pay the sugar-cane producer a higher price, which we have done, then the consumers of sugar must pay a higher price. It is a logic of consequence because you cannot add one to ten and still pretend that it is still ten and that it is not eleven. If you add one to ten the logic that we learned in arithmetic at the primary school in Standard I is that that becomes eleven. We say that we should pay the wheat farmers Sh. 70 per bag but let the bread which is consumed by the poorest man in Kenya remain cheap. Who in the middle will pay for the difference? We are all consumers in this country and there is no middleman who will pay this difference. We have not increased the tax on maize. All we are saying is that the price of maize to the grower is the price that shall be paid by the consumer. That is all we are saying. We are not taxing it, Mr. Temporary Deputy Speaker, Sir. We have not taxed *posho* either. Mr. Temporary Deputy Speaker, far from it we reduced the customs duty on foodstuffs. I thought I would repeat this point because it is really tragic that we should have Members of this House continuing to create false expectations and false hopes in the minds of people by continuing to pretend that there is a magical way in which we can pay the farmers more, as every Member demanded, and then not pass on that new price to the consumer. The hon. Member for Mathira who has just

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spoken has talked about the price of milk being increased. Mr. Temporary Deputy Speaker, Sir, can we be serious in what we say in this House? Today people in Nairobi, ordinary workers, are being asked to spend 25 per cent of their income per month buying one pint of milk per day for the children. If you multiply the present price of one pint of milk by 30 that is equal to 25 per cent of the average income of the wage-earner in Nairobi. Are we serious in asking the average wage-earners in Nairobi to spend 25 per cent of his income buying one item called milk? Why should we want the price of the present pint of milk doubled? If this is done do you think the average wage-earner in Nairobi is going to continue to buy that milk? No, he will not continue to buy it. As I said in the Budget it is a very difficult point to establish the balance between what the farmer should be paid and what the consumer should pay but at least, as Members of Parliament, let us tell our people the truth and tell the farmers that there is an obvious limit which is our level of income. If you increase the price too much, nobody will consume it.

Mr. Acting Deputy Speaker, Sir, a point was made here by many hon. Members suggesting that the size of the Cabinet is too big and therefore it should be reduced. Although I am the Minister for Finance and Economic Planning, Sir, that aspect of planning, as hon. Members know, does not concern my Ministry. I do hope, therefore, Sir, that the remark was not addressed to me, but was addressed to another person. I am sure it has been heard. However, one point which I would like to lend my support to is the statement—which is almost supported by every hon. Member—that in the new Government after the General Election, we should organize matters in such a way that the Department of Water Development is given the standing it requires. I hope that something will be done about it. In the Development Plan, Sir, we have more than K£15 million each year earmarked for water development in this country. Therefore in terms of total volume of expenditure, it is a very important sector of our economy. It is deserving a political recognition which hon. Members have said it should have.

Mr. Acting Deputy Speaker, Sir, there is another very important point made about Arabs and their oil. Sir, there is need for this House to ensure that we do not confuse two separate issues. One is that Kenya as a member of the United Nations and indeed the Organization of African Unity, we took a stand on a question of principle and not because we expected dividends from that decision. I am quite sure that the link between these two issues is quite false and it is also putting Kenya in a poor light that we made a decision to support the Arab cause because we expected them to pay us dividends on something else. That is wrong. We took a decision in the United Nations and the Organization of African Unity on a point of principle. The principle is that no sovereign nation has the right to acquire the territory of another sovereign nation by use of force. Sir, that principle is enshrined in the charter of the United Nations and the Organization of African Unity. Kenya as a country, Sir, we have called upon this principle when our neighbours demanded some terri-

tory in Kenya; we stood under that principle. The charter of the Organization of African Unity has spelt it out quite clearly that your boundaries at the time of independence shall remain your boundaries; your neighbour has no right to claim them or to try and change them by force. This, Sir, is the principle of the Organization of African Unity. In Article 304—I forget the exact article—this principle is clearly spelled out. As members of the United Nations, we are equal and sovereign and therefore no member of the United Nations has a right of acquiring another territory by force. That is why we took the stand that Israel had no right to acquire and keep the territory of Arabs. It was just a matter of principle and a separate matter from the increase of price of oil. The Arabs decided to increase the price of oil because it is their only natural resource. That decision is correct. If we, in Kenya, had something of that sort which has a monopoly standing in the world we would also do the same thing. In fact, all those European nations which we hear howling are themselves increasing the prices of capital goods by 20 per cent every year, but we buy a lot of goods from them. We must not, therefore, fall into this kind of trap of big powers who say, "Little countries, abuse the Arabs today, tomorrow you will abuse another group" and so on. Those same nations which are speaking in that language have themselves been to Middle East and to each one of the Arab countries with offerings. They say, "I will build a chemical factory if only you give me oil", and recently the President of the United States said in Saudi Arabia that he would give them Hunter Jets and Phantoms and clear the Suez Canal if he is given oil. Mr. Temporary Deputy Speaker, that is the realistic position of the world as we see it. Let us not play as if we are ignorant of the true facts of the economic world. It is a harsh world! Whatever you have you sell at the price which the market can bear. I am not saying that the Arabs are right in increasing the price of oil but I am only saying that our correct position as consumers is that we should tell the Arabs that they have increased the price of oil and this has affected the economy of the world. If the world collapses they will also collapse with it. Therefore, in order that they may support the economy of the world they should give grants—not loans which are given at expensive rates of interest—to countries which cannot stand the new prices. They should support the African Development Bank. That is the challenge to them. We should not pretend that we broke diplomatic relations with Israel to get something. We only stood on a principle.

Mr. Temporary Deputy Speaker, I have to say this because it remains to be the truth. It is a misrepresentation of facts to pretend that as a country which is truly respected in the United Nations—we are the current chairman of the United Nations Security Council, and our Parliament should not send out a false message. We stood on a matter of principle. Therefore, I hope that we shall not mix these two issues.

Above all, I would like to stress that those friends of ours who brought this issue here will not try to bring this politics in the coast region of Kenya and in other places. There are some Arabs in Kenya who are true

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citizens of this country. They were born here and they are citizens as much as any hon. Member here. It is shameful that a word of discrimination should come from a Member of Parliament. We are supposed to protect the Constitution of Kenya and also to lead our people well. We always say that tribalism should not be practised in Kenya, but we are saying today that the Arabs who are born in Kenya are not citizens, and tomorrow we may pick on another tribe. What leadership is that? Are we really leading or only trying to cash in on electioneering gimmicks? Elections will come and go. The best men will win, but the integrity of Kenya has to be protected. Let us not try to discriminate against certain citizens by sheer pretence that they are paper citizens. They were born here and they have a right to participate fully in all our affairs and also to be given the protection that this Parliament has been

elected to give to every Kenyan. Therefore, I hope we shall not repeat these remarks.

Finally, I would like to say that this year, like the previous year, we have taken the remarks by hon. Members seriously and we will include them in any future matters that have something to do with the Budget.

With these few remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutunga): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Thursday, 20th June, at 2.30 p.m.

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

Thursday, 20th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 420

RAIDS ON MARSABIT PEOPLE BY ETHIOPIANS

Mr. Hussein, on behalf of **Mr. Umuro**, asked the Vice-President and Minister for Home Affairs—

- (a) how many raids have been made by Ethiopian bandits on Marsabit people from 1st January, 1974;
- (b) how many lives have been lost; how many animals have crossed to Ethiopia and how many of them have been recovered; and
- (c) in view of the fact that these raiders are using the same type of weapons as those used by our security people, he will consider changing to different weapons for better protection.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply.

(a) 36 raids have been made by Ethiopian bandits on Marsabit people between 1st January, 1973 and 30th April, 1974.

(b) 37 civilians and 30 raiders were killed, while 11,322 animals were stolen, out of which 7,009 were recovered.

(c) The Government is in the process of providing more effective weapons to the security forces.

Mr. Hussein: Arising from the Assistant Minister's reply, and since his Ministry has known that the place is insecure because every now and then Ethiopian raiders attack our people in Marsabit area, can he take immediate action and send our armed forces there with better weapons this month?

Mr. Shikuku: I have realized the importance of that supplementary question. However, the point is that we are doing what we can. I have visited the area and I know it very well. These bandits do not have a special place to go to; and if you send your askaris this way, they move the other way. We even went to the extent of manning all the boreholes or wherever there was water so that we can ambush them when they are trying to water their cattle before crossing the border to Ethiopia. But these people are also clever and so we are chasing each other.

Mr. Haji: Arising from the Assistant Minister, and in view of the fact that these raiders have disturbed *wananchi* in that area, would he consider carrying out enough patrols to keep strict security?

Mr. Shikuku: We are carrying out enough patrols but the only problem—and the hon. Members know it—is that there are no roads. We carry out patrols on foot. In fact, the police should be congratulated for the good work they are doing. When I was there I

saw how many miles they were doing on foot; they are doing a lot.

Question No. 427

DISMISSAL OF CIVIL SERVANTS

Mr. Nthenge asked the Minister of State, President's Office—

- (a) when senior civil servants can be dismissed;
- (b) who have been dismissed for the last five years; and
- (c) whether the provincial commissioners and permanent secretaries are exempted from regulations governing civil servants.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply on behalf of the Minister of State, President's Office.

(a) Senior civil servants can be dismissed for any of the following reasons:—

1. If one absents himself from duty without leave or reasonable cause for a period exceeding 24 hours and cannot be traced within a period of ten days from the commencement of such absence; or if traced, no reply is made to a charge of absence without leave. This reply has to be received from him within ten days after the despatch of the charge to him as provided by Regulation 28 of the Public Service Regulations.

2. Any act of misconduct which, if proved, will justify dismissal from the public service as provided by Regulation 43 of the Public Service Regulations.

3. If convicted of a criminal offence which warrants disciplinary proceedings as provided for by Regulation 41 of the same regulations.

(b) Two senior civil servants have been dismissed from the service during the past five years on the grounds that I have just explained.

(c) Provincial commissioners and permanent secretaries are not exempted from regulations governing the civil servants.

Mr. Nthenge: Can the Assistant Minister tell the House whether participation in politics is not among the things that can make a civil servant lose his job?

Mr. Kibisu: Civil servants who wish to participate directly in politics are required to resign as per regulations; indeed, a notice has already gone out to all civil servants intending to contest elections to resign before 30th of June.

Mr. Nthenge: Can the Assistant Minister tell us what happens to a person who heads a section when he disappears; who is going to know that he is not on duty for more than 24 hours since he is the boss and, therefore, the one supposed to take action?

Mr. Kibisu: That is extremely hypothetical. If it is assumed that permanent secretaries disappear—well, Ministers should be able to locate a disappearing permanent secretary. Surely, the junior officers will soon discover that supervision is lacking because the man at the head is not there. Therefore, there is a chain of command and also a chain of supervision.

Mr. Jilo: What method is used to find out whether a permanent secretary or a provincial commissioner engages in politics? What criteria do we use inside or outside this House?

Mr. Kibisu: Mr. Speaker, Sir, that is arguable. Unless the hon. Member can specifically state a case, the only tangible way is when a civil servant says that he intends to contest an electoral public office. That is the only way in which we can know that a civil servant intends to go into politics. The hon. Member has to specify what he exactly means.

Question No. 433

DIVISION OF SHIMBA HILLS

Mr. Mwamzandi asked the Minister for State, President's Office—

- (a) whether he could give the reasons why Shimba Hills Settlement Scheme has been divided into two locations;
- (b) what the locational boundaries of these two locations are; and
- (c) whether he could confirm to the House that not an inch of Diani Location will be included in this new location and that the boundary will remain the same.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply.

(a) Shimba Hills is a proposed new administrative division and no new locations have been established as yet.

(b) Locational boundaries for the proposed new division have not, therefore, been decided.

(c) Locational boundaries, like any other administrative boundaries, generally follow geographical, physical features and natural boundaries taking into consideration the size of the population. This procedure will be followed in determining the boundaries of the new locations when the new division is established.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House whether Shimba Hills is more thickly populated than the other adjoining locations?

Mr. Kibisu: Mr. Speaker, Sir, the hon. Member for Kwale East is asking me a comparative question. However, if, in fact, he refers to Shimba Hills then I have already stated that it is proposed to make it a new administrative division. Therefore, I would have expected the hon. Member to understand and, in fact, appreciate the fact that these divisions are good when, in fact, we consider rapid developments for these areas. Therefore, I would have expected that he would by now be expressing his gratitude to Government for considering to create a new division for closer administration and development.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the area is going to be a new administrative division and, therefore, it looks as though the area is thickly populated according to the Government, but we know Shimba Hills is not as

thickly populated as the three adjoining locations—that is Koneni, Msambweni and Diani—what actually made the Government separate these two locations and establish an administrative division?

Mr. Kibisu: Mr. Speaker, Sir, I still stick to what I said before. The hon. Member asked for reasons why Shimba Hills area is being split up into two locations. I have already said that it is intended to create a new division of administration. Secondly, Sir, if the hon. Member considers that the other three areas adjacent to the Shimba Hills require similar treatment, then he is free to make a representation to Government and that request will be considered on its own merit.

Question No. 423

CLERK TO GARISSA COUNTY COUNCIL

Mr. Haji, on behalf of Mr. Y. H. Mohamed asked—

- (a) why he has not appointed a local person as Clerk to Garissa County Council as recommended by the council; and
- (b) why his Ministry has failed to appoint a local person as Treasurer to the same council, which position has been vacant for the last four years; and
- (c) what sort of misunderstanding there is between the Ministry and the council.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

Both the posts of the Clerk and Treasurer to Garissa County Council have been advertised several times and no suitable candidates have been received.

Regarding the last part of the question, I would like to say that there is no misunderstanding whatsoever between my Ministry and the Garissa County Council. In the meantime, the Ministry has seconded an officer to act as both Clerk/Treasurer to the County Council.

Mr. Haji: Mr. Speaker, Sir, arising from the Minister's reply, will he tell the House why these two posts have not yet been filled when the council has recommended some of the trained local personnel to take up the posts and yet the Ministry has delayed or refused them to take the posts deliberately?

Mr. Osogo: Mr. Speaker, Sir, I think the hon. Member should be honest to tell the House that this Council had insisted that a local person must be recruited to take up these posts. However, the people who have been recommended to my Ministry are very far from the standard required or in as far as qualifications are concerned. For instance, one of these persons who were recommended by this Council was a School Certificate-leaver who had been trained at Kabete Institute of Administration and he was an Accountant grade III. Now, we cannot take an Accountant III to be a Treasurer to a county council. He has to go up the ladder to reach that level of an officer. The other person who was also recommended to us by the same Council to be Clerk to the Council was a Certificate of Primary Education person who had done a secretarial preliminary examination. He also fell far below the requirements for such a post.

Rev. Kalume: Mr. Speaker, Sir, since we have some local authorities in this country which do not have qualified people according to the required standards, would it not be unfair to have such local authorities manned by people from elsewhere? They would no longer be "local authorities".

Mr. Osogo: That is the reason why, Mr. Speaker, Sir, we have taken some civil servants to man this particular county council. There were very qualified people who had applied for these posts in this county council but they could not be considered because they were not "local". For instance, some of them had degrees like Bachelor of Arts and Bachelor of Laws. For example a Mr. Wochira has a Bachelor of Laws degree from Nairobi University; another one is a Mr. Emfato, with a Bachelor of Arts degree from the University of Nairobi. Mr. Speaker, Sir, we could not take these people because the local people insisted that those posts must be filled by local people. Now, if they are not going to produce qualified personnel, then we are going to send civil servants there to take care of the job.

Mr. Hussein: Mr. Speaker, Sir, arising from the Minister's reply, is he aware of the fact that there are some county councils in the North-Eastern Province with Clerks or Treasurers of the Certificate of Primary Education standard? I am sure that qualifications do not matter as long as somebody is able, or capable of doing the job. Therefore, why is he or his Ministry refusing these persons to take over these posts while the county council is willing to employ them? Can he tell the House what reasons he has to do this?

Mr. Osogo: Mr. Speaker, Sir, there are standards set and I am responsible for taking care of both finances and administration of these councils so as to ensure that they run smoothly. Therefore, if I see that the qualifications of a candidate are low then, I am not going to employ him. I am not going to accept people of Certificate of Primary Education standard.

Mr. Araru: Mr. Speaker, Sir, because I am sure that experience comes with practice, why did the Minister not give these people a chance and see whether they were not going to do the job properly because, after all, they had been recommended by the council because they are local men? I think these men could first be taken for a training.

Mr. Osogo: Mr. Speaker, Sir, the hon. Member knows very well that the council he is talking about is nearly bankrupt. Therefore, there is no money for taking these people for a training. However, if the Local Authority in question now permitted it, or relaxed its rigidity in employing local people, I will get qualified people for them, under whom these people will work as trainees. These are the people they want to employ. I can assure the hon. Member that we cannot pick an accountant III and make him the treasurer of a county council. He has a long way to go. So, these civil servants will be there for a very long time. Unless the local people relax the rigidity they have in employing local persons, or unless they bring me a qualified person— Well, I challenge anybody to do this and he will get that job tomorrow.

Question No. 424

RENOVATION OF HOUSES—CHANGAMWE ESTATE

Mr. D. M. Kioko asked the Minister for Local Government—

- (a) what immediate action he is taking about the Changamwe Municipal Estate which is out of date as there is no ventilation and there are a lot of leakages in every house; and
- (b) whether he is ready to replace it with better houses and enlarge the scheme for the low-income group.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

The Mombasa Municipal Council has renovated the houses at Changamwe Housing Estate at a cost of Sh. 15,000 and this include patching up all the leakages in these houses. Another site adjacent to the Changamwe Municipal Estate has already been set aside and the council is negotiating for funds to put up 300 housing units. This construction will commence immediately these funds are made available.

Mr. D. M. Kioko: Mr. Speaker, Sir, does the Ministry not consider it to be expensive that whenever we have rains down at Mombasa, the council has to spend Sh. 15,000 to renovate these houses? What renovations have they carried out because if they had really done so, they would have changed the windows, so that the people in those houses could live comfortably? Nothing has been done in so far as ventilation in these houses is concerned. Therefore, how was this money spent?

Mr. Ogutu: Mr. Speaker, Sir, as far as we are made to understand, renovation of these houses started in Spetember last year, and the work has now been completed. The renovation included sealing the leakages. However, renovation does not change the design of a house; it means improving the condition of the houses. I do not think that after our having spent Sh. 15,000, these houses will leak again. I would like to assure the hon. Member that if it rains in Mombasa and there happens to be a leakage in these houses, my Ministry will do something about it.

Mr. Mwigigi: Mr. Speaker, Sir, since such houses are inspected after the contract has been completed and before they are taken over, and since his Ministry participated in their construction before they were handed over, there must have been a certificate to the effect that they had been constructed properly. Now, why were these houses handed over while they had not been constructed properly?

Mr. Ogutu: Mr. Speaker, Sir, if I remember well, these are very old houses. In fact, they are over 15 years old, and they were built during the colonial days. Their design were meant for Africans, but the houses we are building now are for *wananchi*.

Mr. D. M. Kioko: Mr. Speaker, Sir, the Assistant Minister should understand that I live just adjacent to that estate, and, as a matter of fact, I have lived in that particular estate. Although he has challenged me, I would like to inform him that this is the same estate that has been condemned by the Ministry of

[Mr. Kioko]

Housing. The Permanent Secretary of that Ministry was there, and said that these houses are not fit for occupation by human beings. Now, as for the renovation he is talking about, it has not stopped the leaking in these houses. Therefore, can we be told why the people there should be made to live in houses which do not have any ventilation?

Mr. Ogutu: Mr. Speaker, Sir, the hon. Member has said that these houses were condemned by the Ministry of Housing; but as far as we are concerned, we have had no report to that effect.

Mrs. Onyango: Thank you very much, Mr. Speaker. Now, would the Assistant Minister tell this House why it is that all estates under the care of the Government are not well looked after in so far as cleanliness is concerned?

Mr. Ogutu: The houses in question are owned by the Municipal Council of Mombasa and not by the Government.

Mr. D. M. Kioko: Mr. Speaker, Sir, since I think it would be a waste of public funds if the exercise of renovating these houses is done after every one or two years, would the Assistant Minister tell us whether they are considering rebuilding that estate, even if they have another estate coming up elsewhere?

Mr. Ogutu: Mr. Speaker, Sir, there is a great demand for housing in Mombasa. These houses are accommodating quite a good number of people in that particular area. Now, even with additional houses for which we are awaiting funds in order to start construction, there, will still be a shortage of houses in Mombasa. Therefore, Sir, we are not going to rebuild the estate just because the houses now appear old-fashioned. However, if there was any improvement needed on them, this has already been carried out, and if there is any further improvement required, this will be carried out.

However, I know this estate very well, Mr. Speaker, if it is the one that the hon. Member is referring to—I know, for example, that the houses there have flapping windows. They do not have the wide windows, but they have sufficient ventilation, Mr. Speaker. Now, I know that with the Mombasa climate, they might require wide windows, but at the moment, they have the necessary ventilation.

Question No. 425

FUNCTIONS OF PROVINCIAL LOCAL GOVERNMENT OFFICER

Mr. Ayah asked the Minister for Local Government if he would tell the House the specific functions of a Provincial Local Government Officer, and why it is necessary for local authorities personnel to travel to Nairobi so frequently to consult the Ministry.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

The Provincial Local Government Officer is the field representative of my Ministry in the province in which he serves, and he is responsible for administration and financial supervision of all local authorities within that province.

As regards the second part of the question, I would like to inform the hon. Member that local authority staff only travel to my Ministry's Headquarters when it is absolutely necessary, and they do so in liaison with the Provincial Local Government Officer and my Ministry officials in the Headquarters.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, and according to Local Government Regulations, 1963, what specific executive powers do these officers have over the local authorities? That is the reason for the second part of my question because we have had cases where these officers are ignored by the local authorities, and the local authority officials come to Nairobi to see the Permanent Secretary or the Minister, and their cases are heard by them, instead of being heard by the Provincial Local Government Officers.

Mr. Osogo: They do not have any such powers, Mr. Speaker. The only person who has executive powers over local authorities is the Minister himself.

Rev. Kalume: Mr. Speaker, Sir, arising from the reply given by the Minister, since we have a financial officer in every district, why can he not do that job, instead of having the Provincial Local Government Officer doing it?

Mr. Osogo: The financial officer in the district is a Government officer in charge of revenue. The Provincial Local Government Officer, as I said, supervises local authorities in that particular province, and gives them guidance on financial matters. We found out that most of the local authorities did not have very well qualified people to control their finances. Therefore, they needed some guidance, and we had a few graduates with a special knowledge on Local Government administration and accountancy recruited and sent to provinces, from whom the local authorities now seek advice and guidance on matters affecting finance.

Mr. Ayah: Mr. Speaker, Sir, considering the limited finances that the Ministry has, and the limited finances the Government generally has, does the Minister think that, in terms of priority, it is necessary to have these officers, rather than using this money for other purposes in the Government?

Mr. Osogo: Yes, Mr. Speaker, it is quite necessary. In fact, they have been quite helpful in assisting the local authorities to prepare their estimates. In fact, it has made the work lighter at the headquarters, since the estimates of the local authorities are now prepared with assistance from these officers.

Question No. 426

CONSTRUCTION OF LOMELO/ADOME ROAD

Mr. Ejore, on behalf of Mr. Ang'elei, asked the Minister for Works whether he would construct a road from Lomelo to Adome, where a big portion of Sukuta residents of Lomelo Location live, in order to enable the Mobile Clinic of Kapedo Mission to visit the area regularly.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Works]

My Ministry cannot construct this road at the moment because it has not yet been classified. If the hon. Member feels that this road is important, he should raise the matter with his District Development Committee, which will then forward the proposal to the Provincial Engineer. The Provincial Engineer will then assess this road together with other roads in the province which have been proposed for classification.

Mr. Ejore: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that this road is not important, I wish to assure him now that this road is very important because the missionaries' vehicles, which take medicine to *wananchi* in that area, use that same road. However, would the Assistant Minister consider this road very seriously so that it is constructed for the benefit of the people in the area?

Mr. Kuguru: Mr. Speaker, Sir, the advice which my Ministry has given to the hon. Member is that since this road has not been classified, he should take up the matter with his District Development Committee. When he has done this, then, the District Development Committee will forward its recommendation to the Provincial Engineer, who, in turn, will classify the road with other roads which are awaiting classification in the province.

Mr. Muregi-Kabingu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that the Member should take the problem of that road to the District Development Committee, is he aware that so many other roads have been recommended for construction, by the District Development Committees, to the Provincial Engineers but nothing has so far been done about them?

Mr. Kuguru: Yes, Sir, I am aware of that. Since my Ministry cannot construct all the recommended roads overnight, I would like to assure the hon. Members and the House that the Ministry has taken note of these recommendations and that all these roads will be constructed as and when finances are available.

Mr. Areman: Mr. Speaker, Sir, are we being made to understand that his Ministry has never received a recommendation of the relevant District Development Committee on this road?

Mr. Kuguru: Mr. Speaker, Sir, as I said before, this particular road, which the hon. Member was asking about, has never been classified. The question of this particular road may have been discussed by the District Development Committee in question, but it does not appear on the list of the roads which are awaiting classification by our Provincial Engineer.

Mr. Araru: Mr. Speaker, Sir, the hon. Assistant Minister is putting us in a very difficult position. In the first place, he said that the road must be recommended to the Provincial Engineer and by the District Development Committee; then, added that even if this road is recommended to his Ministry for construction there is nothing he can do about it until funds are available. Could he now tell us one thing, whether if the District Development Committee recommends this road for construction, his Ministry has the money to construct it or not?

Mr. Kuguru: Mr. Speaker, Sir, two questions have emerged from the original question. The original question was asking whether my Ministry could construct this road to enable missionaries to take medicine to *wananchi* with ease. With regard to this part of the question, I asked the hon. Member to take up the matter with his District Development Committee. The other question came from hon. Kabingu-Muregi, asking whether I am aware that there are many roads which have been classified and yet they have not been constructed. I told him I am aware. However, the reason for these classified roads not having been constructed is that the Ministry has not finances to construct all these roads at the moment, but, definitely, they will be constructed when funds are made available to my Ministry.

Question No. 409

DISPENSARY FOR ISABANIA

Mr. S. Lugonzo, on behalf of Mr. Marwa, asked the Minister for Health whether he is aware that there is no dispensary in Isabania area; and why the Ministry cannot convert one of its buildings into a dispensary.

The Assistant Minister for Health (Mr. ole Oloitipiti): Mr. Speaker, Sir, I beg to reply.

The Ministry of Health is aware that there is no government dispensary operating in Isabania area at present, but there are two mission dispensaries. A government border health post is being established at Isabania. The construction of the main health office and one staff house have been completed. There is a plan to build a full health centre apart from the health post at Isabania within the next two years.

Mr. S. Lugonzo: Mr. Speaker, Sir, is the Assistant Minister aware that since we got this free medical services, areas like Isabania, which do not have government health centres, have never enjoyed this free medical facility? If the Assistant Minister is aware of this, why can his Ministry not accelerate the construction of the proposed health centre?

Mr. ole Oloitipiti: Mr. Speaker, Sir, I am aware of this; but as I said earlier on, there is a government border post under construction now and in two years time we are building a full health centre at Isabania to cater for these people.

Mr. Mwicigi: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, where he said a health centre will be constructed at Isabania in two years' time, could he care to advise his Ministry to supply this area with a mobile clinic to cater for these needy people before the full health centre in question is completed? After all, we know that the mission dispensary is situated very far from the people and he knows very well that our people cannot wait for two years without some sort of medical care.

Mr. ole Oloitipiti: Mr. Speaker, Sir, that is a very important suggestion and it has been taken by my Ministry. However, at the moment there are already two missionary dispensaries operating in that area, and in addition to that we are going to provide a full health centre to cater for these people.

Mr. S. Lugonzo: Mr. Speaker, Sir, we have had promises made in this House by Ministers and their Assistants, about constructions taking place somewhere—will the Assistant Minister give us a definite time when the health centre he is talking about will be started so that the people in Kuria can know that they will soon have a full health centre?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am answerable for the Government and what I have told the House is the Government policy and the truth. In two years to come, whoever will be the Minister for Health will make sure that construction of this health centre starts.

Question No. 431

EMERGENCY WARD AT VOI HOSPITAL

Mr. Mwamunga asked the Minister for Health—

- (a) whether he is aware that *wananchi* have contributed nearly £7,000 towards the construction and equipment of an emergency ward at the Voi District Hospital;
- (b) if the answer in (a) be in the affirmative what the Government's contribution will be to supplement the effort shown by the people; and
- (c) since Voi District Hospital handles so many accident cases and is far from the nearest well-equipped hospital in Mombasa, what action he is taking to ensure that—
 - (i) there are at least two doctors at the hospital; and
 - (ii) intensive care equipment is available at the hospital.

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply.

(a) Yes, the Ministry of Health is aware.

(b) The Ministry of Health will equip this hospital and staff it and run the Harambee ward, if the group raises adequate funds to complete it.

Mr. Mwamunga: Mr. Speaker, Sir, the Minister did not answer parts (b) and (c) of my question.

Dr. Onyonka: Mr. Speaker, Sir, on part (c) it is true that Voi Hospital does handle a lot of cases involving emergencies and we are in the process of providing the sort of facilities required to handle the cases. There are plans underway right now to provide the necessary services.

Mr. Mwamunga: Mr. Speaker, Sir, the Minister seems to be answering my question in stages. Part (c) of my question has two parts and yet he has not answered both of them.

Dr. Onyonka: Mr. Speaker, Sir, I do not know what the hon. Member wants me to tell him, but intensive care facilities include the facilities required to handle emergency cases.

Mr. Mwamunga: Mr. Speaker, Sir, in view of the fact that the hospital is handling a lot of accident cases, more than any other hospital in the province, outside Mombasa, and in view of the fact that there is urgent need for the equipment that can handle emergency cases, could the Minister tell us when he is going to

supply this hospital with the equipment to handle the many road accidents on the Mombasa/Nairobi Road.

Dr. Onyonka: Mr. Speaker, Sir, I am hopeful that it will be done before election time.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, arising from the Minister's reply and in view of the fact that he has agreed to part (c) of the question, does he not see the necessity of giving a contribution, as part (a) requests, despite the fact that all emergency cases are entirely a Government responsibility and, therefore, it is a matter of generosity that the people of Voi contributed £7,000?

Dr. Onyonka: Mr. Speaker, Sir, that is the strangest statement I have listened to in this House for a long time. In fact, you could as well argue that virtually other types of sickness are Government responsibility.

Mr. Mwamunga: Mr. Speaker, Sir, the Minister has indicated that four staff houses will be built during this financial year, and I imagine these houses are for the senior staff. What is the Minister doing to give better houses to the junior staff at the hospital now occupying ten by nine feet rooms and yet they live in these houses with their families?

Dr. Onyonka: Mr. Speaker, Sir, it is accepted that there is a need to improve housing conditions for junior staff at Voi Hospital like any other district hospital in this country; however, in terms of priorities, we felt that what we are doing for Voi now deserves priority over the provision of houses given the very limited supply of Government funds.

Question No. 357

CONVERSION OF TAMBACH DISTRICT HEADQUARTERS INTO A TEACHERS' COLLEGE

Mr. Kurgat asked the Minister for Education whether since Kenya is short of trained teachers, he will convert the present Elgeyo-Marakwet District Headquarters at Tambach, when this headquarters move to Iten, into a teachers' training college.

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

There are no plans to convert the present Elgeyo-Marakwet District Headquarters at Tambach into a teacher training college. The cost of converting the centre into a full-fledged teacher training college would be prohibitive. The hon. Member will be pleased to know that cheaper and more efficient methods of training teachers are being considered for the benefit of the whole country.

Mr. Kurgat: Mr. Speaker, Sir, arising from the reply by the Minister, that there is an efficient and cheaper method for doing this, would he explain what he means by this?

Mr. Towett: Mr. Speaker, Sir, according to our Development Plan, we go by what we are given to go by or what this House discusses and allows us to go by. For a time we have been reducing the number of teacher training colleges and I intend to handle 17 teachers' training colleges only, and it is the intention of the Government and the Ministry of Education to

[The Minister for Education]

expand the 17 teacher training colleges so that each will eventually contain 720 trainees. That will give me, at any one given year, about 12,240 teachers-in-training.

Mr. Kurgat: Mr. Speaker, Sir, in view of the fact that the Minister wants to extend the 17 teachers' training colleges to cater for 720 trainees per college per year, would he consider—this being a crash programme and since Tambach used to be a teacher training college before—having a P3, P2 and P1 teacher training college here so that we can have more teachers in the country?

Mr. Towett: Mr. Speaker, Sir, I did not say that I was extending the 17 teacher training colleges but that I was expanding them. If it came to deciding adding another training college, Kerio Valley or Tambach District will not qualify because they are very close to Mosoriot Teachers' Training College. The place that would qualify is Nakuru District and the big house that used to belong to Lord Egerton would be an ideal place for an additional teachers' training centre.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the Minister's reply, where he said that the Government policy is to expand the present teacher training colleges, would he tell us whether he is going to expand all these colleges at one time or he will do it in phases? When will the work start? Will it be during the next Financial Year or will it be within the present plan period?

Mr. Towett: Mr. Speaker, Sir, considering the amount of money we have, we cannot expand all the colleges within a period of one month or one year. We shall go by gradual steps and this has been going on for the last five years.

Mr. Nthenge: Mr. Speaker, Sir, in the Minister's expansions of these colleges, when does he intend to do away with untrained teachers and have all our schools run by trained teachers?

Mr. Towett: Mr. Speaker, Sir, with all the good will that we have, there is no country in the world that has done away with untrained teachers.

Question No. 390

POSTAL SERVICES AT MARALAL

Mr. arap Cheboiwo, on behalf of Mr. Lenayiarra, asked the Minister for Power and Communications when Maralal Town will be provided with full postal services in view of the increasing demand.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

Maralal has a sub-post office which conducts all services that a post office of its status does. The current volume of business does not warrant upgrading to departmental status. It will, nevertheless, be reviewed for upgrading when funds are available and other conditions satisfied.

Mr. arap Cheboiwo: Mr. Speaker, Sir, will the Assistant Minister be specific and tell the House what the other conditions that will satisfy him are and the sort of volume he wants before he upgrades this place?

Mr. Moss: Mr. Speaker, Sir, the conditions are that the people of Maralal will have to know the use of

telegrams, registered letters and prove in practice that they can use these facilities. They do not do it now; it is only Government departments that keep the sub-post office busy and we want the locals to show in practical terms that they are also ready for the facilities. This will bring the volume required and then Maralal will be considered for upgrading.

Mr. Lentaya: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, is he aware that the population of Maralal is about 4,000 people? I am surprised to hear the Assistant Minister saying that none of these people know how to use the postal services provided to them. Would he tell the House how he expects such a number of people to live without postal services in their area?

Mr. Moss: Mr. Speaker, Sir, these people have not complained of inadequacy of postal services in the existing sub-post office. For the information of the House, this particular sub-post office offers almost all post office facilities, including postal orders, which are very important. Therefore, I really do not see what is lacking in this particular sub-post office.

Mr. Lentaya: On a point of order, Mr. Speaker, Sir. This is the second time we have complained about lack of enough postal facilities in this sub-post office, and we have requested the Ministry to give us a full post office at Maralal. Therefore, Mr. Speaker, I would like to seek your guidance here because I feel that the Assistant Minister is now trying to mislead the House by saying that Samburu people have not complained about lack of postal facilities. This is the second time we have complained about this!

Mr. Moss: Mr. Speaker, Sir, I am not refuting what the hon. Member is now saying; what I am saying is that the local people should also be made to realize that a sub-post office exists at Maralal and that they should make good use of it. This is what I said. Therefore, the hon. Member should try to educate the local people on how to use the sub-post office because it is not meant for only those people living in Maralal Township, who are making good use of it already.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister really in order to say that the local people in the rural area have not complained while the question asked by the hon. Member refers to all the people in his constituency and not necessarily those living in Maralal Town alone?

Mr. Moss: Mr. Speaker, Sir, we are already serving the urban people in Maralal Township and these people now want the sub-post office upgraded. However, as I have already indicated, the volume of work in this particular sub-post office does not warrant this. For this post office to be upgraded, the hon. Member would be doing a good piece of work if he persuaded more people to use the existing postal facilities.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, and knowing very well that we have a lot of young people who are now working in various towns far away from Maralal and who always send money to their parents through money orders, is he aware that once these parents receive the money orders they have to travel from

[Mr. Lentaya]

Maralal to Rumuruti, which is about 86 miles away? Is he aware that our people are really suffering due to lack of enough postal services in this area? What steps is he taking to help these poor people?

Mr. Moss: Mr. Speaker, Sir, I am pleased that the hon. Member has brought up something which is at least relevant to the question. If the problem here is the question of postal money order, I would like to give him an undertaking that my Ministry is going to look into the problem with a view to finding ways and means of rectifying the situation so that money orders are received at Maralal.

Mr. Speaker: Mr. Yunis Ali's question.

Question No. 340

Mr. Araru: Mr. Speaker, Sir, on behalf of Mr. Yunis Ali—

Mr. Kitonga: Mr. Speaker, Sir, I was authorized by Mr. Yunis Ali to ask his question. Is it really in order—

Mr. Speaker: Order! Who was authorized by Mr. Yunis Ali to ask his question?

Mr. Kitonga: Mr. Speaker, I was authorized by Mr. Yunis Ali to ask his question.

Mr. Speaker: All right!

CANTEEN FOR NAIROBI HOSPITAL

Mr. Kitonga asked the Minister for Health whether, considering the fact that most African employees of Nairobi Hospital are housed at the hospital compound with their families, he would, as a matter of urgency, advise the hospital management to allow a canteen to be opened at the compound.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, Sir. When two hon. Members stand up in this House and argue as to who was given the authority to ask a question on behalf of another hon. Member, how does the House rely on the information given by each of the two hon. Members? How do we know who was actually given the authority to ask the question? Are you really satisfied, Mr. Speaker, that Mr. Kitonga was authorized to ask this question?

Mr. Speaker: Yes, Mr. Kitonga had already told me that he was going to ask the question on behalf of Mr. Yunis Ali.

Mr. Kitonga: Thank you very much, Mr. Speaker. I have already asked the question.

Mr. Speaker: Ministry of Health.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply.

The provision of a canteen in any hospital compound is a welfare matter and it has nothing to do with my Ministry. It is, therefore, up to the Nairobi Hospital Management to decide whether or not they are going to provide the canteen in question.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, while I agree with him that this is a welfare matter, is he aware that the employees

in this hospital work on shift basis and sometimes some of them leave work at midnight and cannot find a place to eat or drink? Is he aware of this?

Mr. ole Oloitipitip: Mr. Speaker, Sir, there is a shop at Nairobi Hospital which is run by the Red Cross Society of Kenya and the staff of this hospital can buy whatever they may require from this shop. However, as I said earlier, this is a welfare matter and it has nothing to do with our Ministry. However, if the management wishes to put up a canteen in this place, they can do so.

Mr. Nthenge: Mr. Speaker, Sir, since all the hospital staff are a concern of the Ministry of Health, would the Assistant Minister undertake to ask the City Council of Nairobi, or any other authority, to construct this canteen?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I said that this is a welfare matter, and if the staff at the hospital want a canteen they can approach the management of this hospital and the management can look for somebody to build the canteen. However, as a Ministry, we just cannot do this.

Mr. Nthenge: On a point of order, Mr. Speaker. Do you not think the hon. Assistant Minister is trying to evade the issue? I asked him whether since the employees of this hospital are a concern of the Ministry of Health, he would take up the matter and write to the authority concerned instead of asking the staff to do this.

Mr. ole Marima: Mr. Speaker, Sir, in view of the fact that the employees working at Nairobi Hospital are the employees of the Ministry of Health, which means that they are actually managed by the Ministry, and the people have to work for very long hours and might not have time to go to shops far away, would it not be proper for the Ministry to provide them with this service so that they can serve us better?

Mr. ole Oloitipitip: Mr. Speaker, Sir, the hon. Member has been in the medical institution and, therefore, knows that the staff working in any hospital are given some time off, and during this time they are free to go anywhere and buy whatever they want.

Mr. Mwithaga: Mr. Speaker, Sir, arising from the various replies by the Assistant Minister, is he not aware that the shop he is now referring to is run by the Red Cross Society and does not operate as a real shop to sell things to these people and, therefore, cannot meet all their necessary requirements?

Mr. ole Oloitipitip: Mr. Speaker, Sir, as I have just said, I am aware of the position, but if the hon. Member had listened to me carefully, he would have heard that I referred to only a few items and, not all the items involved in this case.

*PERSONAL STATEMENT**SUBSTANTIATION OF ALLEGATION ON REDUCTION IN THE PRODUCTION OF SUGAR AT MUMIAS*

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Two days ago, in the course of my speech when we were debating the Financial

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

Statement, I stated clearly that I did not see the reason why the price of sugar should rise taking into account the fact that sugar production in Mumias had been reduced from 70,000 to 50,000 bags per month. Hon. Araru, challenged me to substantiate that sugar production in the factory in question had been reduced to the figure I have just quoted. According to the newspaper cuttings and a circular I have in my hand now, the Mumias Sugar Company Manager, Mr. Beavers, has stated that the situation on shortage of railway wagons, which forced the closure of Mumias Sugar Factory last Sunday, has been eased and milling of the sugar-cane is likely to resume on 8th February, 1974. That was what was reported in the *Daily Nation* of 8th February, 1974. The report goes further to say that earlier that week a spokesman of the company had reported that the factory had stopped operating due to lack of wagons to transport sugar-cane from Bungoma Railway Station to the Kenya National Trading Corporation depot.

According to a further report appearing in the *Daily Nation* dated 3rd April, 1974, the Mumias Sugar Factory stopped processing sugar-cane on 24th March for the second time in two months due to a shortage of facilities. Earlier in February this year the factory stopped operating due to lack of wagons to transport sugar-cane from Bungoma Railway Station to the Kenya National Trading Corporation depot for distribution. According to the circular I referred to earlier on, the General Manager, Mr. A. Beaver, informed all the employees of the factory that his company can process

sugar-cane already in the company's stores only as a result of instructions from Trade and Supply Department of the Kenya National Trading Corporation. The General Manager had reported earlier, in March this year, that the production of sugar was going on well and it was hoped that the production in that month would be a record. However, he went further to say that he had been instructed by the Department of Trade and Supply to suspend shipment of 20,000 bags, thus reducing the total production of sugar in the factory to 50,000 per month.

If this is what is happening, why should someone stand in this House and claim that since there is a shortage of sugar in this country we are going to import sugar? Is this what is called brilliance?

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

VOTE ON ACCOUNT

The Minister for Finance and Economic Planning
(Mr. Kibaki): Mr. Speaker, Sir, I beg to move:—

THAT, in accordance with section 101 of the Constitution of Kenya the withdrawal from the Consolidated Fund of the sum of K£113,019,179 made up in the manner set out in the Vote on Account laid before the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30th June, 1975 until such time as Appropriation Act for that year comes into operation.

Vote No.	Service	Total Net Estimate	Vote on Account
RECURRENT		K£	K£
R 1.	Office of the President	7,750,300	3,875,150
R 2.	The State House	162,200	81,100
R 3.	Directorate of Personnel Management	1,281,800	640,900
R 4.	Ministry of Foreign Affairs	1,759,400	879,700
R 5.	Office of the Vice-President and Ministry of Home Affairs	12,473,700	6,236,850
R 7.	Ministry of Finance and Planning	4,096,100	2,048,050
R 8.	Ministry of Defence	14,470,600	7,235,300
R10.	Ministry of Agriculture	7,140,500	3,570,250
R11.	Ministry of Health	12,299,200	6,149,600
R12.	Ministry of Local Government	5,147,000	2,573,500
R13.	Ministry of Works	13,060,500	6,530,250
R14.	Ministry of Power and Communications	1,338,400	669,200
R15.	Ministry of Labour	1,360,900	680,450
R16.	Ministry of Tourism and Wildlife	1,524,600	762,300
R17.	Ministry of Lands and Settlement	2,139,400	1,069,700
R18.	Ministry of Housing	104,600	52,300
R19.	Ministry of Information and Broadcasting	1,299,100	649,550
R21.	Ministry of Natural Resources	2,303,700	1,151,850
R22.	Ministry of Co-operatives and Social Services	1,560,200	780,100
R23.	Ministry of Commerce and Industry	647,100	323,550
R24.	Ministry of Education	47,587,600	23,793,800
R25.	Office of the Attorney-General	457,700	228,850
R26.	Judicial Department	490,900	245,450
R27.	Public Service Commission	69,900	34,950
R28.	Office of the Controller and Auditor General	223,100	111,550
R29.	National Assembly	555,000	277,500
	TOTAL	K£ 141,303,500	70,651,750

[The Minister for Finance and Economic Planning]

Vote No.	Service	Total Net Estimate	Vote on Account
DEVELOPMENT			
		K£	K£
D 1.	Office of the President	1,165,210	582,605
D 2.	The State House	75,000	37,500
D 3.	Directorate of Personnel Management	330,000	165,000
D 4.	Ministry of Foreign Affairs	183,000	91,500
D 5.	Office of the Vice-President and Ministry of Home Affairs	1,556,000	778,000
D 7.	Ministry of Finance and Planning	4,952,000	2,476,000
D 8.	Ministry of Defence	1,444,536	722,268
D10.	Ministry of Agriculture	19,958,831	9,979,415
D11.	Ministry of Health	4,731,068	2,365,534
D12.	Ministry of Local Government	1,672,000	836,000
D13.	Ministry of Works	20,098,831	10,049,415
D14.	Ministry of Power and Communications	6,573,136	3,286,568
D15.	Ministry of Labour	172,500	86,250
D16.	Ministry of Tourism and Wildlife	2,800,295	1,400,148
D17.	Ministry of Lands and Settlement	3,685,349	1,842,674
D18.	Ministry of Housing	6,009,400	3,004,700
D19.	Ministry of Information and Broadcasting	672,530	336,265
D21.	Ministry of Natural Resources	1,061,178	530,589
D22.	Ministry of Co-operatives and Social Services	694,439	347,220
D23.	Ministry of Commerce and Industry	2,917,556	1,458,778
D24.	Ministry of Education	3,867,000	1,933,500
D26.	Judicial Department	115,000	57,500
		K£	K£
		84,734,859	42,367,429
	TOTAL	K£	K£
		226,038,359	113,019,179

Mr. Speaker, Sir, this is a Motion we debate each year in accordance with section 101 of our Constitution, which says that if the debate on the Estimates is going to last beyond the end of the Financial Year, that is 30th June, then we have to pass a Motion on Vote on Account allowing expenditure to be incurred from the Consolidated Fund in advance of the approval of the Appropriation Bill by this House. It is quite clear that the debate on the Budget will go on beyond 30th June, 1974. Therefore, by the time we enter the new financial year, that is by 1st July, 1974 we need such authorization in accordance with our Constitution so that we can spend public funds after the end of the current Financial Year. The Vote on Account, as usual, shows half the total sum of money requested in the Estimates. This is a Motion which does not normally require much debate realizing that we are going to debate the Votes of every Ministry very shortly.

Therefore, since it would be quite improper for me to anticipate what will be said by hon. Members when we are debating the Votes, with those few remarks, I beg to move.

The Assistant Minister for Information and Broadcasting (Mr. Kase) seconded.

(Question proposed)

Mr. Amayo: On a point of order, Mr. Speaker, Sir, since we do not need to waste much time on this Motion, I beg to move that the Mover be now called upon to reply.

Mr. Speaker: Yes, I think it is reasonable for the House to consider that now.

(Question that, the Mover be now called upon to reply put and agreed to)

The Minister for Finance and Economic Planning

(Mr. Kibaki): Mr. Speaker, Sir, I am very grateful to the hon. Member for Karachuonyo for supporting the Motion.

Mr. Speaker, Sir, with those few words, I beg to move.

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD: LOANS AND CREDIT FACILITIES (AMENDMENT) BILL

The Vice-President and Minister for Home Affairs

(Mr. arap Moi): Mr. Speaker, Sir, I beg to move:—

THAT, this House orders that the publication period of the Loans and Credit Facilities (Amendment) Bill be reduced from 14 to 6 days.

Mr. Speaker, Sir, the purpose of this Motion is to enable the Government to borrow from 1st July, 1974. Since we are approaching the end of the Financial Year, it is appropriate that this Motion be passed so that the publication period of the Bill involved can be reduced from 14 to 6 days.

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

The Minister for Finance and Economic Planning

(Mr. Kibaki): Mr. Speaker, Sir, in seconding this Motion I would like to say two things. The first thing is that this Bill, which authorizes the Government to borrow is needed each year because we need to finance a number of our services through borrowing locally. This

[The Minister for Finance and Economic Planning] year, in the Budget, some £9 million will need to be borrowed to balance the Budget. The present law expires at the end of June, this year. In the beginning of July there will be no authorization for borrowing because the law is always for a determinate period of time which can be two, three or four years. The period which was authorized for us to borrow certain sums of money expires at the end of June this year. Therefore, beyond that time we do not have the mandate to borrow any more. We therefore need to debate the Bill before the Financial Year comes to an end. One point must be made, that whenever we borrow money under this law we are required to table, in this House, and circulate to the Members a statement of the borrowing including the terms of the borrowing and the purpose of the borrowing. Therefore, Mr. Speaker, Sir, it is a matter which in many ways we would all agree with because Government should have these powers before the end of the Financial Year. That is why we are having this request, that the publication of this Bill be reduced from 14 days to 6 days.

If I may say so, Mr. Speaker, Sir, the Bill we are talking about is a Bill which consists of only two clauses. It is not one of those Bills which require very much study and long reading. This one consists of only two clauses.

Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Karungaru: Mr. Speaker, Sir, I am going to support this Motion with some sympathy. The Government should take note of the warning which I am going to give. By that I mean—

An hon. Member: Who are you to give the Government a warning?

Mr. Karungaru: I am a Member of the National Assembly representing Embakasi Constituency and Kenya as a whole. Mr. Speaker, Sir, I cannot see any reason why the Government did not foresee the fact that the existing borrowing law was about to expire at a certain date. I think it would have been advisable for the Government to bring this Bill some time back because it is a normal practice for the Government to introduce a Bill in this House whenever they want authority to borrow any money. This would have avoided the question of asking the House to reduce the number of publication days for this Bill. The implication of this is that the members of the public who have elected us to this National Assembly will be deprived of the right of having any say on this Bill. This means that it is only Members of this House who can have a say in a matter which is affecting the entire country. According to the normal procedure in such matters, not only in this country but also in some other countries, the members of the public are given an opportunity to see such a Bill so that if they have an interest in it they can organize their own method of approaching hon. Members in a form of an appeal where conflicts of interests occur.

However, in a matter like this one, where we are being told that we are going to borrow this money locally, I think it would have been advisable on the

part of the Government to have brought this Bill much earlier. This would have enabled the people of this country to advise the Minister and the Government as a whole on the question of borrowing, either locally or abroad. It is in this respect that I am warning the Government that in future we need enough time for publication of any Bill irrespective of whether it consists of one or two lines. The reason for this is because one word in a Bill can change a lot of things in the country because these Bills are worded in legal language. You cannot say that everybody in this country understands the legal language used in these Bills by the lawyers. Although some of us are bush lawyers, we are sometimes at a loss when we are made to rush up things in this House. I do not see any reason why we should hurry up things in this House. I therefore want to say, once again, that the Government must realize that ours is a Government of the people and that the wishes of the people should always prevail.

With those few remarks, I beg to support the Motion.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir. Since we are tired of these warnings from the Member for Embakasi, and also bearing in mind the fact that we want the Government to borrow money as quickly as possible, could I move that the Mover be now called upon to reply?

(Question that the Mover be now called upon to reply put and agreed to)

The Vice-President and Minister for Home Affairs

(Mr. arap Moi): Mr. Speaker, Sir, the Member for Embakasi is always interested in giving warnings. He should ask advice instead of giving warnings to the Government. What he is quarrelling about is a very tiny Bill which is drafted on a single sheet of paper. In fact, it is even less than a page in size, Mr. Speaker, Sir.

An hon. Member: What is the implication of that "less than a page" Bill?

The Vice-President and Minister for Home Affairs

(Mr. arap Moi): An hon. Member is asking me what the implication of this half a page Bill is. The implications of it is what the hon. Members of this House have always demanded of the Government. They have always asked the Government to request the authority of this House to borrow any money. That is a valid point, Mr. Speaker, Sir. There is no need arguing about the figures involved at this stage. However, I would like to thank the Member for Embakasi for the points he raised. I would like to assure him that his points have been noted. I would also like to advise him that he should always be brief and to the point whenever he wants to say something.

With those few remarks, I beg to move.

(Question put and agreed to)

BILL

FIRST READING

THE LOANS AND CREDIT FACILITIES (AMENDMENT)
BILL

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. Is it not out of order for the Minister for Finance and Economic Planning to speak while seated as if he is in Bahati Market? He did not stand up, Sir.

Mr. Speaker: Well, if he did so, that is out of order. Nevertheless, I am sure it was not intentional, otherwise it would be quite unfair.

Next Order.

PROCEDURAL MOTION

REDUCTION OF SUPPLY DAYS

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House orders that ten days shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates; and further, that not more than one allotted day shall be spent on any one Vote.

Mr. Speaker, Sir, the Sessional Committee met the other day with mixed feelings. Some Members of the Committee felt that the time limit is very short to debate Votes while others felt that the time allotted is adequate. I personally feel that the time proposed in the Motion is more than adequate in that we have had marathon debates on various subjects which will be repeated during the Estimates.

In Parliamentary business, Sir, and in a House organized properly, if a Member speaks on a given topic, that is sufficient to cover the views of other hon. Members. At the same time, Sir, at this time of the year everybody is busy running up and down for the purposes of the coming General Election. Mr. Speaker, Sir, many cars are wearing out tyres in a short period and I reckon that hon. Members will also be physically exhausted in the near future. However, I appeal to hon. Members to be unanimous in their support for the Procedural Motion so that it can go through. I am sure that when debates on various Votes will be introduced in this House each hon. Member will have an opportunity to speak on any subject he wants to discuss.

Mr. Speaker, Sir, Local Government Elections are about to be held and, thereafter, we anticipate National Assembly Elections. In order to get ourselves acquainted with our constituents, it is only fair that we give ourselves sufficient time to visit them.

With those few remarks, Sir, I beg to move.

The Minister for Co-operatives and Social Services (Mr. Muliro): Thank you, Mr. Speaker, Sir, for allowing me to second this Motion.

In seconding the Motion, Sir, I have one or two points to make. Hon. Members, Mr. Speaker, Sir, have had a very lengthy debate on the Development Plan, in which all aspects of development affecting the country and relevant to all Government Ministries were debated. Any other lengthy debate, Sir, would amount to repetition of what hon. Members have already put forward. Similarly, Sir, hon. Members spoke all that

they wanted to put forward to Government during the Budget Speech. The essence of debating various Votes is to examine individual expenditure of Ministries one by one. I feel that if one day is allocated to a Vote we shall be able to discuss at least ten Votes. In fact, in the past, when there was no limitation at all, we have only been able to discuss seven or eight Votes. I would like to urge my colleagues to accept the Motion so that we can discuss other important matters.

Lastly, Mr. Speaker, Sir, I would like to say that hon. Members are going to be involved in Local Government Elections, in assisting candidates who may include their sisters, brothers and even wives. If, say, the Member for Butere does not have anybody to support during the Local Government Elections, I want to tell him that there are many hon. Members in this House who are interested in Local Government Elections. Mr. Speaker, Sir, I am the chairman of Kanu in my district and I will be very involved in the election of local authorities and, therefore, I will hardly be in this House during that time. I am speaking my mind, Sir, and I believe my views are also held by many other hon. Members.

With those few remarks, Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Nthenge: Thank you, Mr. Speaker, Sir. While agreeing with the Mover of this Motion that there is need for hon. Members to be in their constituencies, especially since local authority elections are about to be held, I would like to point out that Members of Parliament should not interfere with the freedom of voters.

Mr. Speaker, Sir, it has been our experience that the big boys come to interfere in local elections. I would like to plead with Government that even if the big boys do not like a certain candidate he should be left alone if he is popular with the masses, so that he can win the election and become a councillor. A bad system is developing in this country whereby if a local Member of Parliament does not like a local elected councillor he works out things in such a way that the councillor is defeated. It appears that these days Members of Parliament would like to have weak councillors in their areas who can follow them blindly. I would urge that we abandon that system and give electors the freedom of electing people of their choice even if they differ with us. This is how we should develop democracy in this country.

The other point I would like to make is that it is unfortunate to note that various matters have been cramped together on the Order Paper for us to discuss them. Sir, it is better to consider one Vote at a time and scrutinize it thoroughly. The moment we allow officers in Ministries to think that they are not going to be scrutinized, then we will expect a lot of carelessness in Government finances. This should be the last time that Parliament is asked to scrutinize ten Votes only. If possible we should discuss the Votes on all Ministries so that we may be able to scrutinize them well. This involves public funds, and we are here to see that the money which comes from our electors is spent well.

[Mr. Nthenge]

We are the custodians of this money, but how can we take good care of it if we do not discuss all Ministries? It might be spent badly and when we shall come back here to question that the answer will be that it has been spent according to the way it was approved.

Hon. Members should not become careless or fear their constituents as if they were foreigners in their own areas. They should not start going home only when the elections have drawn near. We were advised by His Excellency the President to visit our constituencies as often as possible. Therefore, the argument brought forward that we should now be around our constituencies because of elections, as if we have not been visiting them, should not be made here, otherwise it gives the impression that we have not been going to our constituencies until this time.

With these few remarks, I beg to support.

Mr. Seroney: Thank you, Mr. Speaker.

This being the last Budget of this Parliament, Mr. Speaker, I would have thought that hon. Members would have liked to do a good last job. But, unfortunately, many of them, especially those who have stood on points of order this afternoon trying to cut short the debate, seem to be tired of being here. With the elections around the corner, I would have thought that debating these Votes in the usual manner would have given a good opportunity to hon. Members to make what would be—to some of them—their last speeches in this House.

An hon. Member: Some should make their maiden speeches.

Mr. Seroney: Mr. Speaker, I am not aware that there is an hon. Member who has not yet made his maiden speech.

Mr. Speaker, Sir, I would have thought that we would do something good to our electorate so that they may know that even if something wrong might have happened in the previous Budgets we would make them feel that at least we have now done a good job. Therefore, I am not convinced by any of the reasons given by either the Mover or Seconder of this Motion. There was a talk about repetitions, and that we have already discussed the Development Plan and the Ndegwa Report as though having done that leaves us with nothing else to say about the statement made by the Minister for Finance and Economic Planning in this House recently. I do not think that whoever discussed the Development Plan for 15 minutes will now be at a loss to know what to say as far as the Budget is concerned. It is true that previously we have only discussed ten Votes and the rest have been guillotined. It is a pity because every year problems arise with regard to various Ministries, such as the Office of the President, the Attorney-General's Office, Ministry of Commerce and Industry, Ministry of Education, Ministry of Agriculture, Ministry of Lands and Settlement, Ministry of Health, and others. There are certain things which are topical to our constituencies which might have not been raised in the Development Plan. After all, this involves the next five years whereas the Budget deals with the next Financial

Year only. So, Mr. Speaker, I would like to appeal to hon. Members to discuss these Votes for 20 days. They should not agree to do a haphazard job which will create a bad impression to our electorate.

With these few remarks, I beg to oppose.

Mr. Mwicigi: Mr. Speaker, Sir, I also have some comments to make on this Motion. There is this question of ten days within which to deal with these Votes at the rate of one Vote per day. Of course, we are faced with different situations: the elections are very near, and if we are not very careful we shall not have quorum here. It is not possible for a person to attend the proceedings of this House and be at his constituency at the same time. Of late there have been movements between Nairobi and various constituencies.

The Local Government Elections are soon being held and they are going to keep Members of Parliament busy. The General Elections are also affecting us. This means that many Members of Parliament will be in their constituencies when these debates will be held here. For that reason, I feel that it is enough to discuss these Votes in ten days. Nothing will be more embarrassing than to have a long period to discuss these Votes but fail to get enough Members to discuss them. For that reason I support the idea that we should condense the time and discuss the estimates within ten days.

When I looked at the Motion first I had the impression that after discussing these Votes in ten days Parliament would be dissolved, but when I looked at it more closely I learnt my mistake. The position is that if all hon. Members continue to attend the House the way they have been doing for the last few weeks, then ten days will be enough to discuss these Votes. The elections are soon coming and pressure is increasing in our constituencies, and this may make things worse.

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

Mr. arap Cheboiwo: Mr. Speaker, Sir, this Motion states clearly that we should reduce the number of days in which to discuss these Votes from 20 to ten. A suggestion has been made here that we seem to be fearing the situations in our constituencies. We have been going to our constituencies every week-end and there is nothing we are fearing.

All I would like hon. Members to do this time is to finish discussing the estimates as soon as possible and go home to supervise the projects which they have initiated to make sure that they are completed before the elections are held.

With regard to the Local Government Elections, I would like to say that we should not cheat ourselves by saying that we are not interested in them. In fact, we will be committed to supporting or opposing or advising candidates in the forthcoming Local Government Elections. Some of the hon. Members are Kanu chairmen in their respective areas while some are Kanu officials. There has been an appeal from Kanu headquarters that Kanu should involve itself in these coming elections. Therefore, we wish to be near the voters and watch the activities. While we are speaking here, those interested in contesting are very busy in our constituencies and we would like to go and see what they are

[Mr. arap Cheboiwo]

doing. Therefore, this is a timely Motion and I need not dwell much on it. I support these ten days and appeal to the Ministers to be very specific when moving their Votes because there are some Ministers who speak for a long time. Since time is limited, I hope we shall be listening to short speeches this time so that we can have time to give them our suggestions on what we would like to happen in our constituencies.

Mr. Speaker, Sir, with those few remarks, I wish to support the Motion very strongly.

Mr. Mwangale: I am rather disappointed by the flimsy excuses given by the Vice-President and the Minister for Co-operatives and Social Services as to the reasons why the period is being reduced from normal 21 to ten days. I think they should have come out quite straightforwardly and said that the reasons are that there are elections coming up in the local authorities and that we, ourselves, are going for general elections shortly and that we need to do that. Instead of saying that we are doing so because we have been debating the Development Plan and that we had a lengthy discussion when it was not true, I think they should make it clear that there is a definite change in our approach and strategy in the Development Plan and, therefore, the Votes themselves are bound to have changes. We therefore need to discuss these Votes in details. However, the point which should be underscored by the Ministers who were trying to move this particular amendment of reducing the period is that they should give a straightforward reason. However, to say that the hon. Members are not interested in discussing the Votes, I think this is absolutely wrong. We have to understand that Kenya is entering a more difficult period than the previous years and this is the time when we have to scrutinize every Vote to find out what is contained in it.

The other point we want to make clear is that we are, in fact, committing the next Parliament to certain money voted for each Ministry without actually scrutinizing and questioning it. Therefore, I think this is, in a way, totally wrong and the Minister knew that they could have brought Votes earlier, just as they should have done with the other Bill—the Loan and Credit Facilities (Amendment) Bill. However, they always wait until it is too late and then come here rushing these Bills and Motions. I think, as a matter of policy, this should be discontinued although we sympathize with this particular Motion in the sense that we want to go back home. In future we should not have something of this nature happening again.

The second point I would like to state while the Minister for Home Affairs is here is that we are prepared to come back, and I hope all of us will be back in this Parliament after the elections. Therefore, this particular time will give us the opportunity to wipe out those—There is a saying in English that when the cat goes out the mice dances. We hope that we will have enough D.D.T. to kill all these vermins when we go back home on 12th July.

I beg to support the Motion.

Mr. Ogalo: On a point of order, Mr. Speaker, Sir.

Since the Motion is clear and, as I can see from the faces of some hon. Members we are all supporting it, would I be in order to call upon the Mover to reply.

Mr. Speaker: Order! It is for the House to decide.

(Question that the Mover be now called upon to reply put and negatived)

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. Is it not wrong for an hon. Member who wanted to have the question of closure put to try to catch the Speaker's eye to speak as the Minister for Local Government is trying?

Mr. Speaker: It was not Mr. Osogo.

Mr. Karungaru: I am sorry.

The Minister for Local Government (Mr. Osogo):

Mr. Speaker, Sir, it surprises me to see some of the behaviours of hon. Members.

Mr. Speaker, Sir, I would like to be as brief as the previous speakers on this Motion. I support the Motion. However, I would like to remind the House one thing which, unfortunately, the Member for Tinderet and the Member for Bungoma East did not tell the House. We have been debating, according to the usual procedure, ten Votes in 20 days. But we have failed miserably—particularly this Parliament—in scrutinizing the Votes. This is because we debate, talk and talk and only spare thirty minutes for scrutinizing what is in the Votes. We do not do justice to those Votes. Therefore, I hope that the ten days being requested for will be devoted to scrutinizing each sub-head in each Vote so that we know where this money is and where it is going to be used rather than speaking generally. I have noticed that we have been doing this during the last five years of this Parliament. This was not the case in the last Parliament because I remember we used to do a lot of work in scrutinizing the Votes. We are duty bound to find out what this money is going to do and how many of the employees are foreigners, how many are executives and so on. That is the main aim of the Committee of Supply. We are supplying money and, therefore, the fact that we can talk and debate whatever development is not in our constituencies has actually nothing to do with the Votes. This is because unless we find out what the money is going for, we are deceiving ourselves.

Mr. Speaker, Sir, ten days are enough for us to scrutinize these Votes. Therefore, let us try to scrutinize all the 20 Votes rather than debating, we could pick up a Vote and scrutinize it and when we reach in the middle of the afternoon we go into another Vote and do the same. By doing this we will be able to scrutinize 20 votes and thus avoid committing the next Parliament to what we do not know, as an hon. Member said—I am sorry that earlier on I referred to the hon. Member for Tinderet; it was the hon. Member for Iveti South who actually raised the scrutiny point. It has been said that we would probably discuss these points haphazardly. This was stated by the Member for Tinderet. I think this is not true, that we are going to debate these things haphazardly. Whoever will be given time to contribute and knows that he is going to debate it haphazardly should not stand to speak. If he knows that he is going to debate the Votes haphazardly, he

[The Minister for Local Government]

should not try to catch the Speaker's eye. The time we have had for debating such Motions has remained the same for a number of years and that is ten minutes. We have never debated these Motions haphazardly; we have said whatever we wanted to say.

Mr. Speaker, Sir, I want to agree with the Member for Kandara. He has stated that we might find ourselves with many days but with very few speakers. This is true. It has happened. It even happened the last time he spoke on the Financial Statement. He has gone out and that is the reason why he was saying that.

An hon. Member: No, he is here!

The Minister for Local Government (Mr. Osogo): Oh, sorry, he is here! Mr. Speaker, Sir, some of us who happen to stay here—on this one, I commend very much the hon. Member for Butere—those of us who happen to stay here for long time and not even going for a cup of tea know very well that at times the Chamber is quite empty. The Division Bell has to be rung every now and again to call Members from outside. For instance, even on the occasion when we wanted to debate the Financial Statement, which was most important, we had to adjourn the House because there was no quorum. Now, in the circumstances that are ahead of us, we are going to be involved in trying to learn how the Local Government elections are going to be conducted. For instance, the Local Government elections are going to be conducted using symbols for the first time since 1963. We are going to learn and, therefore, we need to be there to learn. We should be in the constituencies. We are going to find that this Chamber will be empty and we shall be calling for quorum every now and again.

Hon. Members: No! No!

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, hon. Members are shouting "No! No!", but give it a test and you will see that this is what it will amount to. The Member for Embakasi is here and he might be campaigning for his councillors at night. However, my home is about 300 or 400 miles away and I have to be there and, therefore, I will not be here to help in forming a quorum.

Mr. Speaker, Sir, let us not deceive ourselves. Let us be honest with ourselves and say that we shall need some time out to help in whatever elections that will be going on, and, therefore, discuss and finish with ten Votes and give the necessary moneys to the Ministries to continue working when we shall be facing the election storm in the rural areas.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Speaker, Sir. I think the time has come when we must be serious with ourselves.

Mr. Abdallah: Question!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, if hon. Abdallah would stop talking as if he is somewhere in his constituency, I am sure he would get a lot

of wisdom from me, since I am more senior than him as a Member of Parliament.

Now, Mr. Speaker, Sir, I would like to try and get one point very clear. The excuse by some of my colleagues that the reason for this reduction of days is to enable us to go out and help the councillors is very vague. These councillors are just as grown up and as political-minded, if not more as the hon. Members in this House. So, to pretend that we, in this House, are going out to help the councillors in their campaign does not hold water at all. Those councillors are grown up people; they have wives and children, maybe more than those that the hon. Members of this House have. They stay closer to their wives and, therefore, they have more children than most of the hon. Members here because we travel all that way going home when councillors are already there. Therefore, it is wrong, on the question of principle, to pretend that we are the fathers of the councillors down there. The councillors are known; people know them and they know whom they want as a councillor and whom they want as their Member of Parliament. So, if we decide that we must go back home to help the councillors, I think we are going to do nothing but confuse the whole issue down there. I think we are going to confuse everybody. The main aim of the "big potatoes" or the "big shots" is to go down—of course, if the hon. Member is asking me whether I am one of them, I can only tell him that the public knows that I am not one of them. I am well known down there. These "big shots" want to go down there and plant—the word "stooge" is out of order, otherwise I would have used it. They want to go down there and plant their lackeys on people. I think that is wrong, and they will manage it because they have got big money which they have grabbed all this time. Now, they want to know whether they can come to this Parliament by sponsoring candidates all over the place and making the poor people collide among themselves for nothing. The "big potato" wants to see how much his money has done. Therefore, I submit very strongly that the *wananchi* of this Republic should know that the big men have grabbed enough for themselves. So, anybody supported in such a way should be known as a good boy of a "big man" and, therefore, the electors should take the money offered and then fail the candidate in the elections. Let them fail in the elections because the money the big men have grabbed is the money of the public; it belongs to the poor *wananchi* of this Republic. So, the poor *wananchi* should eat the "big men's" money to the hilt. They should also eat the money of the "Good boys" who are going to be sponsored by Ministers, Assistant Ministers and even the Members of Parliament plus other invisible "big fish". The "small men" in the country-side must know now that the time has come for them to eat the "big men" because it is the small fish which is always eaten by the big fish.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, it should be the other way round now. The "big men" are now shaking under their pants and they are going to the "small men".

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

Therefore, I call upon the "small men" to wait for the "big men". I am sure that the "big men" will be dead within no time—when the big fish die, the small ones go and eat and finish it. Now, this is the time for the "small men" to fix the "big men" who have been grabbing land and everything else in this country. I have been fighting with them in this House for the last ten years without any success. However, this time, I would like to see some of the "big men" going out. In addition to that, Sir, they play about with their money sponsoring everyone. I would also like to appeal to all the hon. Members here that they should also stick to their constituencies. They should sell themselves to their constituencies and they should not be put into the pockets of anybody. This is the point I want the hon. Members to understand. For instance, some hon. Members are told by the "big men", "Look, I will help you in this way and that way provided you do this for me." Now, here the hon. Member sits hoping that if he says something, then *bwana mkubwa* will be angry with him. That is the reason why a lot of Motions and Bills pass without some of these Members participating because they want to be good boys. However, I am sure that *wananchi* will throw out some of these Members plus their bosses. Mr. Temporary Deputy Speaker, Sir, I believe that the "big bosses" in this country are the electors. The electors are the big bosses and the President of this country has told us now and again that even he, himself, is not the boss of the people. It is the people who give him *madaraka* and, therefore, he is prepared to go by their feelings. However, as for these bosses who want to go and sponsor candidates in the local authorities elections, *wananchi* must be told that this is really their time and they will not have any other time to eat the big bosses' money. They should consume the money right now. The big bosses are "Stooges". Oh, sorry, Sir, the word "stooge" is out of order!

I would have opposed this Motion if only I could have been assured that all hon. Members in this House would remain in this House for 20 good days. I would really go out and vote with them to oppose this Motion. However, the problem is that most Members do not stay in the Chamber. For instance, how many of them are in the Chamber right now out of the 170 Members of this House? They are very few. How many Ministers and Assistant Ministers are here right now? They are also very few. I am speaking facts and everybody can see for himself. I am saying this because I am always sitting here. Now, if we say that we must go on with this debate for 20 days, I am sure that we shall find ourselves not having a quorum. That is one point. The second point is that there will be no people to contribute to the debate and, thirdly, it will be a disgrace to the House. I am a Member of the Sessional Committee and, therefore, I would have liked this debate to go on for 20 days. But, will the 20 days be fully utilized? No!

Mr. Temporary Deputy Speaker, Sir, I think time has come when *wananchi* were told that the hon. Members of Parliament are paid to be here. Now, since they

are going out all the time, this time they must be thrown out all of them. Those hon. Members who have been sitting here quietly and not contributing to the debates should be thrown out. All those hon. Members who have been here but have not been contributing to the debates and only amassing wealth for themselves, must be thrown out. The *wananchi* pay us to talk here. I will repeat, Mr. Temporary Deputy Speaker, that I am paid to do nothing else, but to talk here. Now, if I cannot talk, why should the people of Butere vote me to this House? They are stealing the public's money. We talk of hanging thieves, but we have thieves in this House. Therefore, we should start with the ones in this House. I think, Mr. Temporary Deputy Speaker, that the time has come for that, but the problem would be on how to include Members of Parliament in that Law because they are the law makers here, and they would refuse to vote for it. However, I think the public should hang them at the polls, and these are the good boys who have been sitting here and saying nothing. They are paid to be here, but some of them are never here, and these Members should be thrown out. Therefore, Mr. Temporary Deputy Speaker, I very much regret that the Motion must be supported because of the failure of the hon. Members.

Now, as for the reason that was given here that we Members are going to learn how elections are going to take place from the Local Authority elections, if there was any unreasonable reason under the sun, that would be one. Mr. Temporary Deputy Speaker, Sir, let us not just be given a flimsy reason.

Mr. Abdallah: Oh, no, we know you very well, Mr. Shikuku!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Of course, Sir, the hon. Member has to know the hon. Member for Butere. Even in his own constituency, the people there know the hon. Member for Butere. Therefore, I am not surprised that he knows me.

Therefore, Mr. Temporary Deputy Speaker, Sir, the question of learning is completely out here because the hon. Member now speaking, and even the hon. Member who spoke earlier were first elected in 1961. We are the people who were in the game at that time. Yes, Mr. Temporary Deputy Speaker, the hon. Member now speaking was not at school; he was in the thick of it, and that was in 1961. It was back in 1961 when the people first voted, using the system they are now going to use this time. Again in 1963, they voted four times without any problems for Members of the Regional Assembly, Upper House, Lower House and Local Authorities. Therefore, how can we be told we are going to learn how to do this? Can somebody really convince me that the African of 1974 is less informed than that of 1961, where there was no problem? I do not think this is the reason. The reason, in my opinion, is that we should go to the elections, something we do not fear at all. Even if it will be tomorrow, I will still like it. However, we should not create these flimsy reasons; in fact, it is a shame, Sir, because they are put on record, and they will go to archives. Our children and grandchildren will say, "Oh, our grand-daddies

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

were really hopeless". Therefore, if it is because of elections, then let us be told we are going for elections, and we should not bring in these other things.

Now, the last point, Mr. Temporary Deputy Speaker, Sir—

Mr. Abdallah: On a point of order, Mr. Temporary Deputy Speaker, Sir, when the hon. Shikuku speaks here, he has a habit of opening his sharp eyes in order to frighten me. Now, Sir, is this really in order?

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, Sir, the hon. Member says that I have a habit of using my sharp eyes to frighten him. However, Sir, I do not intend to frighten the hon. Member for Mombasa North and, as a matter of fact, he is a friend of mine. Now, when I speak, I do not normally change, I just look normally. However, I will not look in his direction now, but in the direction of the Vice-President, who is my boss and who cannot be frightened by me.

The last point I was going to make, Sir, is that when it comes to the question of elections of local authorities, I think that is their problem, and we should leave it to them, and leave the people to do what they want and elect whom they want. Now, if we do not support this Motion, there will be no speakers here. Therefore, I am left with no alternative because there will be no quorum, and therefore, no speakers.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Abdallah: Thank you very much, Mr. Temporary Deputy Speaker. Now, Sir, the time has come for the House to be told the truth. We know very well that the life of our Parliament is five years.

Mr. Mwithaga: On a point of order, Sir, would I be in order to request that the hon. Member speaking to now look at the hon. Shikuku because hon. Shikuku looked at him when he was speaking and he was frightened?

Mr. Abdallah: Unfortunately for me, Sir, I do not have sharp eyes to be able to frighten anybody.

Mr. Temporary Deputy Speaker, Sir, hon. Members should know that the life of Parliament is five good years, and that means money will be paid to us for five years. Now, we are being asked to reduce the days here from 20 to ten, for the hon. Members to discuss every Ministry's Vote here. I do not think this is fair at all. However, because of the reasons that have been given here by my hon. friend, who was trying to frighten me with his sharp eyes, and who was quite right, I feel the Vice-President, whom I highly respect, first of all, should declare his interest. He should give us really good reason as to why the 20 days should be reduced to ten. However, if it is because of the poor attendance here by hon. Members, as was suggested by my hon. friend over there, then it is quite all right because hon. Members are elected to come here by the public and they are paid from public funds. There-

fore, they actually become thieves when they do not attend sittings of the House.

An hon. Member: How about you?

Mr. Abdallah: I am here now, and you can hear me speaking. Therefore, you should not challenge me. Now, in future, we should have a master roll over there, so that every hon. Member will be required to come here and enter his name in the roll and be here for a given time, and not just for a short period. In fact hon. Members should be required to be here from 2.30 p.m. to 6.30 p.m. because—

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, is the hon. Member not misleading the House because we already have a system of ticking the names of the hon. Members who attend every day and, therefore, the question he is now trying to raise does not arise?

Mr. Abdallah: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member does not understand English properly because I said—

Hon. Members: Hear! Hear!

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir, I sympathize with the hon. Member who perhaps does not know the procedure we follow here. I am not opposing him as a person, but what I am trying to correct is the impression he has created by saying that we do not have a system of recording names of the hon. Members who take part in our deliberations every day. Is he not, therefore, misleading the House by saying we do not do that when we actually do it?

The Temporary Deputy Speaker (Mr. Mutunga): No, the hon. Member is not misleading the House. He is suggesting that every Member should sign the roll himself and then remain here from 2.30 p.m. to 6.30 p.m. That is all he is suggesting and, therefore, he is not misleading the House, he is only giving his own opinion.

Mr. Abdallah: Thank you very much, Mr. Temporary Deputy Speaker. I know that the system is already there, but the question of remaining here from 2.30 p.m. to 6.30 p.m. is not there. Therefore, the hon. Member should understand that particular point, and if he has any query to make, he should come to me and I will explain it to him.

Now, Sir, it is high time the House was told the truth because we are paid to represent the views of our people. It is not a question of coming here to show our faces for five minutes and then walk out. We have complained about the civil servants here, but we are now teaching the civil servants to do some of these things. I think we should try and clean our own house before we can tell our neighbours that their houses are dirty. Now, although I did not want to support this Motion, I have been forced to do so for two reasons.

Mr. Temporary Deputy Speaker, Sir, first of all I am not a stooge and I was not supported by anybody to come here. I stand on my own feet in this House because I was not put in anybody's pocket during the last elections. I fought the election battle on my own. What

[Mr. Abdallah]

I wanted to know from the Government here is whether by reducing the days, normally allocated for this debate, from 20 to 10 days, is because, perhaps, this House is going to be dissolved shortly. This would not be a bad thing if the Vice-President and Minister for Home Affairs would care to reveal to us. If he does this, then we can understand why the House is in a hurry. We know that most of the hon. Members in this House are elected. Only a few of us are nominated. Any hon. Member who came to this House through the elections should be considered a great fighter and should be prepared to go back to the field and fight once more. Most of us have already declared our intentions that we want to go back to the field and fight once more to come back to this House.

However, I would like to support this Motion because, in the first place, I respect the Vice-President and secondly I trust him. If we did not respect our Vice-President, I know a Member could have stood up to demand for a quorum issue, because there is no quorum in the House. However, we do not want to do that because we respect the Vice-President.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. arap Cheboiwo: Mr. Temporary Deputy Speaker, Sir, after hearing different points from different speakers, it is my opinion that we have exhausted the Motion and the Mover should be called upon to reply.

The Temporary Deputy Speaker (Mr. Mutunga): I think I should allow one other Member to speak and then I can put the question of the closure of the debate.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, is an hon. Member, like hon. arap Cheboiwo, who came to this House, back in 1963, in order to move a closure after he has spoken?

The Temporary Deputy Speaker (Mr. Mutunga): That is why I said I would allow one other Member to speak and if somebody moves the closure, then I will let the House to decide.

Mrs. Onyango: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. It is true that some of us go back home and help our voters by answering some questions. However, I have a few comments to make on this Motion. The Vice-President is aware that in Nyanza, there was a political party called Kenya Peoples Union and which was banned. After this party was banned, all the people in that area started registering themselves as Kanu members. Now, some people in Nyanza were denied the chance of registering themselves as Kanu members. These same people have come up to the Government and reported that the people who were denied this chance of registering themselves as Kanu members are members of the banned party. For this reason I am putting it to the Vice-President, that after this party was banned, there are no members of this party in Nyanza today. Let nobody come up before the elections to tell the Government that So-and-so

should not be allowed to be a candidate for the elections because he is a member of the banned party. Everybody in Nyanza Province is for Kanu. However, I am not talking about those people still in detention, because that is a problem of the Government, I am talking about the people who are already in Nyanza Province and those who have come to voting age of 18 years.

I am saying this here because in places like Siaya District, some people are going round telling others that some candidates should not be voted for because they are this or the other. If the Vice-President does not heed my advice, he will find in the end that some people in that area will be so confused by others that they will even vote the wrong people to this House. I think the Vice-President should make it clear to everybody that if anybody wants to stand for the coming elections, so as to help build a stronger nation of Kenya, he should be allowed to do so without hindrance. We have only one political party in Kenya and let nobody cheat you that there is any other party in this country.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

Mr. Ogalo: On a point of order, Mr. Temporary Deputy Speaker, Sir, I beg to move that the Mover be now called upon to reply.

(Question, that the Mover be now called upon to reply put and agreed to)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Temporary Deputy Speaker, Sir, I wish to thank the hon. Members who have spoken on this Motion. They have put forward some good points, which the Government will take into consideration. Of course, I should also not forget to thank those who kept silent, because silence signifies consent. Therefore, I wish to thank all the hon. Members in this House.

Mr. Ahmed: On a point of order, this being a very important Motion, is it not true that every hon. Member should be given a chance to express his views. However, the hon. Member who has moved the closure of debate on this Motion had twice attempted to move the same closure. Is he in order?

The Temporary Deputy Speaker (Mr. Mutunga): Order, Mr. Ahmed. The House has already decided on this matter and we cannot go back to it now.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Temporary Deputy Speaker, Sir, I am glad that the points raised by the hon. Members were valid.

Hon. Members: Tell us about the elections. When are they coming round?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Rumour has it that the elections might be even at the roof of the House. However, I would like the hon. Members to understand that this secret is known by only one person, and that is the President himself. Therefore, we should tighten our belts and be ready all the time. That is why we are reducing the debate on this Motion from 20 days to only 10 days so as to enable us to tighten our belts so that we are not caught unawares.

[The Vice-President and Minister for Home Affairs]

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

(Question put and agreed to)

PROCEDURAL MOTION**LIMITATION OF SPEECHES—COMMITTEES OF SUPPLY AND WAYS AND MEANS**

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:—

(i) THAT, on the Motion "That, Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy the Mover be limited to a total of 40 minutes; 20 minutes for moving and 20 minutes for replying to the debate; and that all other Members speaking be limited to ten minutes, provided that one hour before the question of the Vote is put the House shall go into Committee and the Chairman shall put every question necessary to dispose of the Vote then under consideration and shall forthwith put severally the questions necessary to dispose of the Vote.

(ii) In committee of Ways and Means all speeches shall be limited to 10 minutes except the Mover who shall be limited to 15 minutes in replying.

Mr. Temporary Deputy Speaker, Sir, I think this is quite normal and it is consequential to the procedural Motion which we have just passed and I hope that hon. Members will accept the Motion because ten minutes is quite reasonable. In fact, I would have liked that the time be five minutes but the hon. Member for Embakasi feels that one ought to have ten minutes to put his point of view across.

With these few remarks, I beg to move.

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I rise to second this Motion.

Frankly, this follows automatically from the preceding debate. It is going to be virtually impossible to get the ten days or whatever period we have agreed on unless we follow the procedure that has been suggested here. Therefore, the two are inter-related and I do not think that we should spend more time debating this Motion.

With these few remarks, I beg to second.

(Question proposed)

Mr. Seroney: Mr. Temporary Deputy Speaker, Sir, in view of some mistakes which have been committed—

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Mutunga): Can you give way to the point of order by hon. Karungaru?

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir, in view of the fact that this is a procedural Motion, and since the previous Motion had the same effects, may I call upon the Mover to reply?

Mr. ole Marima: On a point of order, Mr. Temporary Deputy Speaker, Sir, I beg to seek your guidance.

I am not necessarily opposing this Motion but normally the man who speaks is the one that catches the Speaker's eye but with all due respect to the Chair, in this particular instance, the Speaker did not notice or hear hon. Karungaru's point of order until hon. Seroney was on his feet to speak. Is it, therefore, not proper that hon. Seroney should be allowed to speak?

The Temporary Deputy Speaker (Mr. Mutunga): First of all, I should have given a ruling on hon. Karungaru's point of order, but then, hon. ole Marima was too quick and he rose on another point of order.

Naturally, it is the House which decides what goes on here but hon. Members must be fair to others. Perhaps, an hon. Member had something to say on this one and if he is blocked and if it is the wish of the House the Chair can do very little. I think it would have been proper for the hon. Member for Embakasi to allow another hon. Member to speak if he had anything to say. Under the present circumstances, I will let the House to decide whether the Mover should be called upon to reply or not.

(Question, that the Mover be now called upon to reply put and agreed to)

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir, I want the impression created by my point of order not to go into the record. I did not see the hon. Member for Tinderet standing before me. Therefore, I think that— Mr. Speaker, Sir, can you ask the House to give me a hearing?

The Temporary Deputy Speaker (Mr. Mutunga): Hon. Members should be silent when another hon. Member is speaking.

Mr. Karungaru: Mr. Temporary Deputy Speaker, Sir, it would appear on record as if I interfered with the hon. Member in question but this is not the case.

The Temporary Deputy Speaker (Mr. Mutunga): Whatever point you want to put across, the fact is that I have already said that hon. Members should be fair to others. It is just unfortunate that you are trying to take us back to what we have already decided on. Therefore, whatever goes on in the record is not my responsibility.

Mr. Seroney: On a point of order, Mr. Temporary Deputy Speaker, Sir, my point of order is that I was not going to oppose the Motion but I was going to explain how it should operate in practice so that hon. Members do not make mistakes.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Temporary Deputy Speaker, Sir, I beg to thank the hon. Member once again for supporting this Motion. The only thing that I would like to suggest is that when we discuss each Vote, hon. Members should spend time on each item of the Vote so that each hon. Member understands how the money is spent by that particular Ministry. This is a good thing which would enable hon. Members to understand what is going on.

I also appeal to the hon. Members to be present all the time in this House so that we are worth of our own positions.

With these few remarks, I beg to move.

(Question put and agreed to)

POINT OF ORDER

CONSTANT LACK OF QUORUM—REMEDY TO BE
DECIDED BY SPEAKER'S COMMITTEE

Mr. D. M. Kioko: On a point of order, Sir, now that we have passed nearly all the Motions on today's Order Paper, and nobody has said anything about the recent lack of quorum in the House, I would like to say this: Sir, there are some hon. Members who sit in the Chamber from 2.30 p.m. to 6.30 p.m. and when there is no quorum, nothing is done to safeguard the reputation of these hon. Members, because when there is no quorum in the House, no record is made to show who were in the House or who were not. Therefore, Sir, I would like to seek your guidance here. What are we going to do to safeguard the reputation of those hon. Members who sit here throughout even when there is no quorum? I am saying this because when there is no quorum in the House, the record goes out to the public that the House had to adjourn due to lack of quorum while, in fact, there were some hon. Members who were in the Chamber all the time. Do you, Sir, not think this is a very painful issue to some hon. Members who are always sitting in the House full-time?

The Temporary Deputy Speaker (Mr. Mutunga): I wonder whether or not I am competent to give guidance on this particular issue, but I think the Speaker's Committee can decide on this. I really sympathize with those hon. Members who sit in the Chamber all the time even when there is no quorum in the House, because I know there is nothing they can do for their defence. However, unless something is done, the Chair can do very little.

Mr. Kitonga: On a point of order, Sir, noting that we have agreed to reduce the days to ten days, would I be in order to request the Chair to consider reducing the time allowed to hon. Members speaking from 10 minutes to 5 minutes and also the time allowed for the Mover to reply from 15 minutes to 10 minutes? This would enable more hon. Members to speak.

The Temporary Deputy Speaker (Mr. Mutunga): You should have known better by now, Mr. Kitonga, that you should have moved an amendment if you thought this was necessary. However, you really cannot take us back to where we have already been.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

TAXATION MEASURES

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, I thought we are now on Order No. 10, but I saw the Minister standing up and then sat down and he is now relaxing.

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I thought it was the right time for me to move the Motion, but it seems I had not been called upon to move and therefore, I thought some new procedure was being brought in. In any case, Sir, I beg to move:—

THAT, the proposals relating to—

(a) Sales Tax

(b) Customs and Excise Duties

(c) Income Tax, and

(d) Betting Tax,

contained in the Financial Statement for the Year Account 1974/75, be approved.

Sir, this is the Motion in the Committee of Ways and Means where the House is to debate on whether we are going to alter certain taxes in this country. The Motion requires that we approve the alteration in the rate of taxes included in the Financial Statement. Now, Sir, in the Budget, I did explain in details the reasons for the alterations or the increments in these taxes. I have also explained at great length the reason why we selected these particular taxes for the increases that have been imposed on. Sir, I have explained the reasons why we had no options but to increase these particular taxes to raise the money we need for the services which the country wants to be continued and expanded. Sir, it would therefore be fairly superfluous for me to take the time of the House now to go over the same ground that I went over for nearly an hour and a half in explaining the background to these changes. It is for this reason therefore, Sir, I will not take too much time of the House and therefore, I beg to move.

The Minister for Local Government (Mr. Osogo) seconded.

(Question proposed)

Mr. Seroney: On a point of order, Sir, to avoid premature attempts to close debate on this particular Motion, would I be in order to draw your attention to the Standing Order No. 138 which provides that this discussion is allowed to take three days. We hope no hon. Member will try to cut short the discussion.

The Temporary Deputy Speaker (Mr. Mutunga): Yes, I have been made aware of that earlier on.

Mr. Ayah: Thank you very much for giving me this opportunity to speak. I would like to say straightaway that I do agree with the Minister for Finance and Economic Planning that it would be superfluous for him to go through the same statement which he made during his Budget Speech. I also feel that I will not tire the House by making a long speech on this Motion. However, I would like to make one particular remark which deals with Excise and Customs duties. Sir, in the Budget Speech, the Minister did indicate that he was going to reduce Customs and Excise duties on certain items particularly food items. I did indicate in my speech earlier on that I would have liked to see the price of some of these items being reduced. I also said that prices have been increased tremendously of late, but now that the Minister for Finance and Economic Planning has agreed to reduce the Customs and Excise duties on some of these items, it is necessary to point out that the shopkeepers should be forced to ensure that the consumers buy these items at a lower price than has been the case before when the Customs and Excise duties were a little higher. We find quite often that when prices of certain things are put up, the businessmen all over a night put the prices up and our people suffer. When the Government reduces the duties

[Mr. Ayah]

on these items, we normally do not have corresponding reductions on the prices of these items. I am talking about things like Kimbo and other edible oils which are of common useage to the ordinary housewives and bachelors in this House and in other places. Therefore, I would like to appeal to the Minister to make quite sure that the *wananchi* benefit from these reductions.

The other point which I would like to make here which I had no chance of putting across the last time, is that I am very happy that the Minister has increased the rate of Corporation Tax. I hear from the streets that people are complaining. In fact, some people are threatening, as they always do, that if these increases continue, they will stop investing in this country. It is always my opinion, Sir, that people do not invest in this country because they are in love with us nor do they invest in this country because of the peculiar reasons they give, they invest in this country because it is the best place and therefore, they are going to get the best returns. I think we as a House have the right to ask them to invest more money so that the stability they are always talking about is maintained. We cannot maintain the stability in this country unless our people have enough money for development and for employment. Therefore, we feel these investors, most of whom are foreign in origin, should be able to invest slightly more money. In my opinion this should have been raised.

Lastly, I would like to speak about the Betting Tax. In the first place let me say that my religious belief does not allow me to bet. For the information of the hon. Members I belong to Legio Maria Faith. I was converted to that faith only 24 hours ago. Since my faith does not allow me to bet, I feel that those people who have a lot of money and a great inclination to bet, should be asked to pay more in form of tax. The big people and millionaires in this country should not think that we are trying to stop them from betting, but all that we are asking them is pay extra money in form of tax since they have much money to spend in order that our children can have a living.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Seroney: Mr. Temporary Deputy Speaker, Sir, as I said earlier on when I spoke on the Financial Statement, I am opposed to the additional sales tax on petrol and motor cars. During the debate on the Financial Statement a number of Ministers and hon. Members tried their best to say that there is inflation due to outside forces. The idea behind that was to make some of us believe that there is nothing we can do now to curb inflation in this country. I beg to differ with the idea that we can do nothing about inflation in this country. Although I am not an economist, inflation occurs when the purchasing power of money is reduced. When the Government imposes tax on certain items or in other words certain items become more expensive *wananchi* have to look for more money to buy less goods. To me that is inflation. That is the reason why I am not convinced since some other people in another part of the world raised the price of

one item, that is oil, in Kenya must suffer inflation. That is not true as far as I am concerned. The other day I heard over the radio that there is a possibility that the oil-producing countries may raise the price of oil by another 12.5 per cent. I am wondering whether that was what prompted the Minister to impose more taxation on oil.

It has been argued by a number of hon. Members that increased price of oil and motor cars is not going to affect the ordinary man. That is not true. This is going to affect the ordinary man because the goods the ordinary man is going to buy are transported. Since our railway system is not efficient enough, it is not capable of transporting all goods in this country. Therefore, the prices of all goods which will be transported by lorries and what have you are going to rise. In the same manner the people who use public means to travel have to pay more in the near future. The other day I felt the effect of this Budget when I went to a petrol station to buy petrol on my way back to Nairobi. Previously I used to spend Sh. 40 to buy enough petrol to fill the tank of my car. However, at the moment the same amount of petrol costs me more than Sh. 70.

The Minister for Finance and Economic Planning (Mr. Kibaki): What car do you drive?

Mr. Seroney: I drive a Mazda 1500 car. I do not know the reason why the Minister wants to know the type of car I own. I am sure he does not want to imply that I am not going to be affected by the new price on petrol. In view of the fact that there is a possibility that the price of petrol may be increased in the near future, I would like to ask the Minister to have second thoughts with a view to lowering the price of petrol when we debate the Finance Bill. I am sure that there are some other things which can be taxed without causing unnecessary hardships to *wananchi*.

As I had said earlier on, although I am a smoker I do not mind if the price of cigarettes and beer is raised higher because strictly speaking such items are luxuries. In the present world to own a car is not a luxury. I hope the Minister is going to do something.

As far as the new prices of motor cars is concerned, I think they are too high. Every year the price of all makes of cars go up. Today, a Mercedes Benz costs more than £50,000. Who are supposed to buy these cars in Kenya? Who are also expected to buy such cars like Peugeot which are costing more than Sh.50,000. If the Minister does not want people to use vehicles, then he should stop the importation of motor cars into this country. Since he has allowed expensive cars to be imported there is no reason why he should raise the price of all models of cars. I hope the Minister is going to do something about the price of cars. I also hope that next time he will not help to contribute to inflation by increasing the prices of certain commodities realizing that today they are very high.

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

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Thank you very much, Mr. Temporary

[The Assistant Minister for Commerce and Industry]
Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion.

I hope that the Minister is going to take very seriously the views which have been put forward by a number of hon. Members. I am sure that the Minister is capable of doing that. Therefore, I hope that he will introduce amendments at an appropriate date.

A number of hon. Members have spoken on the main debate about the taxes imposed on a number of items such as oil. In some countries, the governments there have subsidized the price of petrol so that the *wananchi* of such countries may be able to travel or to drive less expensively. As hon. Seroney has said the oil-producing countries intend to increase the price of petrol. The Minister should not try and make us believe that travelling or driving is a luxury. For instance, who does not know that I must drive to my constituency every week. People who come to Nairobi from rural areas do so because they have businesses to transact in Nairobi. I am sure that the Minister knows that regardless of the price of one gallon of petrol some of us must travel. Why is the Minister using his powers to kill the morale of those people who travel in this country? The hon. Minister for Finance and Economic Planning happens to represent a constituency which is in Nairobi, but that does not mean that he does not travel outside Nairobi in the course of his duties as a Government Minister. If he does travel outside Nairobi then he is also feeling the pinch of the oil prices unless he uses a Government vehicle for his travels. It is becoming very expensive to travel and the people who are driving are paying more than what they are supposed to pay in petrol. First of all the Minister has taxed them very heavily when they are buying those cars and then he has increased the price of petrol. Some people argue that people buy big cars because they want to look big in them. This is not the case. People buy big cars because they are safer than the smaller ones. Also people who travel extensively like Members of Parliament need big cars which can withstand those extensive travels to their constituencies and back here to Nairobi. The hon. Minister cannot say that buying such a big car is a luxury. First of all you buy that car very expensively and later you pay a very high price for the petrol which will make it move. A few years ago a gallon of petrol used to cost Sh. 5 which was enough to take you for a full day. Today you can put petrol worth Sh. 20 in your car but that petrol cannot last you even a day. I think that in view of the very high prices of petrol which have been imposed by the oil-producing countries, we in Kenya should not extract a lot of revenue from petrol. Also other petroleum products like paraffin should be sold cheaply. The ordinary *mwananchi* at home uses paraffin every evening and if it becomes more and more expensive this means that the ordinary man will not be able to purchase that very important commodity. This also does not tally with the Minister's contention that this year's Budget is not intended to hurt the ordinary *mwananchi*. Why did the Minister not exempt paraffin from these price increases? Practically every home in the rural areas must use paraffin for their lighting. They

may not use petrol or diesel but they must use paraffin. To them paraffin is a necessity, Mr. Temporary Deputy Speaker, Sir. If they do not get it they would go about in their houses tumbling over various items in the houses because of darkness. The only alternative which they can resort to is an amber which is not very reliable. I think the Minister will try to consider this question of petrol. If the Government is not going to subsidize the price of petrol I think we are very soon going to pay Sh. 20 for one gallon of petrol. If this will be the case I do not see how we, Members of Parliament, will be able to visit our own constituencies. To get to my constituency I use 15 gallons of petrol and at this rate it means that I will have to pay Sh. 600 for a return journey to my constituency if the price of petrol will be Sh. 20 per gallon. Shall I not be over-taxed in that case, Mr. Temporary Deputy Speaker, Sir? The Minister should look for other ways of getting money. He should not only turn his eyes towards petrol.

There is also a very heavy duty on motor cars. Maybe the Minister is right when he says that buying a car is a luxury but there are what we call utility vehicles in the country. These are vehicles which are used for commercial purposes like buses and lorries. They are development items for this nation and as such they should not be taxed heavily. The Minister knows that it is the *mwananchi* who is now buying these utility vehicles for the progress of our country. He should not make it too difficult for the people who want to venture into transportation business by taxing these vehicles very heavily.

Mr. Temporary Deputy Speaker, Sir, I fully support the Minister for the increase in betting tax. I personally believe that if a person has money to bet he has much more money lying somewhere. Such a man has a lot of money which should even be taxed more heavily if he directs it to betting. However, we must be very careful here. We should not tax the betting public very much because if we do so they will abandon this game of theirs and the Government will be the loser in the end. If this is done these people will refuse to go to bet. We must tax them to such an extent that they will still continue betting. That must be taken into account. If you tax betting very heavily people will turn to other things and the Government will lose revenue.

The Minister for Finance and Economic Planning
(Mr. Kibaki): What about taxing water?

The Assistant Minister for Commerce and Industry
(Mr. Anyieni): Water has already been very heavily taxed, Mr. Temporary Deputy Speaker, Sir. The City Council of Nairobi has increased the price of water. The points which I am trying to make are very important and I would like hon. Mwithaga not to interfere with the Minister for Finance because I want him to listen to what I am saying.

Mr. Temporary Deputy Speaker, Sir, the three Finance Ministers in East Africa should sit together and find ways and means of making the Arabs pay for the waters of Lake Victoria which goes to them through the River Nile. A country like Egypt which

[The Assistant Minister for Commerce and Industry] uses the waters of River Nile should be made to pay for it. Even if we charge them one cent per gallon or one cent per a thousand gallons we could still make some money out of the deal.

An hon. Member: Lake Victoria is full of bodies of the missing people in Uganda!

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Temporary Deputy Speaker, Sir, despite what the hon. Member has said I do not think the water of Lake Victoria is polluted enough to render it unusable by the Arab countries. After all the petrol which they sell to us is also killing a lot of our driving public. The East African Finance Ministers should seriously think about taxing the waters of River Nile. The developed countries have a way of offsetting the increased prices of oil by increasing the prices of the manufactured goods which they sell to the Arabs but the developing countries have no way of making the oil-producing countries pay higher prices for the products which we export there. The only way is to make use of the waters which are in East Africa. We must approach these oil-producing countries and tell them to give us concessions on the prices of petroleum products because they also benefit from the waters which originate in our countries. This water is our natural resources just as oil is their natural resource. If this is done I think we shall have special concession on the price of oil. I do not want to go into details on how this will be worked out but I am sure those who are responsible will find out a way of working these things out.

With those few remarks, I beg to support.

Mr. Mwamzandi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to air my views on this Motion.

Mr. Temporary Deputy Speaker, Sir, as far as the sales tax is concerned I would like to say that we are not sure whether the system which is being used at the moment is the right one. I think the right system should be that the sales tax should be paid right in the factory. Before various items leave the factories they should be marked that a certain amount of sales tax has been paid on them. When such items come to the wholesalers or retailers we shall be in a position to know that sales tax has already been paid on them. I am saying this because some traders have been charging their customers a very high sales tax and they do not issue receipts to show the amount of sales tax which is charged by them. Before the Minister increased the sales tax in his Budget for this year it used to be five per cent. This means that an item which cost Sh. 100 carried a sales tax of Sh. 5. Today it is very interesting to note that if you go into shops today you will find that an item which was costing Sh. 100 in 1972 is now costing Sh. 150. When you ask why prices are very high, Sir, you are told that this is because of sales tax. It appears that there is no formula which ensures that traders levy the right amount of sales tax. Today, Sir, the Minister is asking us to allow an increase of 5 per cent, but traders are going to charge more than this percentage. The Minister for

Finance and Economic Planning in conjunction with the Minister for Commerce and Industry should ensure that the right amount of sales tax is charged. You will find that, say, the price of a Volkswagen car is the same as that in Mombasa except that there may be a slight difference in transport costs. I think there is transportation fee of about K.Sh. 400 which covers the transport costs between Mombasa and Nairobi. However, in this country today, every commodity has a different price altogether depending on where it is being retailed. Why can we not have a uniform price of commodities throughout the country as is the case with products of the British American Tobacco? Mr. Temporary Deputy Speaker, Sir, the price of Rex cigarettes is K.Sh. 4 in Mombasa and also in Maralal. The public is paying too much money under the guise of sales tax and if this is not checked some of our people are going to walk naked.

Under the introduction of the sales tax, Sir, people are now paying taxes for children who are one day old. They are forced to pay taxes when they buy napkins, pins and other needs of a child. In order to protect the members of the public, the Ministry should find ways and means of ensuring that the approved percentage of sales tax is actually what is levied by traders. Mr. Temporary Deputy Speaker, Sir, a packet of cement is being sold at K.Sh. 17 or more whereas in 1970 it was sold much lower than this.

Another point I would like to point out to the Minister is in connexion with Customs and Excise Duties. The Minister should know that there are some essential commodities in this country whose, when imported, custom duties should be lowered. If, for example, we feel that there is no maize in this country, traders should be allowed to import maize at reduced customs duty. Similarly, Sir, I pointed to the Minister last week that there was shortage of *kanga* materials in the country and fortunately they have now arrived in Mombasa from Japan. The problem is that they are now very expensive because the Customs Duty on them is very high. Sir, *kangas* are very essential in that they are the only type of cloth that our women at the Coast use. It is my view that the Minister should reduce tax on these *kangas*.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Temporary Deputy Speaker, Sir, could the hon. Member who seems to be a specialist in *kangas* tell us the specific cost of *kangas* and the amount of tax on them now? This may help us to know what he is speaking about.

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, one pair of *kanga* costs K.Sh. 45 whereas formerly it used to cost K.Sh. 18 only. I am told that the increase is due to Customs Duty. Sir, why should there be so much Customs Duty on such essential commodity?

Mr. Temporary Deputy Speaker, Sir, I am emphasizing this point because virtually all women in the Coast Province use *kangas*.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Temporary Deputy Speaker, Sir, I hope that the hon. Member can help us here. I have looked at

[The Attorney-General]

these increases and all that I can see is an increase of 50 cents. Now, can he tell us the item he is speaking about and how the big difference he is talking comes about?

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, the difference is not 50 cents. What I said is that the difference is K.Sh. 27 and I am speaking on Customs and Excise Duties affecting *kangas*. The problem here is that the Attorney-General is not listening to what I am saying. He merely stands up on a point of order simply because he has not heard what I am saying; he is busy talking to "Chief" Kitonga. I am sure that before I sit down, he will also stand up on a point of order. When an hon. Member stands up on a point of order, I believe, he must be prepared to be enlightened.

I was saying, Sir, that Customs Duty on *kangas* should be lowered so that poor people can afford to buy them. In fact, Sir, *kangas* should have the same Customs Duty as khaki cloth. The duty should be lowered on these essential commodities so that members of the public do not suffer.

Mr. Temporary Deputy Speaker, Sir, I have no quarrel with betting because this is against Islamic laws. So, I do not mind about the amount of taxes the Minister may increase on betting in this country. However, I do not see why the Ministry should allow some people to operate betting premises while others are refused betting licences. Why should there be a monopoly in betting business? We only have Nairobi International Casino and also Mombasa International Casino.

Mr. Karungaru: Another one is coming up soon.

Mr. Mwamzandi: I understand that another one is coming up and its proprietor is hon. Karungaru. I think many people should be allowed to operate in betting businesses. It is my view that high taxes should be levied in betting because it is not an essential service to this country.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to speak on the Motion which was moved by the Minister for Finance and Economic Planning. I would like to concur with my colleagues who have supported the Minister.

Now, Sir, I would like to start with the sales tax which has miserably failed to help the poor man. Sir, the poor man has been exploited, through the sales tax, to the heels. However, the Minister for Finance and Economic Planning has succeeded in milking even those who cannot be milked. These are the people who should not be milked and yet we are told that the Minister is brilliant. Sir, every hon. Member who has spoken on this Motion has remarked that the Minister for Finance and Economic Planning is a brilliant Minister; the people of Butere will never regard him as a brilliant Minister. I say this because those who, in

my opinion and also the opinion of the people of Butere, are supposed to inspect how traders are charging *wananchi*, have miserably failed. The sales tax is supposed to be included when the manufacturer sells his goods.

The second point is—of course, the price inspection section has failed, and I have no hope that it will do anything until, probably, after the elections when we shall have a new person—that under the sales tax the price of half a litre of beer will be increased by 25 cents. Mr. Temporary Deputy Speaker, I would have thought that it would be increased by 85 cents. Why have they made such a small increase? It is because they themselves drink beer and they do not want to hurt themselves too much. The poor man does not go for drinks. It is only those who are able that can go out for drinks. The increase on the price of half a litre of beer should be 85 cents. You cannot live on beer alone for one week. You need food and not drinks. I do not drink, and I have never been sick. I am always here sound and able in health and I feel better than some sick hon. Members who, if they are sent for a medical examination, will be found unfit.

The Minister for Health (Dr. Onyonka): On a point of order, Mr. Temporary Deputy Speaker, is the hon. Member in order to mislead the House by stating that he has not been ill because he does not drink? Is there any scientific proof in support of that?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, to start with, that is not a point of order. Secondly, I thought the hon. Member was well read, but it seems to me that he is not, otherwise he would know that the oldest living man on record in the world is a Russian who never drinks, never smokes and never takes tea and so forth. That is a bit of education for the Minister.

The Minister for Health (Dr. Onyonka): On a point of order, Mr. Temporary Deputy Speaker, with due respect to the hon. Member, I will never absorb a word of education from him. In fact, he requires lectures from me.

Scientifically, I do not believe there is any connexion between drinking and sickness.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, the hon. Minister has been in this House for four years. Unfortunately, he is going out without being able to know what a point of order is. What a shame on those who elected him!

Mr. D. M. Kioko: On a point of order, Mr. Temporary Deputy Speaker, I do not mind what argument the two hon. Members have, but is it correct for hon. Shikuku to say that some hon. Members are sick because of drinks?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, I said that if some of us go for medical examination we might be disqualified.

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): You are wasting my time, Mr. Mwithaga.

Mr. Mwithaga: I am not wasting my friend's time.

Is the hon. Member in order to suggest that another hon. Member is going out?

The Temporary Deputy Speaker (Mr. Mutunga): A point of order has been raised whether or not it is right for an hon. Member to suggest that another hon. Member is going out. With all due respect to the hon. Member for Butere, you cannot decide the fate of Dr. Onyonka. That will be decided by the people of Kitutu West.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I did not intend to say that the hon. Member is not coming back to Parliament. The truth is that every Member of Parliament is going out for elections, and he will also have to go out. I know my English well, Mr. Temporary Deputy Speaker. The hon. Minister is going out after five years without knowing what a point of order is.

The other thing is that the price of cigarettes should have also been increased by 85 cents per packet. A person cannot die, not even the Attorney-General, because of failing to smoke.

The other point is about the price of petrol. We have been told that the Budget this year is quite brilliant and it is first class. But, the Minister has already increased the price of petrol when the producing countries themselves have suspended the increase for three months. When the increase will take effect in the producing countries I think the Minister will also increase the price here again. Imagine where we are going to! As for me, I am not going to cry for that, and I would like to disassociate from those who have already cried. However, I would like to point out that its effects are going to affect the small man. When they want to come to Nairobi or when they want to visit their children they will have to pay higher bus fares, yet the Budget is said to be brilliant.

If you look at page 11 of the Minister's speech, you will notice that big cars will be taxed heavily. It is the big men who have been buying these huge cars in this country, and I support the Minister for what he has done. In fact, he should even restrict their importation into this country.

Hon. Members: Oh, no!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): You can hear the *bourgeois* saying, "Oh, no, no". Well, they will go to the elections and they will find out what will happen to them.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, all Members of this House are honourable. If I heard the hon. Member for Butere correctly he said, "You can hear the *bourgeois* saying, "Oh, no, no". Are we, in this House, called *bourgeois* or hon. Members?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Comparing

these hon. gentlemen who are sitting here lazily and the people of Butere, I cannot find a better word than that.

The Temporary Deputy Speaker (Mr. Mutunga): Would you define that word.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): In fact, they know it well themselves. This is a common word. It means well-to-do fellows. I am also one of the *bourgeois*.

The Temporary Deputy Speaker (Mr. Mutunga): Order, Mr. Shikuku! Would you refer to Members of this House as hon. Members!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, I will refer to them as hon. *bourgeois*.

The Temporary Deputy Speaker (Mr. Mutunga): Mr. Shikuku, would you withdraw that word!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): All right, I take the ruling of the Chair. I beg to withdraw it.

I would like to go ahead and tell these hon. gentlemen in front of me—of course, we know what they are—who have failed in the Cabinet, that the increase in sales tax on cars which the Minister made from 40 per cent to 45 per cent is too small. It should go to 62½ per cent.

The Corporation Tax should be increased to 55 per cent and dividends from non-residents should be taxed at the rate of 35 per cent instead of 15 per cent. This is the way by which we can get money. I am not just saying this for the sake of it. I have done my homework and I know what I am talking about. However, some of the hon. Members who have hated the word which I was using simply come here and sit lazily, and they do very little in the Cabinet. I hope they will be thrown out this time.

The failure of this country lies squarely on the Cabinet. They have failed miserably, and I hope the masses will fail them too.

I beg to support.

Mr. Ayah: On a point of order, Mr. Temporary Deputy Speaker, when the hon. Member for Butere used the word "bourgeois" there was a hue and cry, and the Chair ruled that the hon. Member should withdraw it. I would like to get your guidance here: what is specifically unparliamentary about the word "bourgeois"? I know it is a perfectly political word, and I have never known it to be unparliamentary. What is wrong with it?

The Temporary Deputy Speaker (Mr. Mutunga): You can have all the titles outside but when you are here you are all hon. Members.

The Attorney-General (Mr. Njonjo): May I borrow your copy of speech, Mr. Shikuku?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, before

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

I lend a copy of this speech to the Attorney-General, is it in order for him to speak when he has not done his homework? Here you are!

The Attorney-General (Mr. Njonjo): Sir, I wanted to speak because I wanted to support what I said as my first speech in support of the Financial Statement by the Minister for Finance and Economic Planning. This is not the hon. Shikuku's speech, neither did he publish it? In fact, it was published by this House and therefore, there is no reason why I should not use it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, is it in order for the Attorney-General to say what he has just said when he has asked me to lend him my copy? He was given his can I now not demand my copy of speech from him?

The Attorney-General (Mr. Njonjo): The only reason I said that is that the assumption by the hon. Shikuku was that the fact that I have borrowed this document which is published by the Government Printer means that I have not read the speech. I have in fact read the speech, but I happen not to have my own copy.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): So thank me for it!

The Attorney-General (Mr. Njonjo): I am not going to entertain the Galleries by making all the general statements that we are accustomed to in this House.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, is the Attorney-General in order try and insinuate that we who speak entertain the Galleries here? As a matter of fact he has no constituency!

The Attorney-General (Mr. Njonjo): I would like to state this: I know it will be unpopular but I am going to say it. If this House had no those Galleries and the Press, I am sure that the speeches that we would be having in this House would be constructive, shorter and—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutunga): What is your point of order?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am raising on a point of order from what he is saying now.

The Temporary Deputy Speaker (Mr. Mutunga): He is replying to your point of order and if he is wrong I will make a ruling.

The Attorney-General (Mr. Njonjo): It is my opinion and I know it is the truth. I know it is going to hurt too. However, I will have to say it. This is because we are all reasonable people; we are all grown up and we know that sometimes when we make a speech somebody up there—perhaps somebody whom we have brought is listening to what we are saying. We condemn the Ministers and Government. Everything that goes wrong is these Ministers sitting in front of you. They are

called bourgeois and the very person who is calling other people "bourgeois" is a bourgeois himself by my classification. He is not riding a bicycle—

The Temporary Deputy Speaker (Mr. Mutunga): Order! Shall we avoid having these conflicts; they do not help us at all. Everyone here is entitled to talk what he thinks is Parliamentary and I think Mr. Njonjo should refrain from saying that some people are speaking because they want to attract the Galleries. If there are some who do that, that is their own problem.

The Attorney-General (Mr. Njonjo): Sir, with the greatest respect, we have taken these "heat" for a very long time. Every day we hear whatever is wrong with the country, is the Cabinet; or is the Government. Some of us happened to be members of Government and we still blame it. I will never stand in this House and say what is wrong in this country is the Government because I am part of that Government. Those words, Sir—because I am a responsible person—will never come out of my mouth. If we are going to be grown up in this country, first of all we must realize our own responsibility. If I accept an office then, I must be bound—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, is it in order for the Attorney-General to try and mislead the House when it was even ruled during the time when Mr. Humphrey Slade was the Speaker that you talk of "Government", it is the "Cabinet" and, therefore, is it in order for the Attorney-General to mislead the House further by saying that "Government" refers to all Members? Surely, it is only the Cabinet who fly the flags and, therefore, they are the Government—the policy-makers. Therefore, it is high time we were told—

The Temporary Deputy Speaker (Mr. Mutunga): Order, Mr. Shikuku! A few minutes ago, you were attacking the Government or the Cabinet generally. Now, when they get up, naturally, you must expect them to hit back. Surely, that is tit-for-tat. Therefore, if we are gentlemen, then, we should have only constructive criticisms. However, when somebody goes to the extent of saying that some Cabinet Members will be thrown out then, that is going too far. I think the Cabinet or the Government is expected to defend itself.

However, as far as the Cabinet is concerned, you are part and parcel of the Government. You happen to be an Assistant Minister. Now, if Government or Cabinet means only those Ministers who fly the flags, I am sure that we have some people who are not Cabinet Ministers but they also fly the flags. Therefore, I think it would do us a lot of good if hon. Members were constructive in their arguments and stop these unnecessary criticisms and unnecessary attacks at each other. So, I hope that we are going to have some order otherwise, it is going to be too bad.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, Sir, I very much respect the hon. Member for Butere and particularly on account of his age in this House

[The Minister for Local Government]

which I believe is the same period with mine. However, is he right in addressing you directly when you were on your feet giving orders, and at the same time he was addressing you? Is he right in doing that?

The Temporary Deputy Speaker (Mr. Mutunga): Well, I believe that the hon. Member for Butere is supposed to be the custodian of our Standing Orders. However, he happens to have been heated up and I think I will have to forget all about that now. I forgive him.

The Attorney-General (Mr. Njonjo): Mr. Temporary Deputy Speaker, Sir, when we are being attacked here, we are being attacked on very petty things. Now, if we are being attacked because of flying flags, I would like to tell the hon. Members that there are some of us here who are entitled to fly those flags but do not fly them. For instance, I do not fly that flag myself but, that does not mean that I am not entitled to fly one. I am sure that if the hon. Member for Butere was appointed a Minister today or tomorrow, probably the first thing he would do is to fly the flag or else he might decide not to fly it. Now, Sir, I accept that I do not care what Mr. Humphrey Slade ruled here when he was the Speaker. I disagree with that ruling totally and I do not think what we are disputing right now was the dispute which was ruled by Mr. Humphrey Slade when he was the Speaker. A Speaker can make a ruling and we agree with it. We must bow to it but, this does not mean that we agree with the Speaker's decision. We cannot challenge it because we are bound by the rules of the House not to dispute or challenge the rulings of the Speaker. Now, there are rules of the procedure; rules of the game. Therefore, if the Chairman rules that you are out then you are automatically out and you cannot dispute the ruling.

Now, Mr. Temporary Deputy Speaker, Sir, we have been told a number of things this afternoon about the Budget Speech. We have been told that this should be increased; that should not be increased or the price of petrol should not go up and all the rest of the things. Now, Sir, Budget. The framing of a Budget is a skill. It requires intelligence. Budget starts to be prepared in Treasury sometime in January. I am sure that they are probably now working on the next year's Budget. They have to be educated people and yet in five minutes' time you expect us to come and say, "The price of this thing should have been increased without telling us the repercussions of that increase" or "that should have been deducted without thinking first". Somebody will stand up here and say that the price of petrol should not have been increased but, we can afford, in fact, most of us in this House can afford to pay for that petrol increase. Therefore, let us not use other people who perhaps are not using cars as an excuse.

Mr. Temporary Deputy Speaker, Sir, prices of things have gone up. For instance, the price of petrol has gone up. We are told that the Arabs have agreed to lower the price of petrol but, we do not know whether they have done it or not. The Arabs have not lowered the price of their oil.

Now, yesterday we were told in the Press that Mr.

Kung'u Karumba has disappeared in Uganda, and we all got excited. However, we do not know the truth, we do not know the facts, and what is in newspapers, Mr. Temporary Deputy Speaker, does not really mean that the fact has happened.

Therefore, Sir, I beg to support.

Hon. Members: Where is he?

The Attorney-General (Mr. Njonjo): You go and find out in Uganda.

The Minister for Health (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I would have liked to take this opportunity to give an elementary lecture on economics to the hon. Member of Parliament for Butere, but I will not do so.

An hon. Member: I do not need it!

The Minister for Health (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, he is more versed in Latin rather than anything in economics, and he should accept—

Mr. Abdallah: On a point of order, Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to stand and speak about the Member for Butere, the hon. Shikuku, instead of speaking on the Motion?

The Temporary Deputy Speaker (Mr. Mutunga): If he is out of order, the Chair will know and decide on that.

The Minister for Health (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, we have said a lot about the hon. Member of Parliament for Butere, but I said I am not going to spend my time on that.

Mr. Temporary Deputy Speaker, Sir, we are discussing three or four taxes, which have been introduced or changed during the Budget, and one of them is the Sales Tax. Many Members here have indicated that what is really wrong with the Sales Tax is the way it has been implemented or the way certain people have taken advantage of it. The second point is about Income Tax. Mr. Temporary Deputy Speaker, Sir, the future of this country with respect to raising revenue lies in having more and more of our people paying income taxes. We may, of course, be interested in safeguarding the interests of the poor people. I am not, in fact, suggesting that we should extend income tax to the extent that even those who do not see a Sh. 5 note in a year should pay it. I suspect that there is still a very significant section of our farming and business community who do not pay their fair share of income tax, due to lack of records and sheer cunningness.

The additional point I would like to make, Sir, is with respect to customs duty. It has been suggested that we should, in fact, ban the importation of cars beyond certain capacities. Mr. Temporary Deputy Speaker, Sir, experience elsewhere in the world has very clearly shown that if you do not get them in through the normal channels, they will come in through corruption. Therefore, I would like to suggest, Sir, that I am confident that the Minister for Finance and Economic Planning is very well informed about this. In fact, even if you decided to increase further the taxation rates on some of these so-called luxury cars, the net revenue

[The Minister for Health]

netted through this exercise and I am sure the Minister would testify to this, is so small that, in fact, some of them are nothing but nuisance taxes. You may want to increase the rates, but the amount of revenue you are going to collect is really minimal. One of the important considerations that Ministers of Finance and their officials have taken into account in framing a Budget is to see the extent to which a certain proposal can actually be implemented. In terms of social values, in terms of social preferences, it may sound very good, it may sound fair and what have you, but in practical terms, some of these suggestions are very difficult to implement or the implementation cost is so high that it is not worthwhile.

I will give another typical example. I for one, would have suggested to the hon. Minister for Finance to increase the customs duty on wigs and some of these other importations. However, the truth is that the problems involved in collecting revenue on some of these items are such that he does not end up getting a lot of money to help this country to develop. Furthermore, there is, of course, the argument about beer. Some people have suggested that it is only, as the hon. Member for Butere said, the bourgeois who can afford to take it. I would like to point out that, in fact, he is a very comfortable member of the bourgeois club in this country. Therefore, the truth—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, did you not rule the word "bourgeois" out of order and I withdrew? Is the hon. Minister in order to use it again?

The Minister for Health (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Karachuonyo raised a point as to whether it was Parliamentary. You were asked to define it but you evaded the question because, perhaps, you were not quite sure about what it means.

However, the main point I want to make here is that what is likely to happen, because to a very large extent, the demand for beer is to a very large extent inelastic, that is, even if you increase prices, even the poor will continue drinking, especially the addicts, with all the social consequences. My fear is that for some of these people, and especially those in towns, there will be a tendency to divert their personal resources from, for example, providing for kids in the family, to catering for their beer, which can have very serious consequences for our community. However, the truth is, that under pressure, the Minister had had to look for the sources which would provide sufficient revenue and at the same time cater for considerations of equity. So, occasionally one gets the impression that the Minister simply woke up one morning and suggested what should be taxed and forgot some which should have been taxed.

Mr. Temporary Deputy Speaker, Sir, it would be most interesting if we requested—although it is not a practical proposition—each Member in this House to frame his own Budget and bring it here for consideration. You would be amazed to what extent you will

discover, on analysis, that half of what you are suggesting is contrary to what you expected to achieve, because there are limitations. As one hon. Member has just pointed out, it is not easy, in fact, to foretell what are going to be the consequences of the proposed measure, because so much depends on how much our people are going to react to it. So, framing a Budget is not an easy exercise because of the reactions of the people affected. In some aspects, reactions are immediate and in others they take a long time to come out. It is, therefore, my opinion that the Minister has tried hard. He is not protagonist of perfection as a Finance Minister. It is quite obvious that if each of us were a Finance Minister, we would each come out with a proposal, which to him sounds fair, because the most important point in this connexion, and this a lot of what the debate is all about, is that each of us is expressing a value judgement and opinion about how he feels about a particular tax, say, the sales tax. Another Member may be having a strong opinion about income tax rather than the sales tax. When you put all these together, you come out with a basket that is almost impossible to combine and make any sense. This is the reason why I think most of the hon. Members have been appeased that given all these considerations and factors, the Minister has come out with a basket that is palatable to the bulk of the people of this country. We are not, however, to suggest here that there are no problems and shortcomings, perhaps, with respect to certain taxes, but the truth is that he did try and very hard too. For this effort, I think the House should be grateful.

I would like to conclude by pointing out that as we look ahead, there are still possibilities for improvement and I think the Minister is prepared to accept new proposals, if they are fair. Therefore, the Minister has not presented here a definite Budget in the sense that nothing else can be added to it to improve it. There are still a lot of things to be done. However, because some of these little improvements could not be implemented and yield the revenue we require to cover our Budget and to develop, he has had to present a Budget within this time.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. ole Marima: Mr. Temporary Deputy Speaker, Sir, I am going to be very brief. I wish to say here that I support this Motion very strongly. The hon. Dr. Onyonka has rightly said that no one can be perfect. To many of us, this Budget has been one of the fairest under the circumstances we find ourselves in today. The fact that prices of oil and oil products have gone up is very unfortunate. We are very unfortunate because so far we have not been able to strike oil in our own country. If we did, the story would have been different. Even if we suggest that we go into war with the Arab countries, still we would not get their oil sold to us at any lower price or give it free. Let us be realistic and say that the Arabs were blessed with oil and the best thing we can do is befriend them and use whatever we have to pressurize them to lower the prices. It is unfortunate and we should realize that the poor people

[Mr. ole Marima]

in this country, the man who rides a bus, the man who rides a *matatu* will inevitably have to pay slightly more than what he is paying now. It is pinching but there could not be a possibility of having taxes which would affect everybody. The salary and the income of hon. Shikuku is not the same as that one of hon. ole Marima and yet we are both hon. Members of this House. What hon. Shikuku considers best for him cannot be what I consider to be fair to myself. We have to accept that there should be an acceptable tax to all of us, the tax that would pinch everybody. The person who drinks beer will feel the pinch a lot more than some of the hon. Members and members of our family who do not drink and also the man who does not drive will feel a lot more.

With those few remarks, I beg to support.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, the sales tax is an acceptable principle of taxation to this House but an author of anything is responsible of what it does. We are the authors of the sales tax and we also know that this tax is being misused by traders. Is it not also the duty of this House to see that the sales tax is not misused. Whoever brings a baby in this world is responsible for caring for it. The Minister for Finance and Economic Planning has produced a baby called sales tax and we have agreed that it should exist. Those who are trying to misuse the sales tax should be dealt with by all of us.

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir, the question of the Minister for Finance and Economic Planning being subjected to having brought this Bill to this House whereas he is not working on collective responsibility seems to go beyond the limit. Could you please give us the guidance on this because the Minister for Finance does not bring here anything unless it is passed by the Cabinet.

The Temporary Deputy Speaker (Mr. Mutunga): I think I will give a ruling on this one. The Minister for Finance and Economic Planning is just responsible for that Ministry but they work collectively as a Government. I do not think that anybody is challenging him as a person. I expect the hon. Member to tell us the mother of that baby called sales tax.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I was giving a practical example. A child was produced by the Minister for Finance and Economic Planning—

The Minister for Health (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, the allegation is a serious one. Is the hon. Member in order to say that the Minister produced a baby called sales tax?

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I was giving that as a practical example but I will now speak the way the hon. Members want me to speak but I will not convince them as I would have liked to.

Mr. Mwithaga: On a point of order, Sir, we all know that the Sales Tax is governed by the Sales Tax Act which is an Act of this Parliament emanating from a Bill published by the Cabinet. Would the hon. Member then tell us how the baby he is now talking about

biologically belongs to the Minister for Finance and Economic Planning?

The Temporary Deputy Speaker (Mr. Mutunga): I though Mr. Nthenge cleared that point. I do not think you should waste more of his time now.

Mr. Nthenge: Sir, we have already, as a House accepted the Sales Tax irrespective of where it came from. However, what I am saying is this: the same Sales Tax is being misused to punish the ordinary person in this country. Therefore, I am saying it is the duty of the Government to make sure that our people are not over-charged by the shopkeepers and other businessmen. We have agreed that the charge should be ten per cent and not more than that. Therefore, if a car dealer is now going to sell a car which he used to sell at Sh. 100,000 at Sh. 10,300 then is not charging 15 per cent as agreed, but he is charging at 0 per cent. Is it not our responsibility to protect our people? Is it not our responsibility to protect such a buyer and tell him that our increased tax on car is 15 per cent and not 0 per cent? It is our responsibility as leaders of this country to warn where we see mistakes taking place. Everybody knows that things have become very expensive since the introduction of the Sales Tax. However, when you ask a businessman why he is increasing the prices of things, he says, "Our Government has increased the charge on the Sales Tax". However, as far as the Sales Tax is concerned, it means whatever used to cost Sh. 10 should now cost Sh. 11. Therefore, I would like to appeal to the Government to create a department which will be able to deal with those unscrupulous businessmen. I hope the inspectors of this department will not run shops themselves. Unfortunately, they are among the big people who own shops in big towns and therefore, they cannot arrest themselves.

Sir, one of the hon. Members here complained that the Government should not have raised the Sales Tax on motor cars. Generally, the poor people do not buy cars and therefore, I do not see the reason why the hon. Member was complaining. However, Sir, I do not like the increase of petrol because the bus owners and the *matatu* owners are going to increase the fares. However, when the poor passengers complain, they are told, "the price of petrol has gone up". To make the matter even worse these people do not increase the fares proportionally. Today, Sir, people who used to use *matatu* in my constituency to travel from Machakos Town to Mutitoni, used to pay only one shilling per person, but they are now being charged Sh. 1/50. Is this not 50 per cent increase? When they ask why this is being done, they are told that the price of petrol has gone up. When these people come to complain to me as their Member of Parliament I cannot explain because I really do not know what to tell them. We should handle businessmen very carefully otherwise, they are going to spoil our names for nothing.

Now, Sir, having said that, I would like to come to something else, and this is about the Income Tax. I am annoyed to notice that some people who are richer than me pay less income tax than I do although they have a bigger income than I have.

[Mr. Nthenge]

I feel it is the duty of the Minister for Finance and Economic Planning to make sure he takes care of this kind of mistake. Everybody should pay income tax but we do not want some people to evade the tax.

Mr. Karungaru: On a point of order, Sir, I hate to interrupt the hon. Member, but he has categorically said that he knows of some people who pay less income tax than himself although these people have a higher income than the hon. Member. Am I not in order, Sir, to ask the hon. Member to tell us who these people evading tax are when they are supposed to be paying income tax.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, the hon. Member should have waited to hear what I was going to say. There is no need why he should interrupt me unnecessarily. There are some people who are in business, but they are keeping more than three books of accounts. When they go to the Income Tax Department they show the books which show very poor accounts. I have been in business for the last 24 years and I am aware that there are some of these people in this country. For instance, there are some businessmen who are so clever that they enter in their books of accounts figures which are confusing to the Income Tax Department. For instance, if a trader sells goods worth Sh. 1,500 he will enter in his book that he has sold goods worth Sh. 100 only. This is a very crafty way of cheating the Government. I know the reason why hon. Members are not following what I am saying because they usually have their tax dues deducted from their salaries at the end of the month. Personally, I feel that all those people who are in a position to raise money should pay taxes. Therefore, I would like to urge the Minister for Finance to institute proper investigations so that he can establish the incomes which are paid by some of the rich people we have in this country.

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker, Sir, it is a crime for anybody to conceal a crime in this country. The hon. Member claims that he knows that there are people who are cheating the Income Tax Department. Am I not in order to ask him to substantiate that remark by giving the names of those people who are cheating the Government?

Mr. Wabuge: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion—

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir, when an hon. Member makes a categorical statement any other hon. Member is free to challenge that hon. Member to substantiate his remark. Therefore, Mr. Deputy Speaker, Sir, am I not in—

The Temporary Deputy Speaker (Mr. Mutunga): Order! Will you sit down, Mr. Karungaru? Mr. Nthenge should have been called upon to substantiate his remark immediately he made it. However, when the hon. Member for Nakuru Town stood up he claimed that hon. Nthenge knows a crime but he is trying to conceal it. What hon. Mwithaga should have done is to ask hon.

Nthenge to substantiate his remark. Instead hon. Mwithaga asked the hon. Member to report the matter to the police, I think that is what he implied in his point of order. That is the reason why I did not bother to ask the hon. Member to substantiate his remark. Since no hon. Member challenged him to substantiate before I called upon another hon. Member to speak the matter is over.

Mr. Karungaru: Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutunga): I have already given a ruling on that matter and if you want to challenge the Chair do just that.

Mr. Wabuge: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to make some observations on this very important Motion. It is a well known fact that when the sales tax was introduced in this country some hon. Members made some remarks, because they knew that this tax would not operate properly. What is happening now is that some clever traders are exploiting the ordinary people in the rural areas under the guise of the sales tax. I think the Minister for Finance and Economic Planning should go back to the Treasury and look into the Sales Tax Act once again with a view to bringing an amendment to it in this House. I am trying to say that there is nothing wrong in collecting taxes in the country to enable the Government to provide various services to the people. However, what I would like to see is that whenever an ordinary person goes to buy something in a shop the trader should issue him with a receipt for the goods bought. These receipts should show the price of goods and the amount of sales tax which has been levied on different items. Unless this is done the traders will just come out and say, "This ream of paper costs Sh. 100" without giving the breakdown of the actual price itself and the sales tax which it carries. Unless this is done our people will continue to be frustrated and exploited by these traders. I think the Minister should not sit idle when such things are going on in the country.

Mr. Temporary Deputy Speaker, Sir, when the Minister was moving his Budget he said that he hopes to collect about £42 million through sales tax. Now the common man is worried about one thing. He is being asked to build classrooms and teachers' houses when at the same time he is being asked to pay sales tax on the goods which he purchases from shops. Since the Government is getting this money from the sales tax this money should be used in the construction of classrooms and teachers' houses. The Government should assist the poor people in the rural areas by providing these facilities. At the moment our people are paying two taxes, income tax and sales tax. I think this is one way of exploiting our people, Mr. Temporary Deputy Speaker, Sir. In Kenya today the moment a child is born it starts paying taxes there and then and continues paying them until it goes to its grave. Even when somebody is heading for his grave he is still asked to pay sales tax.

An hon. Member: How does a dead body pay sales tax?

Mr. Wabuge: A dead body pays sales tax in the form of its coffin.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutunga): You will continue next time, Mr. Wabuge. It is now time for

the interruption of business. The House is therefore adjourned until tomorrow, Friday, 21st June, at Nine o'clock.

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

Friday, 21st June, 1974

The House met at Nine o'clock.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 432

CREATION OF AN AFRICAN BANK

Mr. Speaker: Mr. Ebu not here? Mr. Mulwa's question then.

(*Question dropped*)

Question No. 436

INTRODUCTORY LETTERS TO JOB-SEEKERS

Mr. Mulwa asked the Minister for Labour, since the practice of giving introduction letters by people in high positions to job-seekers is an encouragement of nepotism and corruption, whether he would introduce the necessary legislation in the House to make it an offence to give such letters.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to give the following reply.

My Ministry cannot advise the House to enact a legislation which cannot be enforced by the existing machinery of Government. It would therefore be difficult on the part of my Ministry to prevent individuals sending letters to persons who are employers. A system of censoring letters would have to be introduced to make sure that such letters do not reach the employers. However, this would be contrary to the democratic principles as practised in this country. As I have told this House before all people, including influential people, should desist from issuing introductory letters to employers. Employers on their part, should not encourage this unfair practice of engaging employees through the back-door. I have already given my advice in this House on the subject, that all employers should refuse to consider these letters. Those employers who do not report the existing vacancies to my employment exchange offices and instead fill them through the back-door, should be blamed and condemned for encouraging this most unfair practice. In order to stop this kind of back-door recruitment, employers should report all the existing vacancies to the Kenyanization of Personnel Bureau or employment exchange offices. All job-seekers bearing introduction letters from other sources, should be registered just like any other job-seekers. In this way, we shall make sure that the available jobs go to those who are best qualified for them.

Mr. Mulwa: Mr. Speaker, Sir, arising from that reply by the Assistant Minister could he tell the House what machinery the Ministry is using to deal with those employers who, contrary to the existing regulations, employ job-seekers through the back-door instead of getting them from the Kenyanization of Personnel Bureau?

Mr. Kubai: Mr. Speaker, Sir, the Kenyanization of Personnel Bureau and the Labour Exchange Department are places where job-seekers can go and register themselves so that the would-be employers can go to

these places and select those job-seekers who they think are best qualified for their jobs. For this reason, we cannot force employers to go and get employees from these places because, in fact, this is a voluntary exercise.

Mr. Kiilu: Mr. Speaker, Sir, since the Ministry is aware of the back-door system now being used by certain employers to engage their employees, what immediate steps is the Ministry intending to take in order to stop this malpractice? I am asking this because it seems as if only a certain group of people are benefiting from this so-called back-door system. What is the Government intending to do about this most unfair practice?

Mr. Kubai: Mr. Speaker, Sir, this is a very difficult problem because we have no way at all of stopping any employer from engaging the employees he wants. For this reason therefore, it is very difficult for us to enforce any form of legislation to stop this practice. All we do is to make it known to the employers, that they are not supposed to employ people through the back-door because this is encouraging favouritism, nepotism and corruption. Therefore, if employers would learn to go to the Kenyanization of Personnel Bureau to select their employees from there, they could be doing a lot in solving the problem.

Mr. D. M. Kioko: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he clearly indicating that the Government is going to keep mum and allow favouritism, nepotism and corruption to continue? I am saying this because the Assistant Minister himself has told the House that the Kenyanization of Personnel Bureau and Labour Exchange Department are voluntary places and therefore, employers cannot be forced to go and select employees from there. Now that the employers are not at all co-operative with the Government, what is the Government intending to do? This is why a Question like this has been brought to the House because things are going on very badly these days. Is the Government going to keep mum and allow these malpractices to continue?

Mr. Kubai: Mr. Speaker, Sir, I think this is a very difficult problem because on one hand, we have the so-called International Conventions, which do not allow us to force employers to go to the Labour Exchange Department for every employee they may want to engage. In this respect we can do nothing to make employers come to us and have their jobs secret.

Question No. 391

TELEPHONE FACILITIES FOR MARALAL

Mr. arap Cheboiwo, on behalf of Mr. Lenayiarra, asked the Minister for Power and Communications what progress has been made in providing Maralal town with telephone facilities which are badly needed by members of the public.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

The Corporation's Development Plan shows that Maralal should have telephone facilities in 1975.

Mr. arap Cheboiwo: While appreciating what the Assistant Minister has said that this will be done in 1975, can he be specific; would it be at the beginning of 1975 or towards the end of it?

Mr. Onamu: As soon as possible but in 1975.

Mr. arap Cheboiwo: Mr. Speaker, Sir, we are in 1974 and we know 1975 is coming could he tell us whether this will be included in the 1975/76 Financial Year or in this Financial Year, 1974/75? What does he mean by saying "as soon as possible"?

Mr. Onamu: I never said, 1975/76 Financial Year, I said this will be done in 1975.

Mr. arap Cheboiwo: I think the Assistant Minister is not very serious. These services are urgently needed by *wananchi* and since he has accepted that something will be done in 1975, could he be specific to say whether Government will give these facilities to Maralal people in 1975/76 Financial Year?

Mr. Onamu: I would have expected to be thanked for what I have said, because we are definitely going to do it in 1975.

Question No. 358

NEW DISPENSARIES—ELGEYO-MARAKWET

Mr. Kurgat asked the Minister for Health whether he will establish dispensaries at Kocholwa and Emsea Centres in Soy Location of Elgeyo-Marakwet District in order to cater for the large population in the areas.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, my colleague the hon. ole Oloitipitip came here only to find that he did not have the reply and so he has gone out to fetch it.

Mr. Speaker: Mr. Jilo, ask your question.

Question No. 434

GWANO/NDEVA AREA AS GAME RESERVE

Mr. Jilo asked the Minister for Tourism and Wildlife:—

- (a) whether he is aware that his Ministry's decision to convert into a national game reserve the land lying between Gwano and Ndeva Location without consulting the local people is causing great concern among the local people, and
- (b) whether he could, as a matter of urgency, consider to rescind his earlier decision so that he may have time to consult with the people causing great concern among the local people, solution to the issue in question.

Mr. Speaker: The Minister is not there to answer.

Mr. Ebu's question.

An hon. Member: He is not there.

Mr. Speaker: Let us go to Mr. Nthenge's question.

Mr. Nthenge: Mr. Speaker, Sir, I apologize for coming late.

Question No. 428

NATIONAL ORDER OF PRECEDENCE

Mr. Nthenge asked the Minister of State, President's Office whether the Ministry could designate the Protocol to be followed in Kenya where Government ceremonies take place involving all ranks in the country.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Are we having a new Minister of State, President's Office?

An hon. Member: They have collective responsibility.

The Attorney-General (Mr. Njonjo): Why could the Assistant Minister himself not reply because he also shares the same responsibility?

Mr. Speaker, Sir, I beg to reply.

There is a Kenya national order of precedence which lays down the position of various personalities attending official national ceremonies or any other official function.

Mr. Nthenge: Can the Attorney-General disclose how this is done: can he name them from the President downwards?

Mr. Njonjo: It starts with the President, Vice-President; Ministers, Assistant Ministers, Judges of the High Court, members of the diplomatic corps and so on and so forth.

Mr. Nthenge: I am wondering whether it would be proper for us to have this question deferred because the Attorney-General seems not to have had a briefing on the subject. As you can see he has a problem; he is trying to think of it. Since I am prepared to get a proper reply later, could this question be put on the Order Paper another day?

Mr. Njonjo: Mr. Speaker, Sir, that is a matter for the hon. Member. However, I am sure he will not get any more information than I am giving him. In fact, I have seen the Protocol Order. You cannot specify everything in it. For instance, the Speaker comes in; the Judges of the Court of Appeal; and then the High Court Judges, the civil servants, the mayors, Members of Parliament and so forth. It is a long list.

Mr. Mulwa: I think I would like to support the hon. Nthenge for this question to be deferred to another day. This is because there has been a lot of misunderstanding in the past and I think it is better for my learned friend, the Attorney-General, to agree to answer it in writing, because it has been the source of misunderstanding between the civil servants and the politicians. It is better to have the question cleared here so that when we go to these ceremonies, we do not feel that we are chucked out in favour of some civil servants.

Mr. Speaker: All right, we will put it off for the time being.

Next question. Mr. Kurgat.

Question No. 358

NEW DISPENSARIES—ELEGYO-MARAKWET

Mr. Kurgat asked the Minister for Health whether he will establish dispensaries at Kocholwa and Emsea Centres in Soy Location of Elgeyo-Marakwet District in order to cater for the large population in the areas.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to apologize for the delay and lateness.

I beg to reply.

[The Assistant Minister for Health]

It is not possible at present to establish dispensaries at Kocholwa and Emsea Centres in Soy Location of Elgeyo/Marakwet District. Their establishment will be considered along with others during the 1974/78 Development Plan subject to the availability of funds.

Mr. Kurgat: These two areas are right in Kerio Valley and the problem is that in Elgeyo-Marakwet District, being mountainous area, it is difficult for a patient to climb to the highlands for treatment. Would the Ministry consider establishing these centres immediately or meanwhile establish a mobile unit within the valley to treat these patients who are stuck up?

Mr. Jahazi: We sympathize with the hon. Member's concern of his people in these areas. I think we join him in this; however, with the mobile unit, due to the bad condition of roads there, we could not even continue running the one we have been running to serve some areas in this district. For instance, we have a dispensary at Muskut which serves the people around Kocholwa. This mobile unit which used to visit Emsea once in a month has been disrupted due to the bad roads. However, we will try everything possible. I think we have to be joined by the Ministry of Works to establish better roads so that mobile units could operate in these rocky areas.

Mr. Kurgat: Prior to the takeover of services from the county councils to the Central Government there used to be a mobile clinic; now that the road between Nyaru and Fluorspar Mining Company is in a first class condition, would the Ministry as a matter of urgency save these people by introducing a fortnightly mobile unit clinic between Nyaru, Emsea and Kocholwa because there are now good roads there?

Mr. Jahazi: I have not been there to check on the roads, but I will take the words of the hon. Member as the truth. I think from here I will take the words of the hon. Member as the truth. I think from here I will tell my Ministry to make sure that the mobile unit clinic that had been removed from the areas where the roads are very bad should be placed where the roads are good so that we can help these people.

*Question No. 434***GWANO/NDEVA AREA AS GAME RESERVE**

Mr. Jilo asked the Minister for Tourism and Wildlife —

- (a) whether he is aware that his Ministry's decision to convert into a National Game Reserve the land lying between Gwano and Ndeva locations without consulting the local people is causing great concern among them; and
- (b) whether he will, as a matter of urgency consider to rescind his earlier decision so that he may have time to consult the people concerned, with a view to finding an amicable solution to the issue in question.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, on behalf of the Minister for Tourism and Wildlife, I beg to reply.

I am not aware of my Ministry's decision to convert

into a National Game Reserve the land lying between Gwano and Ndeva Locations without consulting the local people.

Since no decision has been made by my Ministry, the question of rescinding does not arise. My Ministry has, however, made proposals to the Tana River County Council, requesting them to pass a resolution setting aside the area in question for the purpose of a Game Reserve. Only after that would my Ministry be able to gazette the area as a Game Reserve. It is envisaged that the councillors, as the representatives of the local people will discuss my Ministry's proposal thoroughly before passing the resolution as requested.

Mr. Jilo: Mr. Speaker, Sir, arising from that reply by the Assistant Minister is he aware that already the district commissioner in this area has embarked on a campaign of trying to convince the people to shift from this area so that the area can be made a national game reserve and the people are opposed to that idea? He is giving them promises that they are going to benefit by getting loans and free fencing material to fence their land.

Mr. Jahazi: Mr. Speaker, Sir, there is nothing wrong with the district commissioner going round telling the people the benefits they would get by establishing the national park in question. However, I do not think the whole matter rests only on this Ministry. The Ministry of Tourism and Wildlife has put out their request to the local people and the decision to turn this area into a national park lies with the county council. So, if the county council and the people will be convinced by the sweet words of the district commissioner, to agree to this proposal from the Ministry, well and good. However, I do not think the hon. Member is right to refer this matter to the Ministry of Tourism and Wildlife when the matter is in the hands of the local people to agree or to reject.

Mr. Kiilu: Mr. Speaker, Sir, in case there are people already living in this area, does the Government have any plans of giving the same people alternative land on which to live?

Mr. Jahazi: Mr. Speaker, Sir, I wish the hon. Member heard what hon. Jilo said. He said there are people there who are being induced by the district commissioner to move out of this area.

Mr. Mboja: Mr. Speaker, Sir, we have been told by the hon. Member that the district commissioner is already trying to induce people in that area to move out and promising them some benefits, should the district commissioner fail to convince them and the people decide to remain in that place, could the Assistant Minister assure this House that the Government will not use any unnecessary force to move these people away?

Mr. Jahazi: Mr. Speaker, Sir, there is no question of force. The Ministry has requested the county council to vote on the issue. As you all know, a request is a request. If the county council rejects this request, there is nothing the Government can do after that.

Mr. Jilo: Mr. Speaker, Sir, is the Assistant Minister aware that this is not a state land? It is private land owned by the people of the area. People have lived on this land for ages and have no other land. We have always known this land to be Pokomo land. Why does

[Mr. Jilo]

the Government not find alternative land for these people, if they really want to help the Tana River County Council?

Mr. Jahazi: Mr. Speaker, Sir, I do not see why there should be a complaint. The Ministry has requested the Tana River County Council to vote on whether this area should be made a national game reserve or not. I believe this request has gone to the right people. I understand that 80 per cent of the people living within Tana River District are Pokomo. It is for them to agree or to disagree to the proposal given to them by the Ministry. Right now we have not received any reply from the Tana River County Council, either to agree or otherwise. We are still waiting. The proposal is on their table. So, I hope when the hon. Member goes back to the county council he will find out that we have not received any reply from the council in question.

Mr. Speaker: I understand that Mr. Nthenge's reply is ready.

Question No. 428

NATIONAL ORDER OF PRECEDENCE

Mr. Nthenge asked the Minister of State, President's Office whether he can designate the Protocol to be followed in Kenya where Government ceremonies take place involving all ranks in the country.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply.

I now have the brief and I have a copy of the Kenya National Order of Precedence. As I was saying before, I was not far off from the mark because the Order reads as follows:—

The President.

The Vice-President.

Cabinet Ministers.

The Speaker of the National Assembly.

The Court of Appeal.

The High Court.

The High Commissioner.

Ambassadors and those having ambassadorial ranks in order of seniority—

Mr. Speaker, Sir, if any hon. Member wants to ask about any particular order, I am ready to reply.

Mr. Nthenge: Mr. Speaker, Sir, where do the Assistant Ministers and the Back-benchers fit in.

Mr. Njonjo: In the Order of Precedence, Mr. Speaker, the Assistant Ministers are No. 13, in order of seniority, and the hon. Members are at No. 16.

Mr. Mwavumo: Mr. Speaker, Sir, where does the First Lady fall?

Mr. Njonjo: Mr. Speaker, Sir, I think that is a misplaced question to start with and I honestly do not understand how it follows.

Mr. Speaker: No, I think he was very genuine in his question.

Mr. Njonjo: Mr. Speaker, Sir, it is just commonsense

that a wife of a person follows her husband's precedence.

Mr. Araru: Mr. Speaker, Sir, I am wondering why the Speaker of the National Assembly should come below the Cabinet Ministers. Could the Attorney-General explain.

Mr. Njonjo: Mr. Speaker, Sir, that is the order of precedence as laid down by the Kenya Government.

Mr. Nthenge: Mr. Speaker, Sir, would the Attorney-General agree with me that this Order is badly drawn and a Committee of this House should be set to scrutinize and re-arrange it?

Mr. Njonjo: There may be a case, Mr. Speaker, for re-looking at the Order of Precedence, but I do not think the House is suitable for looking into it.

Mrs. Onyango: Mr. Speaker, Sir, when the Attorney-General was reading the list, I did not hear where the provincial commissioners and the district commissioners come in. What number are they?

Mr. Njonjo: Mr. Speaker, Sir, they are No. 24.

MOTION

CREATION OF MINISTRY OF WATER DEVELOPMENT

THAT, noting that the lack of water has affected development and the people in many parts of this country, this House urges the Government to create an independent Ministry which will be entirely responsible for water development in the country instead of the present Ministry of Agriculture.

(Mr. Kitonga on 7th June, 1974)

(Resumption of Debate interrupted on 7th June, 1974)

Mr. Speaker: Now, I understand that Mr. Nthenge moved an amendment but it was not seconded and he has told me that the "Note" there on the Order Paper is also wrong because his amendment is to insert the words "and irrigation" between the word "water" in the fourth line and the word "development" in the fifth line. That means that the Motion will read . . . "for water and irrigation development . . .". He says that that is not shown in the "Note" on the Order Paper. Therefore, we are going to wait for a Seconder for his amendment.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me this chance to speak on this Motion. I do not think there will be any problem in making water and irrigation development a Ministry by itself. As far as we are concerned now, if we look at the Ministry of Agriculture, we shall find that the Ministry has done very little as far as water and irrigation development are concerned. Therefore, that is the reason why I am suggesting that—

Mr. Speaker: Order, Mr. Araru! You should have pointed out to me that you spoke in the same debate before because you cannot speak twice in the same debate!

Mr. Araru: You mean I have already spoken in this debate, Mr. Speaker?

Mr. Speaker: Yes! Your name appears on the list of those Members who spoke in this debate last time.

Mr. Araru: But this is an amendment which I am seconding, Sir.

Mr. Speaker: No! No! No! It is the same subject, Mr. Araru!

Mr. Kurgat: Mr. Speaker, Sir, I am grateful for giving me this chance to speak on this very important amendment. I believe that it was not the wish of the hon. Member for Kitui East not to include irrigation development in his Motion. I am sure that he meant that once we have a department for water only then, it would do all the necessary work to provide water and irrigation would come in automatically. Now, that hon. Nthenge, Member for Iveti South, has thought it wise to include irrigation development in this Motion, I am supporting this amendment.

Therefore, as I am seconding this amendment, Mr. Speaker, Sir, I wish to say the following: that water is three-quarters of our lives because without water, I am sure that we cannot exist. I know that anything else like a stone can exist without water but, I am sure that no human being or plants would exist without it.

Mr. Speaker, Sir, I believe that since we have a lot of water which is "sitting idle" and which is being emptied into the seas and oceans, like the Mediterranean Sea or the Indian Ocean, is a waste unless we create a department or a Ministry to deal with water and irrigation development at the same time. Mr. Speaker, Sir, I am sure that we need a Ministry to do this very important assignment. The Ministry of Agriculture is very busy with other things like experiments. However, because our country is about three-quarters arid, we need a separate Ministry to deal with water and irrigation development alone. Water has been supplied freely to us by God. It rises up from our lakes and then when it goes up there is rain in the evenings and then we have water which is wasted. Therefore, we need to build plenty of dams to take care of this water which can be used later on for irrigation purposes. I am sure that if a Ministry for water is created, it would be able to deal specifically with the supply of water for irrigating our vast lands of Kenya and particularly in the North-Eastern Province and the Coast Province. I am sure that there is a lot of wastage of water in this country. For instance, all the Tara River water is wasted. No use is made of this water. Another important river is the Athi River; it is also not made use of. It should be used to irrigate the land. However, I am sure that if we had a separate department to deal with water only, Kenya would be the richest country in Africa because we have enough water to irrigate our lands and supply to the needy *wananchi*.

Mr. Speaker, Sir, some people are experiencing a lot of difficulties as far as water is concerned because in some areas or in some districts, water is still being run by the Ministry of Local Government; that means the county councils. However, I am sure that if we had a separate Ministry dealing with water all these difficulties, and asking of questions here in Parliament as to when a borehole will be constructed in such-and-such an area would come to an end. The answer which is normally given that there are no funds would not be there either.

Mr. Speaker, Sir, this is a very important department which would deal specifically with water supply and irrigation development in our country. I hope that the Government will seriously look into this question.

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

Mr. Speaker: Now, since we do not have a lot of time left, I will propose and put the question together.

(Question, that the words to be added be added, proposed)

(Question, that the words to be added be added, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Speaker: We have only got just about five minutes left.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I am very grateful for having been given this opportunity to speak on this very, very important Motion. However, although I do not know the Government's view on this Motion, I would like to put across a few observations.

Mr. Speaker, Sir, it might be destroying the Ministry of Agriculture if it were to be split into two Ministries. However, the Minister himself is going to put forward the Government's views. What I want to say is that water is one of the most important elements we need in life or in this country for that matter. Indeed, we are very fortunate in Kenya in that we have plenty of water around us more than other countries. For instance, we have the Lake Victoria with plenty of water. We have also two big rivers: the Tana River and the Athi River which have water all the year round. We have seen a few other countries, for instance, Egypt and the Sudan which are being served by very big dams which have been made across the River Nile. These dams were made 30 years ago; before those countries were not as developed as they are today. Therefore, I do not see the reason why we cannot put at least four dams across the Athi River to serve this country. For instance, one can be named "Nyagah Dam"; another one "Kenyatta Dam" and another one, maybe, named "Mwendwa Dam" so that the whole of the Eastern region can be served by them. We have very many little dams all over this country which dry up as soon as the rains stop. For example, we have a dam in Kitui District which always dries up in the month of August every year. I would like to say that from the month of July this year there will be no water at all in Kitui Township. I am glad the Minister for Agriculture is here to hear what I am saying. There is going to be a lot of hue and cry in that township. We knew that this dam in Kitui was going to dry up but the Ministry did nothing to save the situation. Unless there is a very big dam in Kitui this problem of water shortage in the township will never be overcome.

I remember telling the Minister for Agriculture when he had attended a Harambee meeting in Kitui that it was no good telling the people of Kitui to plant cotton because rainfall in this district is very low. There is nothing more psychologically damaging than telling a farmer to plant his ten-acre piece of land with cotton,

[The Minister for Labour]

use all the available fertilizers and insecticides only for his crop to fail later because of lack of rain. That is why most of our people are reluctant to grow cotton because they fear that it will not do well. Unless irrigation is used to grow this crop our people will never be convinced that rain can provide the necessary water needed for the growth of this crop. Irrigation is the only method which can be used in dry areas like Kitui, Machakos and other dry places like Marsabit. Many countries like Israel have been able to transform their desert lands to arable lands by use of irrigation.

At the moment the small country of Israel is green all the year round. This is the country which the Bible says that it will be the country of milk and honey. This prophesy is now coming true and that is why the Arabs are envious of the achievements of Israel. However, the Israelis do not get their water from the rains. They depend on irrigation, Mr. Speaker, Sir. Unless our Water Development Department in the Ministry of Agriculture is well provided for both in the field of qualified personnel and sufficient machinery, we shall not be able to provide this country with adequate water supplies, both for domestic use and irrigation. The Ministry of Agriculture is divided into three departments. We have the Water Development Department, the department of veterinary services and the agriculture department itself. My appeal to the Minister for Agriculture is to make the water development department the major department in his Ministry. Mr. Speaker, Sir, I am a geographer and I know what geography tells us. This subject tells us that the earth is becoming drier and drier every year. Therefore, if we do not preserve the little water which we get from the rains Kenya is going to be faced with a problem which nobody will be able to solve. The Minister for Agriculture should ask the Government to create financial and manpower facilities to strengthen the water development.

We have sufficient land in this country and Kenya is not one of those countries likely to suffer from a population explosion. The land which we have is capable of accommodating some more 30 million people who are very much needed for the development of this country. We can only be able to accommodate these people if we irrigate the dry parts of our country. We should use the natural resources which God has very kindly given us. Lake Victoria must be made use of by piping water from this lake and irrigating the Northern and Eastern parts of Kenya which are very dry at the moment. During the colonial Parliament in Kenya we used to have one European Member called Major Howard Williams who used to say that his dream for saving this country was only the waters of Lake Victoria. I am of the same conviction, Mr. Speaker, Sir. When I visited Israel I saw that they pipe their irrigation water from the Sea of Galilee using a pipe which is 72 inches in diameter. You can walk through that pipe, Mr. Speaker, Sir. I do not see why we cannot use a similar pipe to get water from Lake Victoria to irrigate our dry parts of the country. Why should we allow the waters of Lake Victoria to flow to the Sudan and Egypt? These countries, although they do not have

much oil in their own countries, are the champions of telling the other Arab countries not to give us oil at a reduced price. My genuine appeal to my colleague, the Minister for Agriculture, is to enlarge the water development department so that it can cater for the country's water needs. If this is done we can grow almost every crop that is known in the whole world. We can grow rice and various kinds of fruits, Mr. Speaker, Sir. Once again I would like to submit that we can only grow most of the crops in this country by means of irrigation and not through rainfall.

With those few remarks, I beg to reserve my comments.

Mr. Speaker: Mr. Osogo has informed me of his intention to move an amendment to the Motion as amended.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, since my colleague the Minister for Labour has reserved his comments, which is very unfortunate, I would like to propose an amendment to the Motion as amended by hon. Nthenge.

Mr. Speaker, Sir, we know very well that our Constitution says that the powers of creating a Ministry is fully vested with the President of this country. Therefore, I would like to amend the Motion as amended by deleting the words "urges the Government" after the word "House" in the third line and substituting thereof the words "recommends to His Excellency the President".

Mr. Speaker, Sir, I think the House will accept this amendment because we are recommending to the President the fact that he should create an independent Ministry of Water and Irrigation. I am sure His Excellency the President will consider our recommendation and perhaps accept it.

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

The Assistant Minister for Labour (Mr. Kubai) Seconded.

Mr. Speaker: Since we do not have much time I think I am going to propose and put the question of this amendment straightaway.

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

Mr. ole Marima: Mr. Speaker, Sir, we all know that it is only His Excellency the President who has the sole prerogative of creating a Ministry, dissolving a Ministry or reshuffling the Cabinet. It is therefore, our earnest hope that His Excellency the President who is the father of this nation, will consider our request. He has time and again openly said that this is a House of elders. I hope he will listen to the request of the elders who are working hand in hand with him in his Government.

The Attorney-General (Mr. Njonjo): Some hon. Members are youngsters.

Mr. ole Marima: The Attorney-General is saying that some hon. Members are youngsters. He does not know that according to our custom, once you are made a leader you are considered an elder.

Mr. Speaker, Sir, the need for water is paramount in all districts of Kenya. We cannot make any development whatsoever without water we cannot keep livestock, grow crops and, therefore, we cannot have food. But, we have plenty of land whose soil is, in fact, much more fertile than the one which the countries to the North have, yet, in Israel and around the Aswan Dam, people are cultivating a lot of land. Some people who live far away from us are using the water of Lake Victoria, which is ours by an international convention, to produce a lot of crops, yet their soil is not half as good as ours. This is terrible!

Mr. Speaker, Sir, we are not asking for the creation of another Ministry by dividing the Ministry of Agriculture because the Ministry has failed to carry out its work properly. On the contrary, the Ministry has done quite a lot, but because of the great need we have for water a separate Ministry is necessary. As it was indicated here the other day, nearly half of the Vote of the Ministry of Agriculture is spent on water. If we can only increase that money, the personnel and the equipment, including the experts who will think about nothing else but water, either to irrigate the land or to drill boreholes, we shall come near to satisfying the needs of our people. There are many rivers such as the Uaso Nyiro, Tana River, Mara River and many others which should be used for irrigation. Only a small portion of Tana River is being used for irrigation to produce cotton. We are blessed to have rivers and lakes, and if any nation can be proud of having clean water which can be used in homes, Kenya is leading.

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

Mr. Speaker: I understand Mr. Nyagah is now going to reply.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to support the amended Motion. This House has accepted the fact that instead of urging Government we should urge His Excellency the President who, by Constitutional right, is the only person who can create or re-organize a Ministry.

Having said that, which is an indication that Government does not turn a deaf ear to the wishes of hon. Members, I would like to have it on record that the Department of Water Development, under the Ministry of Agriculture, has not been dormant. It has been growing all the time and it has expanded its scope considerably and it is still doing so under several divisions. There is a division which all hon. Members and the public as well know as the Rural and Urban Water Supply. Improvements are being made all the time in this sector. The other division is the one which deals with the control of the quality of water. We do not want our people to drink polluted water. Our people and their animals should drink treated water. There is also a big undertaking by the Department which is known to us as water conservation, whereby, not only the Ministry of

Agriculture—or whatever Ministry will be formed—is required to play a big part, but other Ministries are required to assist. This division's primary work is to improve the catchment areas, afforestation, device better methods of soil control and what have you. That division is now very busy working on that line and also to drill boreholes and so on. There is also a small division which deals with water apportionment. It is important that the people downstream must have water. We do not allow the people upstream to use water at the expense of those who are downstream. Recently, Mr. Speaker the question of water pollution has also become very important. We cannot allow people to use water and after they have polluted it they return it to rivers for the people downstream to use it. A fairly strong division within the Water Development has been created to deal with sewerage and pollution.

Above all, Mr. Speaker, since water is required all over the country we need trained personnel, which we do not have. We inherited a situation at Independence where water was not as important in the rural areas as it is today. Therefore, the Department has now a training division whose graduates are beginning to come out to man the various water schemes which we have in the country. We are bringing in some expatriates from overseas to help in the planning of the water schemes which are being applied for all over the country. Our people have also started coming out, and I am glad to report that the Department has had a very successful recruitment of engineers from our University. Very soon these people will be playing their important role in the development of this country.

Finally, Mr. Speaker, I would like to report that Government has set aside a very large sum of money—nearly £90 million—for this Development Plan period, to be spent at an average of £20 million per year, for water development. This shows the importance Government attaches to the development of water in the country. The problems which are now being overcome are on material, piping and spare-parts for pumps and so on, recruitment of qualified personnel, and as I said, we shall go over them gradually by employing our own graduates from our University and also by training our own people. The Department is being strengthened all the time so that whatever the President will do in relation to what the House has expressed he will not find a weak Department.

My Ministry has three strong Departments, that is, the Department of Agriculture, Department of Veterinary Services, and the Water Development Department. I am glad to put on record that the three departments bits as they are, have tried, and are still trying their best to serve the cause of this country's development. As we all know, the creation of Ministries is the sole responsibility of His Excellency the President, as provided by the Constitution. We are all going for General Elections, and the sentiments which have been expressed by hon. Members on this Motion will be presented to His Excellency the President during the formation of the new Cabinet after the elections. I hope that he will do what is right in his capacity as the President of this country.

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

Mr. Kitonga: Mr. Speaker, Sir, I would like to thank all the hon. Members— Mr. Speaker, Sir, I do not know whether I would be in order to give hon. Kiilu five minutes—

Mr. Speaker: No, we do not have time for that.

Mr. Kitonga: Mr. Speaker, Sir, I would like to thank all the hon. Members who have spoken in favour of this Motion and at the same time thank the Cabinet Ministers who have spoken in favour of my Motion. I accept the amendments by hon. Nthenge and the Assistant Minister of State, President's Office. I accept the amendment by the Assistant Minister because his amendment was quite a good one.

Mr. Speaker, Sir, it is my belief that where there is smoke there is fire. The way the Government has accepted this motion is quite good and I know that His Excellency the President is a very kind man and he represents a constituency which faces the same problem. I therefore hope that he will consider this Motion favourably. I am not saying that we should create a new Ministry at the expense of the tax-payers. The Ministry of Housing could be merged with the Ministry of Local Government to give way for a new Ministry. I do not see why we should have a Ministry for Housing while we have a Minister for Local Government in charge of Housing. I think His Excellency will consider this and merge the Ministry of Local Government and the Ministry of Housing.

Mr. Speaker: What you are now saying is irrelevant to this Motion. We are now talking about the Ministry of Water and not the Ministry of Housing and the Ministry of Local Government.

Mr. Kitonga: Mr. Speaker, Sir, I am sorry for that.

Mr. Speaker, Sir, I know that the Government has always implemented the important Motions passed in this House and this Motion should also be implemented and with that people will be proud with this Government. I brought another Motion in this House asking for the reduction of the age of voters from 21 years to 18 years. The Government implemented the Motion and, I therefore thank the Government for having able Ministers who think of the welfare of the people.

Mr. Speaker, Sir, it was just the other day when I Tabled a motion here asking whether the unmarried girls could be considered—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, instead of the hon. Member treating us with this tedious talk, and since we all support the Motion, could he move it and let us get on with some other business?

Mr. Kitonga: Mr. Speaker, Sir, I do not see why some hon. Members are interrupting. Hon. Njonjo expects to be my son-in-law and I do not expect him to interrupt me.

Mr. Speaker, Sir, I am thanking the Government for implementing the Motions that I Table in this House.

With those few remarks, I beg to move.

(Question put and agreed to)

MOTION

FEDERATION OF AFRICAN STATES

Mr. Araru: Mr. Speaker, Sir, I would like to say that I am happy to have been given a chance to move this Motion. There is nothing new in this Motion except what is now going on in Dar es Salaam.

Mr. Speaker, Sir, if hon. Members will give me a chance to move the Motion since I know how to move, I will be very glad. I come from the border of this country and I belong to the Boran tribe which is divided into three, about 40 per cent lives in Kenya, the rest in Somalia and Ethiopia. This country borders many other countries and I therefore think that this Motion is very important. One would note that United States of America, Russia and China are big powers in this world. These nations are economically and socially powerful. There is no need saying that everything is all right while we have 400,000 million people in Africa and yet the nations are Independent. The colonialists divided this continent in such a way that those nations who were colonized by the British still feel they are British, while those colonized by the French still feel they are French. When we go for a meeting of the Organization of African Unity we still find that we have different opinions and delegates normally support countries which had been colonized together. I am, therefore, urging Kenya which is Independent to unite and use this House and the Kanu Party which is a very important party, and which is democratic since it gives every citizen of this country a chance to choose leaders. We have more than 41 tribes in Kenya and yet we stand firm in the policies of this country and we are economically ahead of some countries which have ruled themselves for over 300 years. In France and Germany governments there are replaced every now and then because of economic failures. Our neighbour, Ethiopia, which was Independent even before Jesus was born recently had some trouble. Our country is socially, economically and politically powerful. My Motion asks for a federation of Africa.

Therefore, Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the invaluable role which has been played by the Organization of African Unity since its foundation in 1963 in extricating the continent of Africa from the yoke of colonialism and poverty, and noting the fact that the objectives of the unity is to make Africa an entire independent continent against external influences and force; and since some partner states are not yet incorporated in the unity to create Africa as one of the world powers, like the United States of America, China or Russia for the purposes of defence, economic, social and political aspirations, this House unreservedly calls upon the Organization of African Unity to continue pursuing its policy of uniting Africa into one of the strongest and most compact world power nations.

Mr. Speaker, Sir, I have already given a historical background of African countries since the attainment of their independence, and also given the membership in the Organization of African Unity, which I said is 41. Their total population, Sir, is about 400 million and this number is not even comparable to the number of people in China. Mr. Speaker, Sir, you will remember that even during the last Parliament, Members of this

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House demonstrated their wish for the unity of Africa when the three heads of states of the East African countries were meeting in Harambee House, with the purpose of uniting East Africa.

Mr. Speaker, Sir, you will also remember that during the colonial days, Kenya, Uganda and Tanzania had one currency and, in fact, there was no difficulty when moving from one state to another. At that time, Sir, there was no need for anybody who wanted to visit either Tanzania or Uganda to produce a passport or identity card and people carried out their businesses in the three states as if they were just one state. However, Sir, today, that is no longer the case, and we do not know where we are, in fact, moving to. The three countries have become like foreign countries to one another. We passed a Bill here, which we all supported, and now each of the three states is having an income tax system of its own, and when one visits any of these countries, one goes through the formalities which he would encounter when going to a foreign country. Therefore, Sir, you can see how we are, in fact, moving far apart from one another.

Mr. Speaker, Sir, as I said earlier on, the Boran are to be found in both Kenya and Ethiopia. However, those who live on the Ethiopian side of the border have their own form of currency, and when they cross into Kenya they are arrested. Now, Sir, God gave that land to the Boran even before the Colonial Government ruled this country and, in fact, there is no need for any identification. The people living there were only identified by their tribes, and they could move from one place to another without interference. They could sell their cattle anywhere and say, when the Kenya market was not offering a better price, they could take their cattle freely to Somalia and sell them there or *vice versa*. Mr. Speaker, Sir, God gave that land to the people there, and there was no such law that when somebody came to a particular point, he was not allowed to go further. Therefore, there is no point in anybody stopping these people from moving from one place to the other, because that is what they had been doing before the colonialists came to rule them.

Mr. Speaker, Sir, the United States of America is a world power today because of many states uniting and becoming one large single state. Now, in a state like Idaho, which we visited, Sir, they have concentrated mainly on beef cattle. The capital city of that state is just like Nairobi, and that is the centre of the industry. Animals slaughtered there are taken to about six other states. Some of this meat is transported by road and some of it airfreighted to other states. We also visited Davis University, in Colorado, Mr. Speaker, and my colleagues will bear me witness, as I have said before in this House, that we visited tomato farms for a whole day. We visited tomato plantations which are grown through irrigation. Mr. Speaker, Sir, if you see the soil there, you will know that the Moyale soil is much better and, in fact, we could grow anything, if only we had a system similar to the one they use there. Now, the hon. Kitonga has just moved a very important Motion here in connexion with water supply and irri-

gation, and we hope the Minister for Finance and Economic Planning will support this move, when he comes to reply to the Budget. We also hope that next year, after the General Elections, the Government will make sure that they establish a separate Ministry that will be responsible for water and irrigation.

Mr. Speaker, Sir, while we were in the United States, we went to Arizona, one of the driest and hottest desert area in America. There, we saw a lake which has been formed as a result of waters that have been captured from rivers. This particular lake is 45 years old, and it provides electrical power as well as the necessary water for irrigation in the area. Now, when we asked the people there whether they get any rains, they told us that the heaviest rain they ever get in any year, Sir, is only 4 inches. Now, the water in this particular lake is captured when ice melts in the Mexican mountains during summer and, in fact, it is supplied to more than ten states in America. You would also think that this particular lake is a natural lake, like our Lake Victoria. We toured this lake by boat, we were also shown a film, which described how this particular lake was formed, and how the finances for the project were raised. The money was raised by the Government as well as by corporations.

Therefore, if African countries unite today, we could become one of the world powers. As you very well know, Sir, God gave us a very good land, where we have no summers or winters, and we are in fact, very proud of this. It is only in economic development that we have been left behind. Therefore, if we are united in Africa, we would require no assistance from anywhere, even in our economy. If we were united, Sir, we would be able to assist our people in Rhodesia and South Africa, who are now dominated by a few white people. We would be able to tell these white people to hand over power to our people, and if not so, then we would teach them a lesson. However, Sir, because we are not united, we cannot be able to do this. This is also why we are forced to borrow heavily, as you witnessed last week, when we signed a lot of pacts for loans.

My Motion, Sir, is not trying to introduce a new subject. As you will remember, it was only last week when the Organization of African Unity was meeting in Mogadishu, with the purpose of uniting Africa. Every year you hear of African Foreign Ministers meeting somewhere, as well as various committees of the Organizations of African Unity. We have also seen Ethiopian delegations coming to this country as well as delegations from Somalia. Now, as I speak here, a meeting for Pan-Africanism is going on in Dar es Salaam. All these meetings are seeking to unite the whole of Africa. In fact, we have to pray God to give a long life to the Father of our nation who started Pan-Africanism during his early days. For the information of hon. Members, the meeting taking place in Dar es Salaam has resolved to send a delegation to Mzee in order to thank and pay tributes. However, it was he who started this movement back in 1945, when we were still being ruled by the colonialists. He started this when he was in school in England. In fact, what I am saying

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here is nothing new, because it started even before we were an independent country. It is even historically known that when he came back from England, he was asked by the colonialists to accept the responsibility for running the Central Province, and they promised to make him a Governor. However, he said that he was not going to consider himself as being from Central Province, but as a Kenyan, and therefore, he was concerned with the whole of Kenya. In fact, before he went back to Europe, he visited several parts of Kenya, including the northern part whereby he was given the mandate to fight for this country. He went back as a leader for the whole of Kenya and not just part of it. Therefore, Sir, what I am trying to bring here is nothing new; I am only trying to introduce this matter afresh, and request this House as well as the whole country to reconsider this question. I feel very strongly about the matter, and I hope my colleagues will support me. It was the colonialists who divided us in the first place, otherwise we were all one and the same people. In fact, you will remember that when there was a meeting of the East African Community, countries like Somalia, Ethiopia, Zambia and Malawi sent their delegations, which applied to join the community. All these countries want to join the East African Community simply because they are interested in African unity. As all hon. Members are aware if today one is interested in visiting any part of Africa he only needs to drive there because it is not necessary for him to use an aircraft because there is no sea separating any of the African countries. For instance, if you want to go to Cairo, you only need to drive through Sudan and Ethiopia. As we see from the television, and film shows, people of Africa look alike both in colour and in character. In fact, it is surprising that all Africans have almost the same culture. The methods of farming are identical.

Mr. Speaker, Sir, the point we should all remember is that the super powers are busy trying to undermine the African solidarity. I am not ashamed to say that some of the super powers will be very pleased to see Africans fighting against each other. There are some other super powers who are arming some of the African countries to the teeth so that they can start fighting their neighbours. However, the only thing African leaders should realize is that all the super powers like United Kingdom, Russian, China and United States are all united at home and their interest is to see that African countries are divided so that they can foster their interests in them. All these super powers are busy here trying to exploit our natural resources. If all the African countries were united, I have no doubts that we would stop these people from exploiting our natural resources at our expense. The only thing African leaders should do is to make sure that African countries are united so that we can use all that is at our disposal to rid ourselves of these exploiters. If all African countries united today, it would be easy for us to decide what each country could do so that Africa would be self-sufficient in her needs. For instance, if today African countries decided that, apart from Kenya, Africans should not grow maize anywhere else— If in Ghana or Nigeria, let us say, African countries decided that those are the

only places where cocoa will be grown. I am sure if that was done, Africa would be self-sufficient in agricultural produce. The advantage is that we shall make it impossible for the super powers to sell their agricultural produce to any of the African countries. For instance, when I paid a visit to the United States of America, I discovered that maize in that country is grown in North Carolina. That is the reason why you do not hear of famine there. They do not ask for outside aid simply because they have planned in such a way that they are self-sufficient in all aspects of life. That is the reason why they have started sending people to the moon. In my opinion the reason why they are sending people to the moon is simply because they have all that is possible to have on earth and they feel that it is time they started exploring the moon. According to the Bible, God gave man everything on earth. However, one time man will find himself surrounded with all sorts of things and he will think that he is God himself. However, I am not suggesting that the Americans are going to the moon to look for God. However, the fact remains that once people or countries are united they can do anything on earth. However, although some countries are satisfied that they have done all they would have liked to do here on earth, some other countries like Kenya are still in infancy. For instance, when there is a small oil crisis in the world African countries are the main sufferers. For instance, in West Africa and Ethiopia there is famine today. In fact, some of us in Kenya contributed money towards the Ethiopian Relief Fund which was later handed over to the Ethiopian Government so that it could be used to buy food to feed people in the drought stricken areas in Ethiopia. However, if all the African countries united today, there would be no need for us to ask for help from overseas countries.

Before concluding, Mr. Speaker, Sir, I would like to remind you that hon. Nthenge is my Seconder. However, with those few remarks, I beg to move.

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to second this Motion.

Very many people in the world do not know that unity is the mother of politics. Who does not know that an individual is not likely to have power alone? No matter how small the number of people is, when they unite into one group, they become a power to be reckoned with. If, for instance, Kikuyu fought alone during the struggle for *Uhuru* Kenya would not be independent today. The same thing apply to the Luos, the Kambas and all the other tribes in Kenya. However, fortunately all tribes in Kenya united into one group and won our *Uhuru* from the British. We should all be grateful to His Excellency the President, Mzee Jomo Kenyatta for the efforts he made by trying to explain to us the need for being united. However, we all rallied behind him and in a very short time we forced the British to leave this country of ours. In the beginning when the colonialists realized that we were united they decided to detain our leaders. However, even though our leaders were detained that did not mean the end of the struggle because people had already realized the need of being united. Let us not deceive ourselves that it is not unity which brought *Uhuru* to Kenya.

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Mr. Speaker, Sir, a number of African countries have been independent for some time. However, is there any African country in a position to be as powerful as either United States of America or Russia? There is none which can today be compared with either of the two countries I have just mentioned. However, if African leaders realized that all Africans had many things in common and there was need to unite, Africa would be a force to be reckoned with in the World. For instance, if all the African countries united today in such organization like the United Nations, Africa would be known as the United States of Africa. I am not afraid to say that we would become one of the super powers in the world.

Mr. Speaker, Sir, there are some people who are saying that it is very difficult for African countries to unite. However, for the information of the hon. Members it is always difficult to start a new thing. Anything which is good, is not easy to achieve. You have to struggle for it. For instance, Mr. Speaker, Sir, people like you who have degrees had to spend several years in school so that you could attain those high qualifications. For instance, who does not know that there is no doctor worth his name who has taken one year to qualify as a doctor? Since to be a doctor is a noble career, it is not easy for one to become a doctor in a very short period. Therefore, I would hate any hon. Member, particularly those who are not born politicians, to start thinking that the problems we are facing today in Kenya cannot be solved. If all African countries united they would be able to solve most of the problems we are facing today. It should be the goal of every African to see that Africa is united.

It is surprising that some parts of Africa today are still under the colonial rule. However, I am not afraid to say that if all the independent African countries united today they would be able to liberate all the countries which are still under colonial rule in Africa. Let us not deceive ourselves and think that super powers are interested to see African countries united. They know that if we unite today we are going to be a force to be respected. That is exactly what they do not want. Of course, they know that today it is easy for them to play around with a country like Kenya, Uganda or Tanzania. So, Mr. Speaker, Sir, they will always show us how difficult it is to unite Africa. We have seen the Russians unite as one country. The Union of Soviet Socialist Republic is made of many peoples such as Mongolians, Russians and many others. Sir, Russia is a powerful force in the United Nations because it is a united republic; it is quite influential in the world body. Similarly, Sir, the United States of America is influential in the United Nations because it is a union of states in North America.

Therefore, if independent states of Africa unite, then we would have an influential force in the United Nations similar to that of the United States of America or the Union of Soviet Socialist Republics. It is common knowledge that if you are united as a country, you help each other in matters of famine and other emergencies. I am sure, Sir, that everybody knows the advantages of unity in any country; I do not need to enumerate them here. However, there are temporary

problems like oil crisis which should not interfere with the unity of Africa because they are things that come and go. Sir, crisis of this nature are a matter similar to a problem in a family; it is merely an ordinary problem of a family. I say this because we, in Africa, are members of one family. The Organization of African Unity has only served a small portion of our problem. We should do all we can even if it means sacrifice to ensure that all states in Africa are united.

I know, Sir, that when we speak of a united Africa, everybody begins to worry about the top leaders in the United Africa. They would like to know who will be Secretary-General. We have problems of this nature here in Kenya, but that does not mean that we should not unite Kenya. Well, say, the Attorney-General wants to lead a certain group while hon. Nthenge wants to lead another group. These are small problems that should be overcome both in Kenya and the whole of Africa. We should think about our children and their children living in a united Africa. I do not want this matter to be viewed shallowly, but that it should be viewed in its proper perspective. People should understand that we are creating a united Africa for everybody in Africa.

Mr. Speaker, Sir, I hear hon. Karungaru talking about the existing confusion in Africa. He seems to be worried about this, but there are problems everywhere. I am sure that there are problems in his family, but this does not mean that he has to give up his family.

As everybody knows, Sir, we had problems here in Kenya in 1952. These problems existed from that time until 1960 but we surmounted the problems and became an independent country. Some people like hon. Karungaru opposed the idea of Independence claiming that *waingerera* were too strong for us just because they wanted to be good boys, under the Queen. Today, Sir, the same people who were opposed to our Independence say that it is good to be in an independent country. The problem of who takes what post is a temporary one and should not hinder our desire to have a united Africa. We are interested in an everlasting unity and just not a unity that will last two or four years. I urge hon. Members to support this important Motion for the good of us in Kenya and indeed the whole of Africa.

With those few words, Sir, I beg to second the Motion.

Mr. Speaker: Hon. Members, before I propose the Question, I would like to correct two slight errors. The word "objectives" appearing in the fifth line should be "objective", and the word "entire" appearing in the same line should be "entirely."

(Question proposed)

The Attorney-General (Mr. Njonjo): Thank you, Sir. I would like to invite the House, Mr. Speaker, Sir, to consider this Motion with all seriousness because if we were to pass the Motion, it would have very unwelcome repercussion.

First of all, Sir, I would like to question the competence, and authority of this Parliament to urge or

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request the Organization of African Unity to do this or the other.

An hon. Member: We are members of the Organization of African Unity.

The Attorney-General (Mr. Njonjo): I am told, Mr. Speaker, Sir, that we are members. Sir, it is not this House that is a member of the Organization of African Unity, but sovereign African countries who are members. I, myself, would urge this House to reject this Motion completely. I have my own reasons for saying so, Mr. Speaker, Sir. If we were to look at the Organization of African Unity, as a body in its inception, it was founded by independent countries with very lofty ideals. The ideals were to unite African states and also to form a forum where African states could discuss their problems. I, myself, think that the Organization of African Unity has gone outside those ideals. I say this because we now have groupings in the organization.

We have been given a list of member states of the Organization of African Unity by the hon. Mover: I am sure they have been circulated to every hon. Member in this House. In the list, Sir, the Mover has given us facts and figures, but if you look at it carefully one does not have to say much. If you look at the list carefully you will see who the members are and whom we are supposed to unite with to form a united states of Africa. Mr. Speaker, Sir, our own President has reminded us from time to time that charity begins at home. Mr. Speaker, Sir, I am proud to say that we have an independent Kenya today and what we should be concerned about is to improve the state of our own country and not to start empire buildings. Mr. Speaker, Sir, we all know that we have the East African Community. Today, Sir, nobody can tell us that this experiment is successful. There is so much petty jealousies and so many problems in this particular organization, and the East African Community is not worth its salt.

Mr. Nthenge: Yes, because of some people like you.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am being told it is because of people like me. Mr. Speaker, it may be because of some people like Mr. Nthenge that the East African Community is not working. There are already groupings even in this very small unit of the so-called East African Community. It has come a time when things just cannot move because the three partner states cannot agree. How much more is such an amorphous organization like the Organization of African Unity, composed of Africans, Arabs and others, expected to work? If I were asked for a suggestion, the only thing I would advocate is for a unity of all the African independent states south of the Sahara. There we can start with understanding because we would be working together with people of the same colour as we are. Mr. Speaker, I have a map here which shows Kenya, Somalia and Ethiopia. During the last meeting of the organization of African Unity in Mogandishu, this document was being circulated to Members. I am going to lay this map on the Table. However, if hon. Members will look at this map, they will find that Somalia is still claiming part of Kenya. They still claim what they call "Northern Frontier

District". Are these the people we are being told to unite with? There is also another document which was being circulated by Somalia, but unfortunately, the Assistant Minister for Home Affairs who has the document is not here. This document, Mr. Speaker, condemns our country. Mr. Speaker, this document will also be laid on the Table of this House for our people to see so that we may be really careful with some of the suggestions which come up. We do not know where these suggestions come from, nor do we know who are the people behind some of the issues that are brought to this House at times. The hon. Member tells us that some of the Borans are in Kenya while others are in Somalia. Well, even if they are, who is to blame? We are also told that some Somali are in Kenya while others are in Somalia. Now, if there are some Somali in Kenya who do not wish to remain in Kenya, all they have to do is to pack up their camels and cross the border into Somalia.

Mr. Araru: On a point of order, Mr. Speaker, Sir—

The Attorney-General (Mr. Njonjo): Do not waste my time because it is very precious and nobody can tell me—

Mr. Araru: On a point of order, Mr. Speaker, Sir, I was listening very carefully to what Mr. Njonjo was saying and to me he doubts the sincerity of my Motion when he goes a long way to say that he does not know where the Motion originated from. Mr. Speaker, I brought this Motion to the House and I am not an Arab. Secondly, Mr. Njonjo, says that the Somali in Kenya should pack up and go to Somalia. There is no question of the Somali in Kenya wanting to go to Somalia and I think—

Mr. Speaker: Order, Mr. Araru! you will have the opportunity to reply.

Mr. Araru: Mr. Speaker, but I heard the Attorney-General saying—

Mr. Speaker: Order! Order, Mr. Araru! I have said you will have the chance of replying when your right time comes.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, in the name of God, I appeal to the people of Kenya to be proud of being Kenyans and of having an independent Kenya. Mr. Speaker, we do not want to mix with people we do not know and people who when we have any crisis, will not come to our support. These are the same people who are going behind our backs and for the information of the hon. Member, we have not forgotten the shifta problem when these same people, whom we are being told to unite with, fought and killed our people in the North Eastern Province, the then Northern Frontier District.

Mr. Speaker, Sir, we all know that the post of the Secretary General should have gone to a Zambian. However, the Arab nations ganged together and the post, by mistake, went to another country. If we are all supposed to be Africans, why did all the Arabs and the others not join the Zambians so that for the first time we could at least have an African as the Secretary-General. There is even a document which is being circulated today telling us who should be the future

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Secretary-General of the United Nations. Now, why should we be dictated to, Mr. Speaker?

Mr. Hussein: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: I am not going to allow interruptions just for the sake of it. You had better make sure that yours is a good point of order, Mr. Hussein.

Mr. Hussein: Mr. Speaker, Sir, my point of order is this: is the Attorney-General really in order to attack the Somali in the North-Eastern Province by saying that they can pack up and go to Somalia?

Mr. Speaker: He only said that those Somali who are not happy in Kenya should go.

The Attorney-General (Mr. Njonjo): Mr. Speaker, those Somali in Kenya who are happy to remain in Kenya and call themselves Kenya nationals and are ready to support Kenya, we welcome them in Kenya because they are Kenya nationals. However, those who have one of their foot in Kenya while the other is in Somalia should pick up the other foot and go to Somalia.

Mr. Speaker, with these few remarks, I oppose the Motion.

Mr. Ayah: Mr. Speaker, Sir, I would like to say straight away that the Mover of this Motion has very good intentions in the unity of the entire Africa. However, the operation of the institution mentioned by this Motion is the Organization of African Unity. I would like to consider what the Organization of African Unity really is. The ideals of the Organization of African Unity were lofty and good ones too, presumably meant to encourage African to reach certain goals both economically, politically and otherwise. However, Sir, the international politics at the moment make us think that we are in a very dangerous position. Some time ago Africans used to complain that the big powers, such as the United States and the Western countries, were using Israel to penetrate Africa. Mr. Speaker, I now submit that we have in the Organization of African Unity, a bloc which is being used as a means of political penetration into Africa for the most dangerous type. Mr. Speaker, these are the Arabs and the reason why I say this is because for some time now, these big powers have been calling the Arabs their enemies, but Arabs, as I said here in another Motion, have never been friends of Africa. They have never shown at any time that they were friends of Africans and the very fact that they were included in the Organization of African Unity—I think there are about four Arab countries who are Members of the Organization of African Unity—they have been united on what they call the Arab League, which to them is an ethnic organization and much more important than the Organization of African Unity. Mr. Speaker, Sir, one notices that whenever there is an Organization of African Unity conference, the Arabs meet first and come to the conference in a united front. I strongly submit that with the existing problems in the Organization of African Unity, Arabs are going to be used for political infiltration into Africa. Of course, they can threaten us or blackmail us by asking us to toe their line. We witnessed

the fact that during the Israel-Arab war the Organization of African Unity was bull-dozed into passing a resolution that they were going to break diplomatic relations with Israel for no good reasons at all except that Israel was fighting Arab countries.

We all know that Israel was not fighting us and, much more seriously, I submit that Arabs have an economic imperialism designed upon Africa. I challenge any hon. Member of this House to stand up and deny this. This is because I believe very sincerely that we are facing a position where Africans must stand up on their own. Some hon. Members said here the other day that during our struggle for Independence Arabs were helping us. That is the most questionable thing. I spent sometime in Cairo myself, in the so-called Kenya Office that time; and my hon. Friend here was with me there at one time. I know that one of the things that was being done at that time was to convince us that when we get our independence we should listen to the Late Colonel Nasser. That might be international politics, but I submit that we, as an independent country, should not follow that line merely because the Arabs can wave oil at our face.

The second point in this same Africanization of African Unity—The hon. Member asks what we should do. We are independent, and if hon. Members feel that we are not independent, why are they proud of being Members of Parliament? We are an independent nation, and as an independent nation we should join an association which strides to achieve the goals we are trying to achieve. For instance, we are trying to achieve the goal of economic independence. How are the Arabs going to help? How is the Organization of African Unity going to help us?

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Do you not agree with me that the hon. Member has gone outside the Motion? He is talking about our joining the Arabs yet the Motion talks of uniting the African countries.

Mr. Speaker: There are Arabs in some parts of Africa; that is what Mr. Ayah is trying to deal with.

Mr. Ayah: Mr. Speaker, Sir, hon. Members might be very sensitive about this but I submit that sooner or later they will have to stand and be counted for Kenya. What is the use of saying that I am talking about Arabs? Arabs are Members of the Organization of African Unity. I am saying that our economic goals are not being pursued by this Organization. The other day I noticed that the Secretary-General wanted to appoint a European company to come and liaise between Africans and Arabs. What kind of economic independence is this? What kind of organization is that? If the Organization of African Unity is a useful organization, it has not shown it as yet. I, therefore, submit that this kind of Motion is not going to help either this House or this country; least of all, the Continent of Africa. Originally, I was reading a book by George Padmore, which was the first document on Pan-Africanism. It was suggested in that book that Pan-Africanism only meant Black Africans. This latter edition that has now come out, in my opinion, is objectionable, and if the

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Africans would like to have unity in this continent, for goodness's sake, let us do away with Arabs completely.

Mr. Speaker, Sir, another element in this situation and which I am not going to stress much is the black-nation to do with languages. We have a problem about French-speaking countries and English-speaking countries. We are having trouble because the other day when the Secretary-General was being elected, there was this very obvious division. People in Africa are still being controlled by other powers and there is nothing we can say or do in this House which will make French-speaking countries in Africa believe that they are together with us; least of all, when we have vacant positions in these organizations to be filled and even in economics considerations. For example, when I was in Zaire in March last year, I found that water was being imported from Belgium. I also found that meat was being imported from South Africa instead of being imported from here. The reason was not economics; the reason was the question of these divisions of ethnic origin, culture and neo-colonialism. We are not in a position to act and there is not any Organization of African Unity able to come out with any statement which one could say was meant to bring unity in Africa. Therefore, why are we taking the time of the tax-payers of this country to say things which have no meaning whatsoever? These things have no consequence and no practical implications.

I would like to state that if the Mover is serious about Kenya; if the Mover is serious about East Africa or if the Mover is serious about Africa in general, I submit that this is the kind of Motion that one should not bring in this House. This is because we shall eventually have talked in this House for an hour and a half to say all kinds of things, but, obviously, we shall not have mended any one of them because they cannot achieve anything.

Mr. Speaker, Sir, with those few remarks, I beg to oppose the Motion.

The Minister for Local Government (Mr. Osogo): Thank you, Mr. Speaker, for giving me an opportunity to say a few words about this Motion. I think this is one of the most unfortunate Motions, as the hon. Member for Kisumu Rural has said, to have been debated here and is going to make us speak things which are very unpalatable to some quarters.

I am one of those lucky people to have attended two Organization of African Unity conferences, both ministerial and Heads of State. When you are in those conferences, you will know that those people have failed, since the inception of the organization, to bring any of the things they intended to achieve. The Charter of the Organization for African Unity is very clear. As the Attorney-General said, it has lofty ideas but none of those are being followed. For example, one of them is simple: the Charter of the Organization for African Unity says that member states will adhere and obey the boundaries that were left by the colonialists. These boundaries were as a result of the Delimitation Treaty period. Has the Organization for African Unity disciplined any of the states that are claiming

other states' land? No, it has not, and yet that is against the Charter. We have had a lot of quarrels on boundaries and the Organization of African Unity has done nothing to discipline the member States violating this particular clause of the Charter. What has the Organization of African Unity done in ten years? Hon. Nthenge speaks of unity. Indeed we want unity, but there are a lot of things that go with unity before it is finally achieved. The first one is communication. Mr. Speaker, Sir, the Organization of African Unity should have—in the ten years—tried to assist member States to communicate by either assisting them to build roads or railway lines so that communication is made easy. This should be followed by trade. Mr. Speaker, Sir, we have been told by the Member for Kisumu Rural that water is being imported from Europe by some members of the Organization of African Unity when we have a lot of water in Kenya, for example! We cannot be serious—

An hon. Member: Why do you not tell them?

The Minister for Local Government (Mr. Osogo): We are being told that we should tell them. We tell them but they are not able to hear because this organization has failed to follow any principles. Let us be honest on this one. The Motion compares us with China, Russia, United States of America and other countries. History does not compare Africa to those countries. This is because there is not one common language in Africa. If the Organization of African Unity had initiated a common language, in only ten years all African States would have known that language. In fact, in the meetings of the Organization of African Unity itself you find that there are seven to nine interpreters while the people in Russia and China speak Russian and Chinese respectively. Therefore, this being the case, are we really serious in saying that the Organization of African Unity is trying to achieve what we are asking in here? What they should do is adapt one African language and teach it in the whole of Africa so that all the members of the Organization can be able to claim that we can communicate with one another.

Mr. Speaker, Sir, the question of uniting Africa to be one of the strongest world powers is provided for because the Organization of African Unity Charter is aimed at fighting neo-colonialism and colonialism. Can any hon. Member here, including the Mover and those who are going to support this Motion, tell me any state that has been liberated by the Organization of African Unity? None, since the organization was started.

Mr. Speaker, Sir, it is a sad affair when one goes to that Committee and finds that the hon. Member for Butere called bourgeois gets the money we collect and spends it in Paris instead of going to fight. In Kenya we were united when we fought for our *Uhuru*. There were those colonialists who tried to divide us by starting district political parties. We refused their malicious gesture and remained united. However, if you go to the meetings of the Organization of African Unity, you will find "Flerimo" speaking their own language. The duty of the Organization of African Unity should have been to try and unite those freedom fighters so that

[The Minister for Local Government]

they can fight for one cause. If they want a good example of this it is we here in Kenya. The colonialists tried to divide us by establishing different political parties here so that we may never come together to fight to *Uhuru*. We rejected this and that is why we achieved our goal. The Organization of African Unity is not able to bring the independent countries together.

Mr. Speaker, Sir, when we are speaking on this Motion, let us look at the world as it is at the moment. The intentions of the Motion are good, no doubt about it. If the Kenya Government is being urged to continue talking the sweet language of the Organization of African Unity, it will do it. I have done it before and the Kenya Government has paid money for this. However what does the Member mean? Instead of asking the Government to continue doing this, the hon. Member is asking the Organization of African Unity to continue doing something, which we do not know what it is. I think this Motion should have urged the Kenya Government to continue talking the sweet language of the Organization of African Unity. That would have been a bit reasonable.

Mr. Speaker, Sir, if I should give an example here, the brutal Government of Caetano was overthrown. The fellows who have taken over are willing to talk. The Organization of African Unity is not even able to help the situation. The fellows who are supposed to speak out so that they get their independence are so separated that they cannot come together and have a united force. The Organization of African Unity does not come to their aid to bring them together. Now, what is the Organization of African Unity doing? Why should we run to tackle a big problem like this instead of, first of all, dealing with the problem of Mozambique? We should help the people there to come together so that they can ask the Portuguese Government to give them independence so that they can enjoy the freedom we are now enjoying, and then they can speak in the manner in which we are speaking today in our National Assembly? I think we must take this matter seriously before we approve this Motion.

Mr. Speaker, Sir, if I should analyse the Motion before I end, we are told that the Organization of African Unity has done wonders in eradicating colonialism and poverty. I have spoken about colonialism, and in this regard they have done nothing. Turning to poverty, are we seriously suggesting that the Organization of African Unity has done anything to eliminate poverty? If it has, what did it do for those Africans who died in thousands in West Africa? This Organization did nothing to help them. In fact, this Motion is giving the Organization of African Unity a credit which it does not merit. If I was addressing the Organization of African Unity, I would not go about it in a circular manner the way the hon. Member has attempted to do. I would give them fact because they are there. Fortunately I have sat on their political committee, when I led the Kenya delegation, and they saw how much I spoke on what they should do and what they should not do.

Mr. Speaker, Sir, I think I should end by request-

ing the hon. Members to analyse the Motion first and know exactly what it entails.

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

Mr. Mwithaga: Mr. Speaker, Sir, I would like to start by saying that the Motion itself, even in wording, is very unfortunate. First of all, you cannot talk of partner states when you are discussing the Organization of African Unity because it is not composed of partner states. You cannot discuss Russia because Russia is just one Republic among the Republic of the U.S.S.R. Therefore, by so doing, you are comparing the Organization of African Unity to only one state of the Soviet Union and not the whole block. Another point is that the Motion is calling upon the Organization of African Unity to do something, as though this was the Chamber of the Organization of African Unity. Honestly, by a sheer look at the wording of this Motion, will make one understand that the Member was not serious.

If the hon. Member had brought a Motion in this House to discuss the preliminary unity of the black belt of Africa, one could at least understand. A Member says here that this would be racialism. It is not racialism. Everyone is race conscious. You must be a race conscious person if you know yourself well. You must discover yourself. I am, therefore, saying that we are being asked to do things that we cannot actually do. If the Motion was asking this House to call upon the Kenya Government to say such-and-such a thing at the Organization of African Unity meeting, that would be a different matter; but it is calling upon the Organization of African Unity to do something from the Floor of this Chamber, which is impossible. This is not an Organization of African Unity committee, we are a Kenya Parliament. Therefore, as such, we can only call upon the Kenya Government to go and deal with external matters. That is the way things should be done if we are really running a Government that we understand.

An hon. Member: That is being parochial.

Mr. Mwithaga: Mr. Speaker, Sir, an hon. Member here is saying that this is being parochial. In fact we started becoming international when he was still at school. He was learning our activities. Therefore, I want to say here that we must not be tempted to join the scramble for Arab power. We are being tempted to join the Pan-Arab movement and imperialism to the disadvantage of our black Africa.

Mr. Speaker, Sir, the Arab world will not rest in the Organization of African Unity until they have conquered the Organization of African Unity, black states and colonized them. Therefore, the Organization of African Unity itself is a forum for perpetuating just that particular neo-colonialism.

I have been to a world conference in the United Nations. I was shocked because these so-called brothers of ours did not regard the Kenya delegation as their brothers when discussing various matters about various committees and commissions. They just united themselves and formed themselves as a block and then disregarded us completely. We are entering into this temptation because we do not understand the implications

[Mr. Mwithaga]

behind it. The scramble is obvious. I am going to say here that Kenya is going to remain in isolation. We have already seen the movement around us. The fellows we are calling our brothers, who are claiming our territory, are a member state of the Organization of African Unity. Their flag has five stars and they say they will not rest until they have liberated all the other stars, Ogade and the Kenya's Northern-Frontier areas. Mr. Speaker, Sir, they are not even ashamed to teach their primary school children ideologies designed against our Northern-Frontier Province. Mr. Speaker, Sir—

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is it not out of order for one to attack, directly, a friendly nation?

Mr. Speaker: No, that was not an attack! It was a statement of fact!

Mr. Mwithaga: Mr. Speaker, Sir, I am only trying to give the hon. Member a lesson. I am letting him know that primary school children in our neighbouring countries here, are being taught ideologies just like the Chinese teach their children ideologies. They teach their children about the country's flag, expansion and reclamation of the North-Eastern Province of Kenya. This is taught in primary schools. They also teach their children that Kenya is and will remain their enemy until they get back the North-Eastern Province of Kenya which, they claim, is occupied by their people.

Mr. Speaker, Sir, the Organization of African Unity is not doing anything. It has not managed to stop this practice because some of these member states are—

Mr. Ahmed: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to divert from the Motion, because the Motion is not talking about Somalia or any Arab country, and start talking about Arabs? Is that not provocation?

Mr. Speaker: No, he is not provoking anybody! If the Motion asks for unity then, it means unity of states. Now, the hon. Member is trying to show that the unity does not exist.

Mr. Mwithaga: Mr. Speaker, Sir, in fact, any true Kenyan will be serious and will not be sensitive. One is either in Kenya or not in Kenya. We must be in Kenya with our both feet and that is the reason why we were fighting the British so that we can remain here with both our feet. We shall continue to remain in Kenya with both our feet until we die.

Mr. Ahmed: On a point of order, Mr. Speaker, Sir. I am seeking your guidance here. Is the hon. Member in order to tell me to leave the country and go away if I am not—

Hon. Members: No! No! He did not say that!

Mr. Speaker: No! No! He did not say that!

Mr. Mwithaga: Mr. Speaker, Sir, I have not told the hon. Member to leave the country because, after all, I respect him very much. Now, if he is telling us what he feels— Well, we do not want to go by his feelings.

Mr. Speaker, Sir, all I was saying is that it is just impossible to discuss these things or these other issues here before we can analyse the situation as related to

us here in Kenya and, East Africa. We hear that we are still being called "Wapenzi", "Miriya" and many other names here in East Africa. Therefore, if we are going to be isolated here in East Africa, then how are we going to be the masters of consolidating the others? I am sure that these other member states do not want us. Moreover, the English speaking states in Africa look at Kenya with a lot of concern because they do not believe in us.

An hon. Member: Why do they not believe in us?

Mr. Mwithaga: It is because we have refused to become lackeys and ideology forums for international scramble in world power! We shall not be directed into thinking for other world blocks. It is shameful, Mr. Speaker, Sir, to claim independence when one's conscience is not independent.

Mr. Speaker, Sir, I know that, because of this particular Motion we are going to be looked at as serious people. Mr. Speaker, Sir, I am also as disturbed as the Attorney-General was. Honestly, with all seriousness, Sir, how can we organize a liberation committee which keeps on talking and talking and will never plan a war or will never even go to the battle front? This liberation committee is not capable of organizing these people to go to the battle field. Yet, they are given luxurious offices, limousines and they are called ambassadors and emissaries and yet they continue the war in the territories. The Organization of African Unity is not intended to encourage that. Now, the question is: if all these countries are liberated and united, who would be the leader? Is it the Arabs or the blacks?

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I would also like to make my views known to the House. However, I think the hon. Member's thinking is quite different from ours. I think those of us who oppose this Motion should not be mistaken for doing so. We know our own President is part and parcel of the African liberation movement. He is part and parcel of the African movement in removing colonialism from this continent. However, we must also look at our friends and see whether they are as sincere as we are.

Mr. Speaker, Sir, I would not mind supporting this Motion provided that our friends are totally sincere as we are. Now, Sir, we must begin right from this House to be sincere. When we speak as Kenyans, if we have a Vote on education and we have to vote on it, each one of us jumps to his own home. This is not good. Let us move larger and go to the East African Community. What has happened? Now, we, who had a better chance to be united as an East African Federation are worse. Therefore, we are not going to be dragged into problems because we have had them. Moreover, let us look to the North at Libya and Egypt. What happened to that union which they wanted to form? I do not know. Let us look at our neighbours to the South, Tanzania and Zanzibar: what type of unity is that? Mr. Speaker, Sir, if we want to have unity, then we must have unity which means something and not

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just a bluffing thing that one, on going out of this House would tell anybody else as a joke.

Mr. Speaker, Sir, our President here has been able to call a meeting of many heads of state here in Nairobi so that we can try to come together. However, what do they do next? Some of them summon meetings in Mwanza and meet alone there and leave out our President. Mr. Speaker, Sir, if they think that we cannot do it alone, they are just deceiving themselves. They should just stay where they are and leave us alone.

In fact, Mr. Speaker, Sir, personally, I feel that Kenya is wasting a lot of money by sending delegates to the Organization of African Unity meetings because, if we agree that the Organization of African Unity is just a talking house, then we should not waste the tax-payers money in sending our people to its conferences. This is because I am told that a leopard and a goat cannot live together. You cannot put them together. However, even if you wanted to put them together, they cannot live together because they have suspicious eyes. Now, when we go to the Organization of African Unity meetings, we are told that Africa should have a common defence arrangement. Now, let us look at our friends who are trying to use that money for defence. They should give that money to us so that we can use it for other purposes. The Organization of African Unity which we are being asked by this Motion to ask to unite Africa should be able to control some of the petty things. For instance, just recently we had a crisis in the world about oil. When Arab countries were asked to fix reduced prices for oil for us, as compared to the prices paid by the developed world, they said: "These are Arab decisions and that is all." Now, Sir, if they are part of the African system, then they must accept to come to the African system. They are not going to be on the one hand Arabs and on the other Africans. Mr. Speaker, Sir, I am also going to oppose what the Attorney-General talked about—the South of the Sahara—because even in Africa South of Sahara, we have French speaking countries with their own thinking and their own system of doing things. Therefore, let us look at the other people whom we want to unite with. Let us look at some of them. Some of them have different types of government. We have a civilian government, which we like very much. Some of these countries have "bullet governments". Now, are these the type of people we are being asked to unite with? How are we going to negotiate with soldiers when we are not soldiers?

Mr. Speaker, Sir, I think what this Motion is asking the Government or the House to do is quite an impossibility. I think the House should just reject the Motion and ask the hon. Member for Moyale to bring a Motion dealing with Moyale problems. If he had brought a Motion talking about Moyale problems, for instance, on water, roads, etc., then we would be sincere. Let us look at his own home. Kenya Government, being very conscious about unity, decided to build the Nairobi/Addis Ababa Road. Therefore, let us look at our neighbours and see whether they are going to do anything. Mr. Speaker, Sir, we are not go-

ing to be fed with sweet words when our friends on the other side are doing nothing. I think we should not drag this House into some very unnecessary problems because for Kenya to go and ask our friends in the Organization of African Unity to join together is to create more problems for ourselves. If we do this we shall be told that we want to usurp other peoples' powers. This is what we shall be told. If the Organization of African Unity charter is there to unite us, let our friends show this by deeds and not by words. I cannot, for example, forget the number of Pokomo people who were lost during the shifta war. Nobody can tell me to join with the gentlemen who were the architects of the shifta war. I know that even now the people across the border still hate us at heart.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): You are forgetting that we have joined the colonialists, who were imperialists in this country during the Mau Mau movement. I think during those days you were still at school.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, the Member for Butere is entitled to his own words.

Mr. Speaker, Sir, the hon. Member for Moyale said that there are 41 African countries. I do not agree with that mathematics. I think these are the countries who are members of the Organization of African Unity but there are others who are outside this organization. I think we should first free Rhodesia, Guinea Bissau, Angola, Mozambique and South Africa from the rule of imperialists. It is only after that that we can intelligently talk of uniting the whole of Africa. The hon. gentleman said that if Africa was united we could very easily fight South Africa. Let him try to do that one day and he will see what will happen. He knows very well that no single African country, whether it is in the North, East, West or Central Africa can fight South Africa because it is a very powerful country. I think we are trying to talk a lot of academic words which are of no use to this House.

With those few remarks, I beg to oppose the Motion.

Mr. Speaker: I think it is an appropriate time for Mr. Araru to reply to his Motion.

Mr. Araru: Mr. Speaker, Sir, I would like to give five minutes of my time to my friend, hon. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I have listened with great dismay to the debate on this Motion. I would like to make one thing known here. Those who think about Kenya should know that I am one of the Kenyans and one who played a part in the struggle for the independence of this country. Some of the hon. Members who have spoken were still at school and others were somewhere licking the boots of the colonialists during our struggle for independence. I would like to put one thing on record here, Mr. Speaker, Sir. We have been told by hon. Kase that he cannot forget the Pokot people who fell during the shifta menace. I sympathize with his sentiments; how many Africans lost their lives during the Mau Mau time? I think hon. Kase was still at school during that

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

time. Very many Africans were killed and castrated by the colonialists during the struggle for independence in this country. Today we are eating together with these same colonialists in this country. The colonialists killed our people and took everything from us. Even hon. Fred Kubai, who is a Member of this House today, was detained together with the leader of this nation by the colonialists but today we lick their boots and marry their daughters. How can we say that we cannot unite with our brothers of Africa? Let us not be so inward-looking. We know quarrels are there between various countries in Africa but what the Motion wants is to have a united Africa in the long run. Whether this unity comes today or tomorrow is immaterial. We politicians, not the civil servants, know in history that in this country we had troubles between the Luos and the Kikuyu in 1949. Luos could not even step in Nairobi here. It was in 1949 when Mzee Kenyatta stopped this sort of nonsense. Are we not living together with these people today? How many times have questions been asked in this House about fights between Masai and Kalenjin or Turkana fighting some other tribes? Do these fights stop Kenya from becoming united? Mr. Speaker, Sir, if I have ever listened to nonsensical speeches in this House as far as the unity of Africa is concerned it is today.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Speaker, Sir. As I said yesterday I have got a very high respect for the custodian of our Standing Orders in this House, hon. Shikuku; but is he in order to call any speech made by hon. Members in this House nonsensical?

Mr. Speaker: That is completely out of order and Mr. Shikuku knows it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to withdraw that word.

Mr. Speaker, Sir, I want to know whether the hon. Members who have spoken on this Motion were serious in their thinking. I know the Organization of African Unity has been portrayed by very senior Ministers in this House as a most useless body. If this is the case, then we must blame those Ministers for having wasted our money financing the Organization of African Unity and the so-called freedom fighters in the countries which are still under the colonial rule. Why have the Cabinet Ministers not stopped that waste of money? Why are they going on giving money to this organization? Is it because they want to go for rides?

Mr. Speaker, Sir, if these are the official views of this Government, then time has come when the Government of Kenya pulled out of the Organization of African Unity. I think the Ministers who have spoken have given us a lot of *maneno* at the expense of the poor man's money. We need that money to help the poor people here. The Government must pull the country out of the Organization of African Unity if that is its stand. Secondly, we must not talk about Pan-Africanism. But I am sure the Leader of this country, who is a Pan-African in himself, does not share the views of those

who were still at school when he was advocating Pan-Africanism. Some of hon. Members who have spoken on this Motion were still at school when the Leader of this country was championing the cause of Pan-Africanism. They should be grateful to him because he was one of the architects of Pan-Africanism and he is still talking about Pan-Africanism today. The people who are around our Leader today were still at school during those days. I have said in this House time and again that some of those people who are today surrounding our Leader left their school desks and headed straight to Ministerial desks. They do not know what happened in between those two desks. The time has come when we must be realistic in what we say. The quarrel between Kenya and Somalia was there but we do not want an inch of our country to be taken away by anybody. That does not stop us from having trading ties with other African countries. It does not stop us from uniting with other African countries for all purposes. Unity does not necessarily mean sleeping in one bed. We can have different languages but still be united for a purpose. When we unite with Somalia we do not have to sleep in one bed. Somalia must sleep in the bed of Somalia and we sleep in the bed of Kenya; but still we can unite for a purpose, be it fighting against a common enemy or any other purpose. Mr. Speaker, Sir, I have never heard some of the irresponsible speeches which have been made in this House today in the whole of my life.

I beg to support.

Mr. Araru: Mr. Speaker, Sir, there is a Boran saying which goes: *Daqodia ajuran gareh*. This means that before you enter a bush or jungle you should beat it about to see what comes out of it. You might find a snake there which can kill your child. Today I have beaten about in one of the bushes in the name of the Organization of African Unity. We have heard what some of the most intelligent people in our Government have said about this Motion. I fully support what my brother, hon. Shikuku, has said. We have fought between ourselves for very many years but we still live together. Today Boran and Somali still fight amongst themselves but they are still together. The Luo in Nyanza and the Kuria fight occasionally but they are still living together. We are not going to say that since the Somalia claims parts of our country we should also claim parts of their country. Let the world be the judge between the two countries. Somalia is time and again criticized by the Organization of African Unity for what it says about other countries. Mr. Speaker, Sir, I am only asking that there be unity in Africa. I heard an hon. Member say that it would be better if I Tabled a Motion about the people of Moyale. For his information, for the last four years I have moved five Motions. This Motion, in fact, also concerns the people of Moyale because Moyale itself is divided between Ethiopia and Kenya. Before the two Governments divided the place our people used to live happily but now they have been separated and some are arrested when they cross the border. Their cattle are also seized when they are taken across the border to graze. That is one of the problems which are affecting my people.

This week hon. Kibaki said in this House clearly that we do not support the Arabs because we want anything

[Mr. Araru]

from them. He said that we supported them as a matter of principle and justice. It is surprising now to hear this people ashaming Kenya by shouting about the Arabs. Why should we cry to the Arabs? Who are they? Even if they sell their oil at a very high price, even if they increase the price 1,000 times, we shall still continue running the affairs of our country. Are our people so cheap? The Arabs are now laughing at us saying, "See how Kenya is crying because of our commodity". That is very shameful!

Recently we visited some Arab countries, and we noticed that comparatively, our towns look like London to them. We are much more advanced than they are in the way we communicate, drive and run our Government. Our standard of education is much higher than theirs. Why, then should we make the name of Kenya so cheap by crying to the people whose development cannot be compared to ours? In any case, there is an Arabic saying, *Lat takul "Aha" krib aduwak yafraha*. That means, you should not cry when your enemy is hearing you. Therefore, it is wrong for us to keep on crying to the Arabs. If they increase the price of their oil we should also increase the price of our tea, coffee, cotton and meat. Arabs have nothing but oil, and we have quite a lot. We should sell our beef to them at a very high price. They have no cattle in their countries.

Mr. Speaker, Sir, it seems as if some hon. Members do not know much about the Arabs. There are a few Arab countries in Africa, and these are Algeria, Morocco, Tunisia, Libya and Egypt. The rest of them are not in Africa.

With these few remarks, I beg to move.

(Question put and negatived)

MOTION

ROAD BARRIERS AT OYUGIS TRADING CENTRE

Mr. Mbori: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, noting the frequent fatal traffic accidents which occur at Oyugis Trading Centre and which have increased since 1969, despite the installation of sufficient traffic signs by the Ministry of Works, which some motorists fail to observe around the centre, and since these signs have not helped to reduce the death toll, this House calls upon the Government, as a matter of urgency, to construct metal barriers or bumps along the highway within Oyugis in order to reduce the high death rate suffered by the residents of the said centre.

Mr. Speaker, after hon. Members have debated an international problem I hope they will care to listen to this problem also which is affecting our people. This Motion is on the lives and deaths of Kenyans who happen to live in that part of the country. Mr. Speaker, Sir, this is an important matter, and I wish to call upon the Ministry of Works to take it seriously because once we have lost a human life we will never recover it. Maybe, the people we are losing in this way are very important. The people who cause these deaths are unscrupulous motorists, particularly the Asians who travel through this centre.

The Ministry of Works has done a very good work in establishing the necessary traffic signs, but despite that motorists choose not to take any care at all. When they travel through the centre they knock our people down and crush them fatally. I am speaking the language of the people who elected me in saying that care should be taken. My people would like the nation to know that they are suffering and something should be done, through this House, to help them by reducing the high death rate. Statistics will indicate that since 1969, a period of about five years, over 50 lives have been lost. A simple arithmetic will show that an average of ten persons die every year, and to the nearest unit they die at the rate of one person per month. We cannot afford to lose one person every month at this particular centre. The people themselves are not to blame. We are losing many Kenyans through carelessness, and the Ministry of Works is called upon to do something to see that the number is reduced to a minimum.

Mr. Speaker, Sir, I am asking you to protect me because there are too many small committees in the House.

Mr. Speaker: Order! Order!

Mr. Mbori: Mr. Speaker, Sir, Oyugis happens to be a place where a number of roads converge. The Kisii/Kisumu road passes through its centre, another road leads to Homa Bay and another to Kendu Bay. They all converge at Oyugis. Friday is the dangerous day because it is the market day and people come to the centre in big numbers. One day a woman was passing across the road and she was smashed by an Asian driver and her foot was cut off and it remained on the road when the other body was taken to Kisii District Hospital. What could be done on the leg in such circumstances? That was very inhuman and we had never seen it before. I am, therefore, asking the Ministry of Works to reduce such inhuman and shameful acts which are being done while we are independent. One day, I, the hon. Member of Parliament for the area might be crashed on that road since accidents can happen to anybody. One of these days it might be the Minister for Works himself who will be involved in such an accident and it will be a world shame. I am, therefore, asking the Minister for Works to do something on this road before something happens to one of us. Already, very many lives have been lost. I have been to the Ministry of Works headquarters here in Nairobi and to the provincial headquarters in Kisumu to ask about this matter but nothing has been done. I have gone to see the senior roads inspector of that district but nothing has been done. What do I have to do now? I have to voice this to the entire nation so that everybody can know that the accidents at Oyugis are the responsibility of the Ministry of Works. The Ministry must do something to reduce the death toll. I have even gone as far as suggesting that there should be a big round about in the area so that when motorists come near there they can reduce their speed but nothing is being done. I have been to the Minister for Works asking him to do us a favour at Oyugis by diverting the direction of the road like the modern roads today since the road I am talking about was constructed in 1968 but nothing is being

[Mr. Mbori]

done. We need to do something. We must not leave these responsible Kenyans to be killed like that. Life is so expensive and it is only God that knows the price. The Ministry of Works does not have statistics by which it can calculate the expenses involved; life is so expensive and, therefore, we should take care of it. Only God has the price list and our Ministry of Finance and Economic Planning does not have the price list of lives. That is why I am appealing to the House to let me check the error.

Oyugis is just one of the centres where a highway passes by and because of this many people have lost their lives. Why do we not cater for the lives of people who are still living? The Ministry does not compensate for the lives of people who have died. I have already given 50 as the minimum number of the people who have died and today I do not know how many have been crashed to death by motorists. I am appealing to the Ministry of Works to construct barriers so as to force motorists to reduce speed as much as possible and this might be a solution. Motorists say that since the road is a highway, in spite of the traffic signs which have been placed very well by the Ministry of Works, they increase their speeds to such an extent that the pedestrians who go across the road are not able to know what will happen to them. The only solution, since where life is concerned it becomes a matter of urgency, is for us to concentrate our attention on that. I am appealing that the speed on this road be reduced and, failing that, bumps be constructed as is done in other centres. If that is not possible, and if it cannot be initiated quickly, I ask that iron bars be put by the roadside to control the movement of people across the road on either side. This will definitely eliminate the high death rate in that area.

Mr. Speaker, Sir, as I have said before, Oyugis happens to be one of the centres through which the highway passes. In other centres the situation is equally bad. If I may mention them, they are Oberu, along the road from Oyugis to Kisumu, Ringa and Odhoro. I am therefore not asking for too much from the Ministry of Works because I am only asking that care be taken at Oyugis to reduce the high death rate. I am only asking that Oyugis be looked after out of the four other centres and I think this is a very reasonable request. Now that we are going into a new Development Plan, 1974/78, may I put it before the House that the people of that area would appreciate if the Government would take the matter and say that it would not like to see so many lives being lost in Oyugis area. So many people have died there and one of these days maybe people will resort to violence but we do not want them to do this. We would like our people to obey the law of this country but the Government must know that too much of anything is dangerous. My people have been over-patient and now their patience is exhausted. One of these days they may resort to violence and beat up a motorist to death and I am quite sure of this. I know that the Ministry of Home Affairs will not welcome this. I call upon the Ministry of Works to take care of this in advance so that our people are taken care of. The matter before us includes not only the people who

live around Oyugis, I have told you that this is a highway and hon. Members may, one day, be travelling along that road and they might be involved in these accidents.

The Member for Baringo South says that he has been there. I agree, but I am only requesting that the House takes care of this matter because it is significant to the nation. If we lose people at such a high rate, it is possible that we shall reduce the voting power, and by reducing the voting power we actually reduce the meaning of democracy. I would, as Member of Parliament, like to be voted back here next time by a further overwhelming majority of voters. I would not like to see my voters being crashed to death because this will mean that I shall lose my votes. I therefore ask the Ministry of Works to look into this matter seriously because it affects the lives of the very Kenyans who returned us to this House and to whom we are responsible to all their lives and other matters.

I note that some hon. Members would like to contribute to this debate, and if you allowed me I would request the Member for Mbita to second the Motion.

With these few remarks, I beg to move.

[Mr. Speaker left the Chair].

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

Mr. Migire: Mr. Temporary Deputy Speaker, Sir, this is a very straightforward Motion, and I will try to be as brief as possible.

Now, Sir, it is unfortunate that the Ministry of Works, which has one Minister and two Assistant Ministers, has no representative in the House at the moment. Now, I would like to inform the Government that the Ministries are entrusted with the responsibility of looking into the affairs that affect the people of this nation. Therefore, when we bring problems here which affect different constituencies and find that the Minister concerned with a given problem is not in the House, it is indeed a very serious matter. It shows that we are not seriously concerned with the things that affect the people of this country.

Mr. Temporary Deputy Speaker, Sir, I have witnessed on three different occasions, accidents in this particular trading centre. Sir, the road from Kisii to Kisumu passes through the middle of this particular trading centre, which is known as Oyugis, and which is represented by the hon. Member who has moved this Motion. Now, Sir, motorists come at a very high speed whereas we have children crossing to and from each side of the road. Sometimes, these motorists come cruising at over 120 miles per hour. Now, this state of affairs puts the people in the area in a very difficult position.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Government through the Ministry of Works, to try and find out how they can make it impossible for the motorists to drive through this particular trading centre at very high speeds. Sir, we are serving members of the public in this House, and when we tell the Government that members of the public in a particular area are being faced with a bad situation, it is the duty of the Government to look into such a situation. Now, this

[Mr. Migure]

matter has already been brought to the attention of the Government by this same hon. Member but up to now nothing has been done.

Mr. Temporary Deputy Speaker, Sir, I witnessed one accident where a small boy was crossing this road and somebody was driving from the direction of Kisii at a very high speed. This boy was knocked down and died instantly. I also witnessed another accident, in which a woman who was carrying *posho* from one part of shopping centre to another, was knocked down. Now, I normally pass through this particular trading centre and, in fact, parents have lost their children there, and children have lost their parents, as a result of road accidents.

Now, Sir, we are sometimes forced to bring such Motions in the House because you may bring such problems to the notice of the Government, write letters to the officers concerned, but nothing happens. Right now I cannot see any of the three representatives of the Ministry of Works in this House; the Minister is not in the House, neither are his two Assistant Ministers. Therefore, how will they be able to understand what took place here? It is not enough to read HANSARD, Mr. Temporary Deputy Speaker. Why should people be so sensitive to elections? I do not know whether they are absent from the House because of elections. However, I do not see why I would be so bothered while other Members are seated here and debating matters of importance and go to lobby for re-election in Mbita? If I have done a good job for them, they will bring me back to this House. However, if I have not done anything good for them, they do not need to bring me back to this House.

Now, Sir, I would like our President to know that we want Ministers made to sit here, particularly when Motions relevant to their Ministries are about to come up for debate. However, the present trend of affairs is, in fact, shameful. I would like it to be reported by the Press that there was a Motion for debate in the House but there was no Minister to respond on behalf of Government. Mr. Temporary Deputy Speaker, Sir, we do not come to this House to talk just for the sake of talking alone. Mr. Temporary Deputy Speaker, Sir, this situation is extremely serious. Now, Sir, I would like the Minister for Works to take this matter very seriously because the lives of our people are concerned. We would not like to see mothers having their legs broken as a result of these car accidents. After all, they played their part in electing this Government, and they have, in fact, contributed to the well-being of this nation. They are also being taxed in order to enable the Government to run its affairs, but when their grievances are brought to this House by their representatives, the Government should properly handle them. However, how are our problems going to be handled in this nation when Ministers are never to be found in the House? Mr. Temporary Deputy Speaker, Sir, this is a very serious matter.

Now, Mr. Temporary Deputy Speaker, Sir—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point

of order, Mr. Temporary Deputy Speaker. We were told by the Attorney-General yesterday that Assistant Ministers are the Government, but I disputed that. Now, today we do not see any Ministers in this House.

An hon. Member: But you are a Minister yourself!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, Sir, I am an Assistant Minister and I have made my position very clear. Assistant Ministers are never consulted or their views sought on any matter. Ministers, who are the decision makers are not here. Now, an Assistant Minister cannot make a decision—to construct a road or not. Therefore, the point is that none of the Cabinet Ministers are here.

An hon. Member: What was your point of order anyway?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): My point of order is about the question we had here yesterday, that is about Cabinet Ministers being absent. Now, where are they?

An hon. Member: They have gone to meet their girlfriends outside!

Mr. Kiilu: On a point of order, Mr. Temporary Deputy Speaker. Since the Assistant Minister has disclosed that the Ministers are not here, and since we do not have a quorum, what are we going to do?

Hon. Members: There is no quorum!

The Temporary Deputy Speaker (Mr. Mutunga): Order! I am not supposed to know whether there is a quorum or not, but if my attention is drawn to that, then I will take the necessary action.

Mr. Migure: Mr. Temporary Deputy Speaker, Sir, your attention has not been drawn to that point anyway.

Now, Sir, what the hon. Member for Butere is trying to say is that—

Mr. Kiilu: On a point of order, Sir, there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Mutunga): It is true we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Mutunga): We have a quorum now. You can continue, Mr. Migure.

Mr. D. M. Kioko: On a point of order, Mr. Temporary Deputy Speaker, Sir, I had raised this same point yesterday. Now, is it not high time we started recording the names of the Members who are within the Chamber whenever we do not have a quorum because we are tired of losing our faces outside this House.

Hon. Members: Hear! Hear!

Mr. D. M. Kioko: Mr. Temporary Deputy Speaker, Sir, I am saying this with a lot of seriousness. Now, yesterday the Assistant Minister for Home Affairs, hon. Shikuku, said that Members are thieves because they do not come to this House. How will I prove to my constituents that I am not a thief when I go home tomorrow? Mr. Temporary Deputy Speaker, Sir, a lot

[Mr. D. M. Kioko]

of things have been said in this House to the effect that Members do not come here, and that we always do not have a quorum. However, we have some hon. Members here who never go out of the Chamber. Therefore, do you not think it is high time now, even if we do not have a Standing Order to that effect, we started taking down the names of those who are present whenever such an occasion arises so that some of us can save their faces outside?

The Temporary Deputy Speaker (Mr. Mutunga): Yes, the same hon. Member raised this question yesterday, and I commented that I was not competent enough to make a ruling as far as that particular point was concerned. Therefore, it is for the hon. Members to see how best they can go about it.

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir—

The Temporary Deputy Speaker (Mr. Mutunga): Order! Will you sit down, Mr. Nthenge? You must learn to wait until you catch the Speaker's eye?

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Temporary Deputy Speaker, Sir. Am I not in order to ask you to pass our wishes to the Speaker so that whenever there is no quorum—according to Standing Order No. 1 he is empowered to decide on anything which is not covered by our Standing Orders—he would rule that all hon. Members who happen to be in before the Division Bell is rung have their names recorded in the official report for our use later on?

The Temporary Deputy Speaker (Mr. Mutunga): That is a good request which I will convey to the Speaker. I am also informed that something is being done about it. I hope after I have conveyed that suggestion to the Speaker a Communication from the Chair to this effect will be made next week.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of that very encouraging ruling from the Chair, is it in order for me to ask you to make sure that when the recording is being made the bar is closed before the Division Bell is rung so that only those hon. Members who are in before the Division Bell is rung are recorded?

The Temporary Deputy Speaker (Mr. Mutunga): I am not going to make that decision today. I am sure that the Speaker will be more competent to make that decision, which, of course, will be approved by the committee which he will choose. I would rather wish that hon. Members do not drag me into making a ruling on that. I am not going to allow further points of order on this issue.

Mr. Migure: Mr. Temporary Deputy Speaker, Sir, I appreciate your ruling in this case because it was only last week when the Speaker was embarrassed to see that Parliament had to adjourn due to lack of quorum when a number of hon. Members were still within the Parliament Buildings.

Hon. Members: That is not relevant!

Mr. Migure: I am not going to be taught how to speak by people who have been drinking outside.

Since I know that very many hon. Members would like to speak on this Motion simply because what it talks about is affecting people in their areas, I beg to second.

(Question proposed)

Mr. Amayo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion.

The Attorney-General (Mr. Njonjo): Are you all campaigning for re-election?

Mr. Amayo: For the information of the Attorney-General we have not brought this Motion so that we can be re-elected but because we feel that there is something that needs to be looked into by the Government. This Motion is asking the Minister for Works to help the people in the area in question. I have personally witnessed two tragic accidents at this place on a market day. If something is not done immediately, I am sure that very many accidents are going to occur at this place. That is the reason why I would like to appeal to my colleagues to pass this Motion so that something can be done immediately. For the information of hon. Members, whenever motorists are passing through this place they drive at very high speeds despite the fact that there are several warning signs to the effect that over-speeding in that stretch of road is risky. If what the Mover is asking for is done, certainly drivers will be forced to slow down. If this is done, very many lives are going to be saved. It was only the other day when a man who had come from overseas with a Ph.D. degree lost his life in the same area after he had been in this country for only two weeks. That was very sad, Mr. Temporary Deputy Speaker, Sir. This Motion is asking for something which the Minister for Works has powers to do. I am sure that it is possible to implement this Motion tomorrow. I hope this time the Minister for Works is going to do something about this problem. I would also like to ask my hon. colleagues not to spend much time on this Motion which is very straightforward so that we can move on to the next order.

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

Mr. Mulwa: Thank you very much, Mr. Temporary Deputy Speaker, for giving me chance to speak on this Motion.

In the first place, let me say that the Ministry of Works has done relatively well compared with other Ministries. Let us give credit where it is due. The Ministry of Works has done a great deal to improve roads in this country. When a Minister has done his work well, he should be congratulated. In fact, I have no doubt that the Minister is going to implement this Motion without much delay.

As I have said on several occasions in this House, most of the Kenya population is concentrated in the rural areas. These are the areas which we should aim at developing first. There is no reason why we should concentrate development in Nairobi. That is the reason

[Mr. Mulwa]

why I feel it was wrong for the Government to have divided Nairobi into seven constituencies, I think they are too many. I am going to take this opportunity to ask the Electoral Commission to do away with a number of constituencies, including that of hon. Karungaru. In the first place I do not know what they do here in Nairobi.

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir. This afternoon hon. Members from Nairobi have become the subject of a debate in this House. Is the hon. Member in order to discuss something which is not relevant to the Motion by making hon. Members from Nairobi a subject of the Motion?

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, I am sure you will agree with me that that is not a point of order. For the information of the hon. Member, I am talking about rural development. Unless we have capable hon. Members of Parliament like hon. Karungaru from the rural areas, so that they can raise some of these things in this House, rural development is going to take a lot of time before it becomes a reality.

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to connect me with the rural areas while I am elected by the people of Nairobi to represent them in this House? As much as I would like to be elected anywhere in the rural areas, the fact remains that I am an elected hon. Member from Nairobi. Nevertheless, I have no intention of going to the rural areas.

Hon. Members: Shame! Shame!

The Temporary Deputy Speaker (Mr. Mutunga): I hope that the Member speaking is going to confine himself to the terms of the Motion.

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, all I am saying is that if some of the capable hon. Members from Nairobi, like hon. Karungaru and Yunis Ali, move to the rural areas simply because in Nairobi there are no roads and health centres to be built, we would be able to speed up the rate of rural development. In any case, the City Council of Nairobi is taking care of roads and health centres in Nairobi. The city council is taking care of roads in Nairobi; let them go to the rural areas.

Mr. Y. Ali: On a point of order, Mr. Temporary Deputy Speaker. Is the hon. Member in order to mislead the House by implying that there are no roads in Nairobi while, in fact, Nairobi's population is increasing every day? There are hundreds and even thousands of people flocking to Nairobi every day and we are always welcoming them with both hands. Is he in order to mislead the House by implying that we do not need development in Nairobi?

The Temporary Deputy Speaker (Mr. Mutunga): Yes, I think the Member speaking is asking for trouble. I think schools, roads and hospitals are required in Nairobi like anywhere else in the country.

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, I was saying that the City Council of Nairobi is capable of doing these things. I still maintain that we do not

need seven Members of Parliament in Nairobi. Sir, I am not saying that they are not doing good work but that their work would be useful in rural areas.

Mr. D. M. Kioko: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise not to question the ignorance of hon. Mulwa for failing to know that some urban constituencies have more people than his constituency, but to seek to know whether it is in order for the Member for Makueni to mislead the House by saying that hon. Members who represent urban areas are not conversant with the life in the rural areas? Is it not true that the Motion is now the property of the House and, as such, any hon. Member can speak on it?

The Temporary Deputy Speaker (Mr. Mutunga): I hope Mr. Mulwa will confine himself to the Motion.

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, I would like to urge the House to pass this Motion without amendments. As I said earlier on, and as we already know, the Ministry of Works is doing a good job in this country. We all know that a trans-Africa highway will pass through Kenya and this has come about as a result of the efforts being made by the Ministry. However, it is unfortunate that a minute ago we condemned Kenya on its stand on international affairs. The trans-Africa highway which will have to pass here is being financed by the World Bank through the Organization of African Unity. We condemned Kenya and not the Organization of African Unity. I maintain that the United Nations Environmental Programme we got here in Nairobi was through the Organization of African Unity and yet a minute ago we condemned the organization. We shall see the effect of that condemnation in international affairs; I think this is as a result of parochial Members of Parliament in this House.

Mr. Karungaru: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know what is wrong with the Member for Makueni. After you had advised him to confine himself to the Motion, he immediately jumped on to other irrelevant matters. Now, Sir, what are we going to do with an hon. Member who is so emotional today? We have never seen him in that mood ever since he became a Member of Parliament.

The Temporary Deputy Speaker (Mr. Mutunga): Well, I got the impression that the hon. Member was speaking on the trans-Africa highway being financed by the World Bank, and perhaps with the assistance of the Organization of African Unity. Nevertheless, I hope that the hon. Member will confine himself to the Motion or else he will be responsible for the consequences.

Mr. Mulwa: Mr. Temporary Deputy Speaker, Sir, the trouble is that we are too sensitive. We have become drunk with Arabism so much so that whenever anything is touched we start reacting sharply against it.

The Temporary Deputy Speaker (Mr. Mutunga): Order! Order! Mr. Mulwa, you will not only withdraw that remark, but you will also discontinue with your speech.

Hon. Members: Hear! Hear!

The Assistant Minister for Labour (Mr. Kibisu): Mr. Temporary Deputy Speaker, Sir, the Motion on the Floor is a simple request to Government. It does not

[The Assistant Minister for Labour]

confine itself to Oyugis, but this question is also prevalent in many parts of this country.

The question of road safety, Sir, is a two-way traffic. In the first place it concerns the methods used in the construction of our roads and also the road signs or marking used to guide the road users in general. I think there is a case for Oyugis Market because I am conversant with the area. I was there recently and I noticed that the road passing through Oyugis is not adequately marked for the benefit of drivers and pedestrians. It is a very busy little place and I think that the road signs there have to be improved as a matter of urgency. I, myself, almost caused an accident there. I was not driving very fast but I noticed that the area needs a lot of markings.

Secondly, Sir, as I said before, road safety is a matter for the driver, passenger, pedestrian or anybody else using the roads. Sir, people using the road passing through Oyugis Market have to know that there is a fast road passing through without any bumps or barriers that would slow them down. Until these safety devices are installed, the people around Oyugis Market have to learn to live with that hazard. They have to exercise great care themselves, and that means that they have to try to protect their own lives as much as they can. Drivers who use the road have also to do the same.

Mr. Temporary Deputy Speaker, Sir, I would like to go outside Oyugis Market and say that this question also concerns three areas in my own constituency. My area is densely populated and people who have never seen what a dense population is, have only to come to Vihiga and they will understand what this means in real life. We have two black spots along Kakamega/Kisumu Highway and in the last two years I have been to Ministry of Works many times trying to request them to do something by placing adequate controls in these areas. Sir, I am referring to Majengo, Mbale and Chavakali areas in Vihiga. These areas are very busy market areas and carry many young people. There are no markings on the road to control drivers who use the high-speed road between Kisumu and Kakamega. As a matter of fact, Sir, we are lucky if we do not have an accident in any day; accidents that result in fatal deaths are part and parcel of our daily life in that area.

I think that while the Ministry of Works has done an excellent job around the country, it should also think of its role in road safety by providing controls in the highly operative areas like Oyugis, Majengo, Mbale and Chavakali. I do not think hon. Members would want to say much on this Motion because it is one that depends on all road users and also calls upon Government to provide safety controls on our roads. The Motion is seeking these control not only at Oyugis Market but also in other places throughout the country. I hope that the House will support this Motion because it calls upon the Government to take preventive steps to safeguard the lives of Kenyans in these areas.

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

Mr. Migire: On a point of order, Mr. Speaker, Sir. Would I be in order to suggest that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Mr. Mutunga): I do not think that Mr. Kibisu was speaking as a Government Responder really.

The Assistant Minister for Labour (Mr. Kibisu): No, Sir. I was just supporting the Motion.

The Temporary Deputy Speaker (Mr. Mutunga): Mr. Kibisu was only supporting the Motion. Since the time allowed for the Motion is still not over, there should be no more interruptions.

Mr. arap Cheboiwo: Thank you very much, Sir, for giving me this opportunity to support this Motion by saying that it does not confine itself within the Oyugis Trading Centre only. It affects most of the trading centres in the Republic. I have been to Oyugis myself but, luckily enough, I did not meet with an accident like hon. Kibisu nearly did. I have been to Oyugis many times before and therefore, I know the problem which the hon. Mover of this Motion is talking about.

Sir, those of us who have travelled on the Nairobi/Nakuru Road through Naivasha will remember how many accidents there used to be at the railway crossing near Naivasha. Motorists used to drive very fast without noticing the sign boards. However, when bumps were installed, the number of accidents was reduced. The same thing applies to Nakuru Town. Sir, when you are going towards the show ground, you notice that the bumps which have been installed have reduced the number of accidents tremendously in the place. Although I do not know what the Ministry of Works is going to say on behalf of the Government, all we are asking for, as the Mover of the Motion said earlier on, is not too much. The Mover of the Motion mentioned other trading centres near Oyugis and appealed to the Ministry of Works to do something to see that the people around these places are safe to cross the road. It is a well known fact that prevention is better than cure. We do not want to see any more deaths occurring in these places. The Government is aware that when somebody is hit by a motor car and dies, it takes a lot of time to establish the facts relating to the case. The dead body is taken to the hospital and a post-mortem examination is carried out and several other investigations are carried out, before the facts are established. What I am trying to get at is that if something was done to reduce these fatal accidents, it would save the Government a lot of time and money. It is quite true, as the previous speaker said, that the Ministry of Works has done a very good job in the whole Republic and we really congratulate the Minister for the tremendous work he has done. Those of us who read the Bible will remember what it says about doing good, "Do not be tired of doing good to others." Therefore, the Ministry of Works should not be tired of doing good things to our people. All we are asking here is for some measures to be taken so that we do not have to lose our people all the time. The hon. Mover of this Motion talked about losing his voters through accidents at Oyugis but I would like to say that the people of Oyugis are not the only ones using this road. In fact, all Kenyans use this road and, therefore, the problem is not confined to the people of Oyugis alone. If the

[Mr. arap Cheboiwo]

hon. Member loses one voter, it means the population of Kenya has been reduced by one person.

Therefore, Sir, all we are asking for here is for the Ministry of Works to see that something is done during the coming Financial Year towards installation of bumps at this place, in addition to what they have already done. We appeal to the Minister for Works to see that when he stands to reply— It is very unfortunate that nobody is taking notes on what we are saying. The Assistant Ministers have been here and now the Minister is here and I do not know whether they have been briefed to take notes. However, I know there is collective responsibility. I really sympathize with the Assistant Minister in the Vice-President's Office and Ministry of Home Affairs because he is always here. I will therefore, ask him to take down my points so that he can inform the Minister for Works what the feelings of Members are about this matter.

Sir, with these few remarks, and because this is a very straightforward Motion, therefore I feel that there should be no amendments, and I hope that the Government will accept it so that something is done before more deaths occur in this area, I beg to support.

Mr. Kiilu: Thank you for giving me an opportunity to support this Motion. In actual fact, the Motion is good because it affects the lives of *wananchi*. I am sure every Member in this House supports the Motion. It is strange that there are not any Ministers to note the points which are being raised by hon. Members. Although the Mover of this Motion speaks about his constituency, it does not mean that it is only members of his constituency who can be involved in accidents in this area. Some other people may also be involved in accidents when travelling from one place to the other, and this will result in our losing a lot of our people. Therefore, it would be better for the Minister to take action at once. We know that he has been doing a lot

of work especially in the rural areas where he has opened up new roads as well as trying to improve some of the existing roads, but we are also aware that the Minister is capable of doing his work well. We know that after this Motion he will do something to save the lives of *wananchi*. It is the duty of the Government to think deeply about this very important Motion. Of course, much time should be taken on this one because it speaks about the lives of *wananchi*. We should not lose these people through accidents because we need more people in this country and, therefore, if we knew anything which can reduce the death toll not only in this area but also in other parts of the Republic, we should not hesitate in using it. Therefore, we request the Government to think very deeply about this matter.

There are also some other areas where such signs are very much needed. It is essential that *wananchi* know what the Government is going to do after we have passed this Motion. It is the duty of the Members of this House to keep the Government informed of such matters. Since it is the duty of Members of Parliament to bring Motions here so that the Government might take pains to rectify whatever is wrong, we hope that something is going to be done as far as this matter is concerned. When we talk about the lives of our people the Government should support us strongly. I once again urge the Minister concerned to take pains to see that he implements this Motion.

Since most Members have spoken and supported the Motion, I beg to support it and ask the Government to do likewise and grant the request.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutunga): It is time for the interruption of business. The House is therefore adjourned until Tuesday, 25th June, at 2.30 p.m.

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

Tuesday, 25th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Legal Notice No. 65 of 1974	..	The Laws of Kenya (Rectification) Order, 1974.
Legal Notice No. 81 of 1974	..	The Laws of Kenya (Rectification) (No. 2) Order, 1974.
Legal Notice No. 90 of 1974	..	The Laws of Kenya (Rectification) (No. 3) Order, 1974.
Legal Notice No. 102 of 1974	..	The Laws of Kenya (Rectification) (No. 4) Order, 1974.

(By the Minister for Housing (Mr. Ngei)

on behalf of the Attorney-General (Mr. Njonjo)

ORAL ANSWERS TO QUESTIONS

Question No. 410

GRADES OF CHIEFS IN SOUTH NYANZA

Mr. Marwa asked the Minister of State, President's Office how many grades I and II chiefs there are in South Nyanza District, and how many of these are in Kehancha Division.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

There is one grade I chief and ten grade II chiefs in South Nyanza District, and there is no grade I or grade II chief in Kehancha Division. Promotion of chiefs is based on merit and not on divisions.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us whether there has never been a chief in Kehancha Division who has shown capability to warrant promotion?

Mr. Munyi: Mr. Speaker, Sir, as I have already said, there is only one grade I chief in South Nyanza, and that is the only post for a grade I chief in that district. With regard to Kehancha, there might be one or two chiefs there who might merit promotion, but since we do not have more than one post in that district nothing can be done for them.

Mr. Marwa: Arising from the Assistant Minister's reply, where he says that there might be one or two capable chiefs, why can Government not promote them?

Mr. Munyi: Mr. Speaker, Sir, I know that even in his own constituency the hon. Member would have liked to have another Member of Parliament so that there may be two Members representing Kuria. However, at the moment there is only one constituency and there is only one Member of Parliament. If another post for a grade I chief is created in South Nyanza, Kehancha and other parts of South Nyanza will be considered.

Question No. 429

POSITION OF FREEDOM FIGHTERS—KENYATTA DAY

Mr. Nthenge asked the Minister of State, President's Office whether the leaders of freedom fighters, particularly the ones not in senior positions already,

will be given prominent position on Kenyatta Day as the day is for remembrance of their activities.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to give the following reply.

Leaders of freedom fighters and all known freedom fighters have been given prominence on Kenyatta Day celebrations in the past, and this will continue to be done in future.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us what prominence has been given to the people who are not in any high positions? For example, the President of Kanu was a freedom fighter, and he is now the President of this Republic, but I am asking specifically about those people who are not in high positions.

Mr. Munyi: Mr. Speaker, Sir, during the Kenyatta Day celebrations freedom fighters are given cards to go and watch parades at Uhuru Park whenever they want. Furthermore, during the official functions at State House, these fighters are invited to attend. A big list of freedom fighters was prepared and presented to State House so that they can be contacted easily, and they are invited not only from Nairobi but from all parts of Kenya.

Mr. Kanja: With due respect to the Assistant Minister, this question is asking about those people who are not in any positions but who contributed to our national struggle as Mau Mau freedom fighters. What exactly does the Assistant Minister do to them during Kenyatta Day so that they can remember that they are the people who culminated the achievement of *Uhuru*?

Mr. Munyi: Mr. Speaker, Sir, it was only recently when I told the House that Government had agreed to put up a national monument in honour of the freedom fighters.

Mr. Speaker, Sir, as a beginning, instructions have been given in Nyeri that—

Mr. Nthenge: On a point of order, Mr. Speaker. Do you not think that the Assistant Minister is mixing two issues when he talks of the monument in honour of freedom fighters, and yet the question is asking about what is done to freedom fighters during Kenyatta Day celebrations? How are the two ideas related?

Mr. Munyi: I was saying that instructions have been issued to the effect that whenever there are state functions even at divisional or locational level, freedom fighters should be invited. In fact, freedom fighters and prominent people are invited whenever there are state functions at State House, Jamhuri Park or Uhuru Park.

Question No. 416

VEGETABLE CESS AT MOMBASA

Mr. Speaker: Mr. D. M. Kioko not there? Next question.

Question No. 439

IMPROVEMENT OF TURKANA CATTLE

Mr. Ejore asked the Minister for Agriculture what plans his Ministry has to improve the quality of Turkana cattle for both beef and dairy purposes.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

Sir, my Ministry is doing all it can to improve live-stock in Turkana in spite of several handicaps due to unfavourable weather and soil conditions which do not support adequate vegetation for livestock grazing throughout the year. Apart from the normal on-going services, Mr. Speaker, Sir, my Ministry is conducting vegetation improvement programme over an area of 1,000 acres which has been planted with suitable vegetation. This, we hope, will be an additional attraction to livestock in the area. Unfortunately, we are considering abandoning the exercise because the people do not seem to be terribly keen to utilize the benefits of the programme.

Mr. Ejore: Arising from the Assistant Minister's reply, and in view of the fact that the Ministry is doing all it can to improve livestock in the area, does he agree with me that a ranch scheme failed two years ago due to lack of water? Therefore, would he see to it that, in future, any such scheme is preceded by an irrigation scheme? We do not have to rely on rain water which comes once a year.

Mr. Wanjigi: Mr. Speaker, Sir, our programme for the country covers Turkana area also and so the hon. Member's question is a little bit shallow.

Question No. 435

OPERATION OF FERRY AT GARSEN

Mr. Jilo asked the Minister for Works whether he will undertake to make the ferry at Garsen operate for 24 hours a day and thus fulfil the promise he made in this House last year.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

Sir, a traffic survey has been carried out on the Garsen Ferry which indicated that a 24-hour service is not necessary at the moment. However, the service has been extended until 12.00 midnight and lighting sets and ancillary works will be completed in the next Financial Year.

Mr. Jilo: Arising from the Assistant Minister's reply, especially where he says that services have been extended up to midnight, can he tell us when the ferry started operating to 12.00 midnight? As far as we know, Sir, the ferry is operating up to 6.00 p.m.

Mr. Keen: Well, my information from the field is that the service has been extended up to 12.00 midnight. However, if this is not the case, I will undertake to investigate the matter and get this effected.

Mr. Jilo: Mr. Speaker, Sir, while I do not want to quarrel with my friend, the Assistant Minister, and in view of the fact that this question was submitted to his Ministry about a month ago, is it not true that he had enough time to investigate the matter? He should not feed this House with information that he is not sure of.

Mr. Keen: Mr. Speaker, Sir, I have always said in this House that some of these petty questions should be straightened at field level. In this case, the hon. Member should have had his problem solved from the provincial

engineer in Mombasa. Surely, if the hon. Member visits his constituency from time to time all he needs to do is merely contact the provincial engineer who would, in turn, have the hours extended at once. He does not have to bring a question to Parliament unless he wants a little publicity, perhaps, so as to earn a few extra votes.

Mr. Jilo: On a point of order, Sir. His provincial engineer refused to extend the hours because he was short of staff. Can he deny this?

Mr. Speaker: Next question.

Question No. 421

ELECTRICITY SUPPLY IN KITUI

Mr. Munyasia asked the Minister for Power and Communications whether, in view of the fact that it is Government policy to develop rural areas industrially, he would state when Kitui District is going to have a "Three-Phase" electricity supply scheme so as to create small industries and employment.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

The present single phase electricity supply is quite adequate for operating small industries.

Mr. Munyasia: Arising from that disappointing reply from the Assistant Minister, does he mean to say that if we were to run big industries, this supply would be adequate?

Mr. Onamu: Yes, Sir.

Mr. Mutunga: Arising from the Assistant Minister's reply, does it mean that Kitui is not entitled to have industrial expansion like other places?

Mr. Onamu: No, Sir. I am saying that what we now have there can run small industries.

Mr. Munyasia: Is the Assistant Minister aware that many letters have been written to the Ministry requesting it to start phases two and three and that the reply has always been that there is no plan for additional electricity supply? Is he aware that the single-phase supply cannot even run a maize mill?

Mr. Onamu: We are told by our engineers that the present supply is adequate, Mr. Speaker, Sir.

Mr. Munyasia: Is he aware that the district development committee has recommended that phase-three be started?

Mr. Onamu: I do not know what my friend wants from me because I have already told him that a single-phase supply is adequate for that purpose.

Question No. 417

GOVERNMENT ASIAN DOCTORS

Mr. Mutunga on behalf of Mr. I. Lugonzo, asked the Minister for Health—

(a) whether he would tell the House how many Asian doctors who qualified and were educated at public expense since the Medical School was established at the University of Nairobi in 1967 are still in Government service and how many of them have left the country and for what reasons; and

[Mr. Mutunga]

(b) whether he would also tell the House why Government doctors of Asian origin object to postings to rural areas such as Marsabit, Moyale, Lodwar, Kuria, Kisii, etc.

Mr. Speaker: Nobody from the Ministry of Health? Next Question.

Question No. 437

GOVERNMENT TAKE-OVER OF KANGETA SCHOOL

Mr. Muthamia, on behalf of Mr. Mutoria, asked the Minister for Education whether he would tell the House when he will take over Kangeta Girls Harambee Secondary School.

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

As the hon. Member might have noticed, the current Development Plan does not have provisions for taking over any Harambee schools. Kangeta Girls Secondary School is no exception. However, Government is working out plans for assisting Harambee schools and this will be made public in due course.

Mr. Muthamia: Since Kangeta Girls Harambee Secondary school is the only girls' secondary school in the area, and on which the people have used a lot of money, why can Government not take it over so that this other division shall be encouraged to do the same?

Mr. Rubia: I have said that in accordance with our Development Plan, which we have already approved in this House, there is no problem about taking over schools. One of the intentions is to give assistance to schools in the form of equipment, teachers and so on. We hope that this system will spread farther than the present system of taking over Harambee schools. Therefore, these schools will not be taken over.

Mr. Ogalo: Will the Assistant Minister tell the House whether this particular school is also going to be assisted?

Mr. Rubia: Well, there are 600 Harambee secondary schools in Kenya. I cannot say, at this particular moment, that this school will be one of those to be taken over in the coming year. However, it will certainly be considered along with many others.

Mr. Muthamia: Arising from the answer given by the Assistant Minister, can he assure the House that within the next year, he is going to give some teachers to this secondary school?

Mr. Rubia: Oh dear! I have to repeat what I said, Mr. Speaker. I said that this school will receive consideration along with others. However, I cannot say, at present that this particular school will be taken over. I may elaborate further and say that we shall be able to assist as many as 80 Harambee secondary schools in one year. Whether Kangeta Girls Harambee Secondary School will be one of them, I cannot say now.

Mr. Kanja: Appreciating that the Ministry is doing everything possible, can the Assistant Minister assure this House that Kangeta Girls Harambee Secondary

School will be aided by provision of teachers and equipment within the current year?

Mr. Speaker: I think he has already answered that. Could we go back to Mr. Kurgat's Question.

Question No. 359

SURVEYING KIMWARER TRADING CENTRE

Mr. Kurgat asked the Minister for Lands and Settlement, since Kimwarer Trading Centre is in a giant rural industrial area, he would have it surveyed so that the business plot holders can commence building permanent buildings.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, you seem to have left out Question No. 416, What happened?

Mr. Speaker: The Questioner is sick; he is not here.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Lands and Settlement.

My Ministry has issued instructions to the Commissioner of Lands to undertake consultations with the district commissioner and the county council with a view to having the land involved set apart so that it can be planned and surveyed in order to enable us to issue title-deeds to *wananchi* to assist them to develop their plots. I would particularly request the hon. Member to appeal to the county council to move quickly in the matter since not much progress can be made until the go-ahead is given by the local authority in view of the fact that the land concerned is actually a trust land.

Mr. Kurgat: Since this question was only put about a month ago and this land was set apart in 1972, and the people there have already started building temporary structures, will the Assistant Minister tell the surveyors to do their work because some people have already been allocated with plots there and they are paying land rates for them? The county council is no longer dealing with that.

Mr. Munyi: If the statement is correct, then I will instruct our surveyors to go there immediately and see to it that the work starts so that these people will be given title-deeds.

Question No. 384

ISSUE OF TITLE-DEEDS IN WAJIR

Mr. D. M. Amin asked the Minister for Lands and Settlement when the residents of Wajir District would be issued with title-deeds as promised by him when he visited the area recently.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I think my good friend was not in the Chamber to ask his question—

Mr. Speaker: He was here.

The Assistant Minister of State, President's Office (Mr. Munyi): Oh, I see!

Mr. Speaker, Sir, I beg to give the following reply on behalf of the Minister for Lands and Settlement.

It is not correct for the hon. Member to suggest that the Minister for Lands and Settlement was going to

[The Assistant Minister of State, President's Office] issue the title-deeds or that he promised the people of Wajir District that these title-deeds were going to be issued. All the Minister said was that a survey of the township was to be done. In fact, I can refer the hon. Member to a question which he had asked, Question No. 278, which was replied to on 23rd May, 1974.

I would, therefore, ask the hon. Member to contact the county council concerned so that they can do exactly what they were asked to do by the Ministry.

Mr. D. M. Amin: Arising from the reply by the Assistant Minister, and since the Minister promised us last month that he will take action to see that survey work is done in that particular area, can we be told the exact date when the work will start?

Mr. Munyi: It is true that the Minister for Lands and Settlement did visit the area some months back. All that I can tell the hon. Member is that it looks as if the County Council of Wajir has already taken action. I will see to it that surveyors are sent there with immediate effect.

Mr. Kholkholle: The Assistant Minister now agrees that the County Council of Wajir has taken action; would he give us the specific date when surveyors will go there to survey Wajir township so that he will then issue title-deeds to the traders there to enable them to get loans to develop the area?

Mr. Munyi: I cannot give a definite date to the House, but I can assure the hon. Member that action will be taken to see to it that surveyors are sent there immediately.

Question No. 438

WIDENING CHESOI/CHESONGOCH ROAD

Mr. Kurgat, on behalf of Mr. Cheserek, asked the Minister for Works whether he would urgently widen Chesoi/Chesongoch road, which is presently impassable.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

The Ministry is aware that the road in question is impassable not only due to recent heavy rains but also because of lack of funds my Ministry could not move in immediately to repair the damaged parts. However, I do hope that the repair work will start in the next Financial Year.

Mr. Kurgat: This is an important road connecting Tot area of Endo Location and the nearest hospital is Kapsowar Mission Hospital. Will the Assistant Minister take action to repair those parts which have been washed away, otherwise, the Land-Rover which takes patients there will make over 100 miles to reach a place which is only 19 miles away?

Mr. Keen: I said that the construction work will start in the next Financial Year; that is from next month. I do not think that there is much that I can do at the moment.

Question No. 392

ELECTRICITY SUPPLY IN MARALAL

Mr. arap Cheboiwo, on behalf of Mr. Lenayiarra, asked the Minister for Power and Communications

whether he is aware of the urgent need to supply Maralal town with electricity in view of the increasing population.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

Yes, Sir; and for that reason, Maralal Town is included in the 1974/78 Development Plan for electrification.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that short reply, can the Assistant Minister elaborate further and tell us specifically which year in that period?

Mr. Onamu: Mr. Speaker, Sir, it is too early to give the correct time.

Mr. Kholkholle: Mr. Speaker, Sir, will the Assistant Minister tell us whether Maralal Town is going to get internal or external telephone services or whether it will be connected with other districts within Kenya?

Mr. Speaker: Order, Mr. Kholkholle! This question has nothing to do with telephone services!

Mr. Kholkholle: Mr. Speaker, Sir, I am sorry for that. Will the Assistant Minister then tell the House when Maralal District will get electricity; I mean, in which year?

Mr. Speaker: Will you repeat your question?

Mr. Onamu: In fact, Mr. Speaker, Sir, I have already replied to that. My reply was that Maralal District was included in the 1974/78 Development Plan.

Mr. Speaker: We shall go back to Mr. Isaac Lugonzo's question.

Mr. I. Lugonzo: Mr. Speaker, Sir, I beg to apologize for coming late to the House.

Question No. 417

GOVERNMENT ASIAN DOCTORS

Mr. I. Lugonzo asked the Minister for Health—

(a) how many Asian doctors who qualified and were educated at public expense since the Medical School was established at the University of Nairobi in 1967 are still in Government service and how many of them have left the country and for what reason; and

(b) if he would tell the House why Government doctors of Asian origin object to postings to rural areas, such as Marsabit, Moyale, Lodwar, Kuria, Kisii, etc.

Mr. Speaker: Anyone from the Ministry of Health to reply?

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir—

Hon. Members: Apologize to the House first for being late!

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I think I owe the Chair and the House an apology for coming late.

Mr. Speaker, Sir, I beg to reply.

There are 28 Asian doctors who qualified and were educated at public expense and are still in Government service since the Medical School was established at the University of Nairobi in 1967. Two Asian doctors have

[The Minister for Health]

left the country without tendering their resignations and without giving any reasons.

Mr. Speaker, Sir, none of these Government doctors of Asian origin has objected to being posted to the rural areas.

Mr. I. Lugonzo: Mr. Speaker, Sir, arising from the Minister's reply, can he assure the House that none of these Asian doctors ever approached his Ministry requesting not to be transferred to the rural areas?

Dr. Onyonka: Mr. Speaker, Sir, I am sorry, I could not hear the hon. Member. Can he repeat his question once more?

Mr. I. Lugonzo: Arising from the Minister's reply, will he assure the House that none of the 28 Asian doctors he has referred to ever approached the Ministry requesting not to be transferred to the rural areas?

Dr. Onyonka: Mr. Speaker, Sir, to a certain extent that is a negative approach to the whole problem, if I may say so. This is a problem that affects, in fact, not only the Asian doctors but also the African doctors including Baluhya doctors from Kakamega! If I may also add, it equally affects the Kisii doctors. For that reason, I want to assure the House that, in fact, the Ministry is at this particular juncture taking a very hard look at this particular question. I could even go further and say that this particular problem affects not only doctors but it could even be applied to nurses as well. We are trying to see how, in fact, we can best deal with this particular problem to ensure the best use of not only Asian doctors but all doctors as a team.

Mr. Ejore: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that these Asian doctors used to work in remote areas like Lodwar, Marsabit and Moyale during the colonial times, how come that they have now refused to work in those places?

Dr. Onyonka: Mr. Speaker, Sir, let us face facts. The truth is that I am sure that the majority of our doctors would not like to work in the very remote areas of our country. That is a fact of life. However, I would like to assure the House and the hon. Members that we are doing everything possible to see that we have more doctors in the remote areas so that they can be able to help our people. Furthermore, Mr. Speaker, Sir, I would like to add and say that there must be a good number of doctors who are at present in private practice after, in fact, leaving the service, maybe because they did not want to work in the remote areas. However, since I joined the Ministry, I can assure the House that we have had a relatively small number of doctors wanting to leave the service simply for posting reasons. We have had doctors who have had family problems; doctors who, for health reasons, have found it difficult to work in certain areas. However, the truth is that we have had an improvement. I say this, Mr. Speaker, Sir, because in the years up to 1972, we had a very large number of hospitals up-country which had no doctors, but today we are in a position where virtually every hospital has a doctor. This is an obvious improvement over what prevailed before that. Therefore, I think we are making progress.

Mr. Karungaru: Mr. Speaker, Sir, these doctors are empowered by the Public Service Commission and they have been educated at public expense. Now, since all civil servants are governed by the Code of Regulations and they should agree to be transferred to serve anywhere within the Republic or else resign, would the Minister make sure that these doctors are not allowed to resign whenever they like? They should agree to be transferred to serve anywhere within the Republic as the hon. Questioner wants them to do.

Dr. Onyonka: Mr. Speaker, Sir, I consider that to be redundant, but the truth of the matter is that this particular problem is taken care of at present. However, I would like to go further and assure the House that most of our doctors, in fact, have made sacrifices. We have even very senior doctors who are, willing to serve in some of the very remote areas as I am speaking here right now. I think we should be very grateful for this effort. Sir, I would also like to go further and say that, in fact, many of us, if we were working not only as doctors but even in the administration, would also find it difficult to work in some areas of this country for very obvious reasons. However, for the doctors who have sacrificed themselves to go and work in these areas, I think we should be very grateful to them. In fact, I would like to invite the Member for Embakasi to stop watching planes and join the medical services next time and serve in those areas.

Hon. Members: Why?

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's original reply, that we have 28 Asian doctors who have qualified from our Medical School at the University of Nairobi, will he tell the House whether these doctors are citizens? If the other two doctors were citizens, how did they get out of this country without the knowledge of the Government?

Dr. Onyonka: Mr. Speaker, Sir, it appears that the fellows virtually absconded the work and I do not have any machinery or time to hunt for them.

Mr. Gatuguta: Mr. Speaker, Sir, bearing in mind that the conditions of hospitals in the rural areas are terribly bad; that is, the houses for the staff are not good; there is no water and there is no electricity, and that is the reason why some of these doctors are afraid or discouraged from going to these places, will the Minister consider making these improvements first before sending these doctors there?

Hon. Members: Question! Why?

Dr. Onyonka: Mr. Speaker, Sir, the Ministry would be prepared to go further and even provided television sets if that is the case. However, the truth is that this House—This is in connexion with the current Budget—must be prepared to allocate the essential funds, which would often mean foregoing other services. However, as a Ministry, we are prepared to do anything possible to improve the conditions of these people because it is true that in some of these areas the conditions are indeed difficult. Significant changes will be forthcoming in the long run. However, Sir, with the present Budget, which contains roughly 7 per cent of the total expenditure in this country, it is impossible to achieve what the Members are asking for.

Mr. Speaker: Let us now move on to Questions by Private Notice.

Mr. Boy: On a point of order, Mr. Speaker, Sir, the Minister has not answered the question asked by Dr. Munene, in which he was asked to say whether the 20 qualified doctors are Kenya citizens or not. Therefore, could the Minister reply to that question?

Mr. Speaker: We have already moved on to Questions by Private Notice. Therefore, ask your question, Mr. Boy.

Hon. Members: Ask your Question by Private Notice!

Mr. Boy: I was interested in knowing whether the 20 qualified doctors are Kenya citizens or not.

Mr. Speaker: No, we have already moved on from that question. If you do not want to ask your question, then we will move on.

QUESTIONS BY PRIVATE NOTICE

CANCELLATION OF TRADE UNION MEETING

Mr. Boy: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(a) Why has the Administration declined to issue a licence to the Plantation and Agricultural Workers Union, who had been directed by the Registrar of Trade Unions to hold a special conference at Kisii on 23rd June, 1974?

(b) Is the Minister aware that a similar meeting was cancelled by the Administration on 24th March, when it was supposed to take place in Kericho? What is causing these cancellations?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

(a) No application had been received by the District Commissioner from the Plantation and Agricultural Workers Union for a licence to hold a special conference at Kisii on 23rd June, 1974.

(b) I am aware that a meeting convened by the Plantation and Agricultural Workers Union on 24th March, 1974, was cancelled by the Administration on security grounds.

Mr. Boy: Arising from that reply, Mr. Speaker, Sir, it is very well known that this particular union is the largest in the country, and that at present its affairs are in a state of confusion. Now, in view of this, the Registrar of Trade Unions directed that this union should hold a special meeting so that it could put its house in order. However, the Ministry has intervened and stopped the meeting from taking place. Now, I am quite sure that there was no security risk in the meeting which was to be held on 24th June, 1974.

Hon. Members: What is your question now?

Mr. Boy: My question now is is it true that a licence was applied for for a meeting at Kisii by this particular union but the information from the district commissioner was that there was a directive from the Minister of State to cancel the licence for that particular meeting? Now, why was that directive issued?

Mr. Munyi: Mr. Speaker, Sir, that is only an allegation. However, I would like to take this opportunity to assure the hon. Member, who is the Deputy Secretary-General of the Central Organization of Trade Unions, that if the Plantation and Agricultural Workers Union is going to follow the procedure which has been set up for applying for a licence to hold a meeting, a licence will be issued.

Mr. Boy: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the licence for a meeting to be held on 24th March, 1974, was cancelled due to security risk, in fact, the conference took place on that particular day, and there was no misunderstanding at all, the delegates were actually carrying out their business peacefully when the police suddenly burst into the hall, where the meeting was taking place, and ordered all the delegates out. Now, what security risk was there?

Mr. Munyi: Mr. Speaker, Sir, I am not here to disclose on what security grounds this particular meeting was cancelled. However, Sir, I would like to give an assurance to the House that if the proper procedure is followed, a licence to hold a meeting will be issued. At the same time, Sir, I would like to warn the trade unions that whenever there is a meeting anywhere, there should not be two warring factions. However, if there is found to be several warring factions, then the Government has the right to cancel such a meeting, Mr. Speaker.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House what procedure was not followed by the Plantation and Agricultural Workers Union?

Mr. Munyi: Mr. Speaker, Sir, the procedure which was not followed, is that there were two warring factions and, therefore, the meeting had to be stopped.

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Mr. Munyi, the hon. Members want to know what procedure was not followed by this particular union.

Hon. Members: Hear! Hear!

Mr. Munyi: Mr. Speaker, Sir, I have already referred to the procedure in connexion with the meeting which was to take place on 24th March, 1974. However, with regard to the meeting which was to take place at Kisii, the letter applying for a licence for this meeting was received two days after the meeting was supposed to take place.

Mr. Munyasia: Mr. Speaker, Sir, arising from this confusing answer by the Assistant Minister, can he tell the House whether the two scheduled meetings were licensed by the district commissioner; and if so, what this other procedure is which he has referred to here?

Mr. Munyi: Mr. Speaker, Sir, that does not arise because even if a meeting has been licensed and it then happens that on the very day when it is taking place there are two warring factions, and the Government realizes that there is going to be trouble, it can still be cancelled.

Mr. Kinyanjui: On a point of order, Mr. Speaker, Sir. The question we are asking here is about the procedure that was not followed by this particular union when applying for a licence to hold the meeting. Now, Sir, the Assistant Minister is telling us about a licensed meeting that was cancelled. Therefore, this indicates very well that the proper procedure was followed because a licence to hold this meeting had already been issued. Now, he is telling the Questioner that if he follows the procedure, he will be issued with a licence to hold a meeting whereas, in fact, a licence had been issued to hold this particular meeting. Now, is he not misleading the House then?

Mr. Speaker: It is referred to in the question, in fact. It is not clear which one he means because there are two separate meetings.

Next Question. Mr. Gatuguta.

DISAPPEARANCE OF KUNG'U KARUMBA IN UGANDA

Mr. Gatuguta: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(a) How far have the investigations concerning the disappearance of Mr. Kung'u Karumba in Uganda gone?

(b) Could the Minister inform this House and the *wananchi* in general the circumstances under which Mr. Karumba disappeared?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

I am thankful to the hon. Member who has asked this question.

(a) The Kenya Government has been in touch with the Uganda Government on the issue and they are still conducting investigations. As soon as the investigations are concluded, this House and the general public will be informed.

(b) Mr. Speaker, Sir, Mr. Kung'u Karumba was on a business trip to Uganda with his son when he disappeared.

Mr. Gatuguta: Mr. Speaker, Sir, while I appreciate the reply by the Assistant Minister, I think it is not enough to tell this House and the public that Mr. Karumba was with his son when he disappeared. We would like to be told where he was with his son, what they were doing, when his son left him and with whom he left him. Can the Assistant Minister give this information to the House?

Mr. Munyi: Mr. Speaker, Sir, investigations are still going on. What is important here is that the Kenya Government is as concerned as anybody else. The Press is equally concerned, because they have been giving prominence over the matter. All I can say here is that we are appealing to Uganda Government to continue with their investigations and then report back to the Kenya Government.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir. Hon. Gatuguta had asked for some specific information, which has nothing to do with the investigations going on in Uganda. Could the Assistant Minister care to answer what he has been asked by the hon. Member

for instance, where Mr. Karumba was, what he was doing and with whom he was?

Mr. Speaker: What you are asking, Mr. Mulwa, is, as far as I can see, covered by what Mr. Munyi has said because he has told the House that investigations are still going on. This means that the answers to some of those questions you are asking will be arrived at on the conclusion of the investigations still going on. So, in a sense, he has replied to your question.

Mr. Gatuguta: Mr. Speaker, Sir, this is obviously a very serious matter, and I am glad to hear from the Assistant Minister that the Kenya Government is also concerned. However, the public is also interested in getting some information. Could the Assistant Minister, therefore, tell the House when Karumba left Kenya, when he arrived in Uganda, whom he stayed with and at what stage he disappeared?

Mr. Munyi: Mr. Speaker, Sir, as I had already given a straightforward answer, I would like to add only one thing, that His Excellency the President did contact the President of Uganda over this matter. Therefore, I would like to assure the hon. Member and the House that this matter has been taken seriously by the people of Kenya and the Government.

RE-OPENING ILKERIN AND EMURNA BIKIR SCHOOLS

Mr. Speaker: Mr. ole Sompisha not here to ask his Question? We will go on.

(Question dropped)

MINISTERIAL STATEMENT

REBUTTAL OF NEWSPAPER REPORT ON PRICES OF EDIBLE OILS

Mr. Speaker: Mr. Kibaki, you have a Personal Statement to make?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I have a short statement to make on the question of price increases which has been taken up by some papers and which seems to be made as part of the kind of campaign we are used to.

In today's *East African Standard* the Minister for Finance is accused of, I quote:—

"Increasing the prices of edible oils after promising in his Budget Speech that he would not do so".

Mr. Speaker, Sir, the whole story produced by the *East African Standard* is clearly aimed at something, and I do not know what, because that paper, in line with all other papers in Kenya, have the full facts of why the prices of edible oils have gone up. So, for the benefit of those who would like to know the truth, the position is as follows:—

1. In the Budget Speech, I stated that the East African countries, Kenya, Uganda and Tanzania, have agreed, and I quote what I stated:—

"There is need to reduce the level of protection afforded by the tariffs on food items. We therefore, proposed, jointly, that the rate of duty on meat, fish, milk products, in the first three chapters of the tariff will be reduced from 50 per cent to 25 per cent. In addition, the duty on fixed vegetable oils will be

[The Minister for Finance and Economic Planning]

reduced from 40 per cent to 20 per cent and the duty on margarine will be reduced from 50 per cent to 25 per cent”.

Mr. Speaker, Sir, the purpose of these reductions is to make the imported food items, such as meat, fish, milk products, margarine and vegetable oils cheaper for the consumer in Kenya. These imported items will, therefore, be more competitive with the locally manufactured products. If the producers of these products were tempted to charge unreasonable prices, then the cheaper imported products would force them to bring their prices down. In that way the consumer of these products is protected and assured of a fair deal.

2. The raw materials, such as palm oil, coconut oil and tallow, which are used for the manufacture of edible oils and vegetable oils are at the present time free of any import duty, so that any increase in the price of these raw materials cannot in any way be attributed to any taxation. There is no tax levied on these items.

3. The reason for the increase in the price of Kimbo and other cooking fats is the very great increase in the price of imported raw materials, such as palm oil, coconut oil and tallow, which are used in the manufacture of Kimbo and these other cooking fats. The prices of these imported raw material have been increased as follows:—

In the case of palm oil they have increased from £89 to £265 per ton. In the case of cotton oil-seed, they have increased from £114 to £290 per ton. In the case of palm kernel oil, they have increased from £193 to £497 per ton. In the case of coconut oil, the increase is from £93 to £447 per ton. In the case of sunflower oil the increase is from £127 to £304 per ton. These are the increases in the last year. These are the prices that the Price Controller has established from the actual invoices, not only for imports to Kenya but for export to other countries.

Mr. Speaker, Sir, faced with these increases of the basic raw materials the choice before us was either to increase the consumer price of the finished products or to stop production altogether since increases in the raw material prices are far greater than could possibly be absorbed by the manufacturers. We chose to allow an increase of 20 per cent in the price of the finished products. An increase of 20 per cent is, in my view, not unreasonable when one compares it with increase of 187 per cent, on the average, in the price of the raw materials. This information has been released and is available to everybody who needs it. It has been released by the East African Industries. So, when the press media chooses to mislead the public, it must have a sinister political motive.

Mr. Mulwa: We appreciate the information the Minister has given; but on the other hand, I do not know why he should complain so much because it is definite that these prices went up. In fact, the public are very much worried about these prices. Is there anything that the Minister or his colleagues can do in order to reduce the prices of cooking oil either by way of subsidising or absorbing the increases through another way? When the basic commodities used by the common man are

touched, I think one should think twice before raising the price and we, here, must do whatever we can to make sure that these prices do not go up.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir. We should make it clear, and the hon. Member for Makueni should know, that we are not taxing the raw materials, and, therefore, there is no question of raising the price of the raw materials.

Secondly, the idea of subsidizing an item which is used by every family in Kenya is impossible. It means, in fact, that one would have to use the general revenue, say, instead of promoting education or health, one would divert this revenue, to subsidize price increases because the item is used by every family. A subsidy to cover nearly 200 per cent increase would amount to quite a few million pounds. Therefore, if this is done, then one has to do away with other services, and to get that money the same people have to be taxed.

Dr. Munene: On a point of order, Mr. Speaker, Sir. If a paper or an individual chooses to attack a Minister or an hon. Member of this House in a way which involves a statement which has been made in this House, and he chooses, in disguise, to sort of campaign through the papers, in what manner would an individual like this be protected against such misfortunes? Such things occur because somebody knows what goes on here and he goes outside and utilizes the knowledge in his campaign. What help can the Chair give to a person like that?

Mr. Speaker: I could not follow your long speech because I do not know what knowledge it is.

Dr. Munene: Mr. Speaker, Sir, there is a specific knowledge which has been utilized by this newspaper, that the Minister for Finance and Economic Planning announced the reduction of the duty, which was specific. They have also a knowledge on what we have been told by the Minister in his statement, that the prices have increased due to other circumstances, but they chose to blacken the Minister's name knowing very well that he actually announced the reduction of the duty in this very House on the Budget Day. In this case these people are utilizing the knowledge of this very House to sort of launch a political campaign against the Minister when he has made a statement in this House. I am asking, through the Chair, the protection that can be given, not only to the Minister but also to an hon. Member of this House who makes a statement here and the same statement is misused for political purposes by other interested parties outside.

Mr. Speaker: Order! It depends on the knowledge you are referring to. If it is something which was said here, then it became public knowledge. It is only wrong if somebody twisted it to mean something that it was not meant to mean. That is the only time when we might have grounds to complain, but it is difficult—When a newspaper reports on an issue like this, obviously, whether the writer had inside knowledge, as you say, or not, it becomes very difficult for the people reading to know this, because, obviously, you can guess they have inside knowledge when they did not, in fact, have it. They could have collected the knowledge from

[Dr. Munene]

somebody outside who also thought so. I think what is important is what has been said today. The statement made by the Minister was absolutely clear. If anybody wants to understand the position then he will read that carefully. I hope the newspapers will report as elaborately as they did and prominently too. Therefore, it should be clear to anybody who is willing to know that this was inevitable and we hope that this will assuage the feelings of the public.

Mr. Mwamzandi: Mr. Speaker, Sir, I am still pursuing the statement because the Minister promised to reduce the prices of edible oils. When the members of the public were expecting the prices to be reduced, the prices went up. Was it not—

Mr. Speaker: Order! Let us not talk about something which is not there at all. The Minister did not reduce any prices. He never said that, unless you did not understand his Speech.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, can I clear the confusion which is being exploited.

I have just said in my statement that what I promised to reduce is the tax on the imported finished product. Therefore, if Kimbo is imported, where the importers used to pay a 50 per cent duty, they will pay less. The tax is on the imported and finished product. The finished product, when imported, is very expensive today. It is on the finished product that I promised to reduce custom duty and I have done so. The reduction of the duties were effective at midnight on that night. Therefore, on finished product, imported to Kenya, the duty has been reduced by half.

The products we make in Kenya are made from imported raw materials, which we do not have control on prices. I read out the increase in the prices of the raw materials. The only choice in front of us is either we stop production or we sell the product at a price which is commensurate with the increase in the price of raw materials or, alternately, we import, but the imported price is not better than the price at which the East African Industries is selling its items in Kenya. This is the position in which we are. That is the truth for those who want to know it.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Can the Minister tell me and the public from where we get the raw materials?

Mr. Speaker: Order, the facts about raw materials were given to you and, therefore, you can find that out.

Mr. Karungaru: Mr. Speaker, Sir, since the people who print the newspapers are as concerned as ourselves, and since we read from the newspaper that some people were hoarding goods for speculation purposes, what would the Minister do with the fellow who buys goods and hides them and later on castigates the Government whereas he is the one to blame?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, it is good that the Member for Embakasi asked this question. In fact, those of us who know what is going on see the same traders, who are members of the same Chambers of Commerce—I have nothing against them because if I was a trader I

would try to make a profit but—are the wholesalers and distributors and yet they are the same people who are selling into the markets which are short of supplies in Uganda and Tanzania making twice the profit they would make in Kenya. They are doing this because they want to make more money. It is a tragedy that the same gentlemen should try to mislead the general public that the responsibility for the exports have anything to do with the Government. No Government agency is doing any exportation of any of these items; this is done by these same traders.

POINT OF ORDER

REMEDY TO GENERAL BLAME FOR CONSTANT LACK OF QUORUM IN THE HOUSE

Mr. Mutunga: On a point of order, Mr. Speaker, Sir. Last, week on Thursday and Friday, when I was acting as the Deputy Speaker, hon. Members pressed that something be done about those hon. Members not present in the Chamber when there is no quorum in the House. I promised the House that I would communicate their wish to the Speaker. Therefore, Mr. Speaker, I am expecting you to tell the House what the position is so that this matter is cleared once and for all.

Mr. Speaker: There have been complaints raised here quite frequently that hon. Members who sit here the whole afternoon even when there is no quorum get dumped together with those hon. Members who do not appear here at all. The feeling is that there should be a way of indicating to the public that at least So-and-so was in the Chamber when there was no quorum so that they can deduce from that who was not there. We have no easy way of doing this, but, as you know, the Committee reviewing the Standing Orders of this House will soon be reporting to this House and there is such a recommendation contained in their Report. However, I am not going to anticipate the Report, but it is intended for that purpose. We will have to introduce a system of registration of those who are present when there is no quorum in the House.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

TAXATION MEASURES

THAT, the proposals relating to:—

- (a) Sales Tax;
- (b) Customs and Excise Duties;
- (c) Income Tax; and
- (d) Betting Tax;

contained in the Financial Statement for the Year of Account 1974/75 be approved.

(The Minister for Finance and Economic Planning on 20th June, 1974)

(Resumption of debate interrupted on 20th June, 1974)

Mr. Speaker: Mr. Wabuge was speaking.

Mr. Wabuge: Mr. Speaker, when the House adjourned last Friday, I was speaking on this Motion and was saying that as a result of the introduction of sales tax many people in the country are being over exploited.

[Mr. Wabuge]

What I would like to say today—and I did suggest this last time—is that the Minister should find ways and means of introducing a law to force traders to issue receipts to the customers showing the cost of the item and the sales tax on that particular item so that when a customer buys goods from a shop, he may know how much sales tax he has been charged. This is what is done in the United States of America. However, at the moment, our people are being exploited under cover of this so-called sales tax.

Secondly, Mr. Speaker, I would like to say something about increases in taxation. It is necessary for the Government to tax people so that they can be able to give services to the same people. However, what I would like to tell the Minister and indeed the Government is that we do not complain when they raise taxes in order to collect more money to provide services to the people. However, there is one thing the Minister and his advisers should bear in mind and this is: if they tax the people too much, they will end up in not being able to pay, and as a result the Government will end up in collecting less revenue. Therefore, when the Minister is considering increases in taxation, he should bear this in mind. For example, a lot of items have had their prices increased. Where people were taking ten bottles of beer, they are now going to take about five bottles because they cannot afford to buy more. At the same time, the price of petrol has been increased and as a result, it is obvious that people are trying to use less petrol and consequently, the Minister will end up in collecting less revenue. Therefore, Sir, I feel this is very important and the Minister should bear it in mind when assessing taxation measures.

Having said that, Mr. Speaker, I would like to say something about income tax. We all know that each of the partner states in the East African Community has its own Income Tax Department and we in Kenya have our own Income Tax Department responsible for the income tax in Kenya. Mr. Speaker, although it is too early to criticize this department because it started only this year, and therefore, the goods this department is expected to deliver are yet to be seen, I would like to say that there are certain people who are now being over taxed. If an individual is found to have been taxed more, he should be entitled to a refund and the department should therefore refund this money immediately. I am saying this because what used to happen during the time of the East African Income Tax Department, when an individual claimed for such a refund, it took years before he could have the money refunded. I hope our Income Tax Department will see to it that any individual who has a claim of overtaxation, has his money refunded immediately rather than delaying the refund so much that by the time you get this money, it is just valueless. Therefore, I feel the staff of the Income Tax Department should be made aware of this.

Secondly, Mr. Speaker, many people in this country are being penalized in so far as the income tax is concerned just because most of them tend to be illiterate and therefore, they do not know how to keep accounts.

Mr. Speaker, Sir, I notice that my time is up and

therefore, with these few remarks, I beg to reserve my support.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, I would like to say that apart from inflation, the most troublesome form of taxation in our price system is the sales tax. I am glad that the Member for Kitale West said that the Minister should consider directing all businessmen including shopkeepers to show what element is sales tax on the receipt so that we may know what the actual price is and what the sales tax is. The biggest problem is that when the Minister announces sales tax on certain goods like he did in his budget, the businessmen by-and-large impose sales tax on a whole range of goods that are not even affected. It is therefore important that we, as a Government should devise a system of finding out what items the sales tax has actually been imposed and by how much. It is important that we should use all the machinery that we have at our disposal including the Voice of Kenya to repeat the names of the items on which the Minister has imposed sales tax this time. Members of the public should be informed of the items which have not been affected by the price increase. For instance, in the rural areas the small-scale traders have made it their habit to cheat members of the public that the Government has increased the prices of all items in the country. In fact, there are very many people in this country who feel that the Government made a mistake by substituting graduated personal tax with the sales tax. There are very many people who feel that the graduated personal tax was more direct and reasonable.

Mr. Speaker, Sir, personally, I feel that the Government has a lot to do with regard to our taxation measures. There is no reason why the Government should not make use of the Provincial Administration and the Voice of Kenya to publicize all the items which have been affected by the sales tax. That is the only way in which we can bring the sales tax under control. At the moment nobody in the country knows exactly which items are affected by the sales tax and which are not. In fact, the people who blame the Government mostly for introducing sales tax are the very people who are misusing the sales tax at the moment. However, I hope and trust that the Minister is going to take the points expressed by the hon. Member for Kitale East very seriously. I would also take this opportunity to appeal to businessmen of this country to stop increasing the prices of items which the Government has not included in the list of those goods which should be taxed. At the moment many people are not sure whether the price increases on some of the items is due to sales tax or inflation.

Mr. Speaker, Sir, very many people in Kenya today do not know what customs duty means. For instance, most of the African businessmen fail to understand the reason why an item which is in short supply in Kenya should be exported to Tanzania, Uganda or any of our neighbouring countries. Why does the Government find it difficult to stop the exportation of goods which are in short supply in this country? For instance, if kimbo or other edible oils, sugar or rice are in great demand in this country, why does the Government not make sure that these items are not exported? The

[The Assistant Minister for Foreign Affairs]

Government did a very good thing to stop the exportation of maize until such a time that we will be able to grow enough maize both for consumption and export. Why does the Government not do the same with other foodstuffs which are in great demand in this country? I am sure that the Government is in a position to do that very easily. If this is done, I am sure we shall be able to dispel some of the nasty rumours which we are hearing, such as that the Government is responsible for the shortage of some foodstuffs in the country. For instance, there is no reason why the Government should allow some businessmen to export Kimbo to Uganda or Tanzania where it will fetch double the price realizing that this item is in short supply here? There are very many unscrupulous businessmen in Kenya who hoard some goods at the expense of their brothers simply because they will later on sell them at higher prices. That is the reason why I would like to appeal to the Minister to ascertain whether or not it is possible to stop the exportation of essential items like Kimbo in the same way the Government stopped the exportation of maize.

Mr. Speaker, Sir, the other point I would like to speak about is the income tax. Personally, I am not against paying this particular tax. I feel that those people who are in a position to raise much money should pay income tax. However, I am of the opinion that the Government has not spread the income tax net wide enough because there are very many people in this country who are in a position to pay income tax but do not pay it simply because the Government has not asked them to do so. I am personally happy to learn that the Government is going to open income tax departments in all districts in Kenya. I am sure when this is done, and with the co-operation of the Provincial Administration, all those people who are eligible will start paying income tax. There is no reason why only those people who are employed should be the ones to pay income tax in this country. Unless all the people who can afford to pay are made to pay this tax, the Government is going to find it difficult to meet our ever rising expenditure.

Mr. Speaker, Sir, having said that I would now like to speak about another item, and that is customs duty. I am happy to learn that the Minister has done a way with custom duty on raw materials which are used in the manufacture of Kimbo and other edible oils. I would like to appeal to the Minister to make sure that our people are taught how to grow such raw materials, bearing in mind that climatic conditions in Kenya favour the growing of such raw materials. There is no reason, for instance, why we should import sunflower and coconut. If we plan well, we can grow all these items in Kenya. If we do this we shall stop the importation of these raw materials into Kenya. That is one of the ways in which we can protect our foreign exchange. Unfortunately, the Government does not seem to understand that simple fact. If the Ministry of Agriculture plans in a better way we shall very soon be able to grow some of the raw materials we are importing today. There is no reason why the Government should not plan a better method for the production

of some of the goods we are now importing into this country. There is no reason why we should not grow these things so that we can earn foreign exchange from them. That is the reason why I feel that during the current Development Plan we should step up the production of coconut. I think the Government should try to urge the people of the Coast Province to step up the growing of coconut. I would also like to take this opportunity to appeal to other people in the country to step up the growing of sunflower. It is very shameful to see that Kenya is today importing some of these things. I hope that something is going to be done about this problem.

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

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to say a few words on this Motion.

Mr. Speaker, Sir, almost all the Members who have spoken on this Motion have complained about the way the Sales Tax Act is being implemented. As a number of hon. Members have said, the time has come when the people of this country were informed which goods are affected by the sales tax. In my opinion the Government should prepare a list of all the goods which are affected by sales tax. Such a list should be sent to all traders in the country. There is no reason, also, why the Government should keep on raising the sales tax. For instance, in the course of his Budget Speech he raised the sales tax from 10 to 15 per cent. Whenever the Minister raises the sales tax he must make sure that the old stock is not affected by the increase he has imposed. He should also make sure that only those goods which are manufactured after the sales tax has been increased are affected. Our people in this country find it difficult when they are forced to use the English language which is not their mother language. In Moyale today about 95 per cent of the people there do not know how to read and write the English language. When these people come to Nairobi to buy goods to sell in Moyale they are always at a loss because the language used in these transactions is English. They do not understand the sales tax on the goods which they buy and when they go back home they always sell their goods at a loss. If these documents were written in Kiswahili our people could understand them better. The Kenya Gazette should also have a Kiswahili supplement so that our people can understand what is contained in it. The laws which we pass here should also be translated into Kiswahili to enable our people to understand them. We are at present forced to use a language which is not understood by most of the people in this country. When we pass an important matter in this country the Government should see to it that the contents of such a matter is translated into various vernacular languages so that our people can understand what it all means. In order to ensure that the people in Western Province understand what is required, these documents should be written in Luhya. Likewise, the people in Central Province should be helped by having the same documents written in their vernacular language, Mr. Speaker, Sir. If this is done, the people who do not understand

[Mr. Araru]

Kiswahili will be able to read these documents in their own languages.

Mr. Speaker, Sir, I would like to say something about income tax in this country. I remember that sometime back we requested in a Kanu Parliamentary Group meeting that the Government appoints a select committee to look into the application of income tax in this country. One of the members of that committee was Mr. Mwai Kibaki, the Minister for Finance and Economic Planning. This committee was given the task of finding ways of making the payment of income tax easier in the country. The problem of income tax is affecting the *wananchi* in the country because of their yearly balance sheet returns. This does not only affect individual members of the public. Even the county councils in this country are facing the same problem. This problem is coming about because of shortage of qualified accountants in the country. This type of personnel is in very short supply even in the Ministry of Local Government. I would like to challenge the Minister for Local Government to tell me whether the Marsabit County Council has been able, for the last six years, to take its balance sheet to the Ministry. This has not been possible because they do not have qualified accountants.

Since independence the Government, through the Industrial and Commercial Development Corporation, has been trying to put the common *wananchi* in the business world but they have not succeeded so far because their accounts are never audited properly. From Moyale to Isiolo, a distance of 400 miles, there is not a single qualified accountant to whom the traders in this area can take their books for auditing. As such traders in this area are not able to balance their books every year and to know how much they are supposed to pay in income tax. We have very few accountants in this country and that is why you always see advertisements in newspapers by big companies who wish to hire the services of qualified accountants.

I remember that a prominent businessman in Marsabit District paid a European firm of accountants Sh. 20,000 to have his books examined. He wanted them to examine his books from 1963 so that he could know how much money he owed the Income Tax Department. That trader paid that money but his problem was never solved. This foreign company closed their operations here in Kenya and left the country leaving the same trader still in trouble. This trader has been gifted by God in business but his only problem is getting a qualified accountant to examine his books. Fortunately, the Government later assisted this trader and he is now settled in his business.

There should be found a better way of assessing income tax in this country. For example in the case of the National Health Insurance Fund it is automatic that anybody earning more than £50 per month has to contribute to this fund. Nobody complains about this money because it is automatically deducted from one's salary. We must find a better system of assessing income tax in this country. If it was possible for every shopkeeper to have an accountant in his shop it would be easy for

these traders to submit their books on time to the Income Tax Department.

Mr. Speaker, Sir, Muslims experience great difficulties when they want to go for *Haji* in Mecca. When you go to the Income Tax Department to get a tax clearance certificate they ask you whether you are a businessman and if so where your tax returns are. Such people do not have accountants in their shops and, therefore, they are not able to submit their returns. When they want to go for *Haji* and they are confronted by tax officials, they always run to the Minister for help. I said before that many local authorities in this country have not been able to submit their balance sheets for the last six years and this is simply because of shortage of accountants. Many of our people do very many little jobs here and there and it is very difficult for them to make balance sheets of their accounts. I would like to thank the Industrial and Commercial Development Corporation because their accounts department is trying to help the small traders; but they are not able to expand this accounting services to every province or district. I am appealing to the Minister for Finance and Economic Planning to find ways and means of making our income tax system simpler. I remember we raised this matter in one of our Kanu Parliamentary Group meetings in the presence of the father of the nation, His Excellency the President and we told him that the income tax system was very cumbersome and needed to be simplified. I remember we appointed a committee of three or four hon. Members to look into this matter. One of the Members of that committee was the former Assistant Minister for Tourism and Wildlife Mr. Jan Mohamed.

With those few remarks, I beg to support.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. I have a problem here which I would like to draw your attention to. Looking at hon. Balala I am wondering whether he is not wearing a Kaunda suit with a long-sleeved shirt and a tie. I do not think what he is wearing looks like a coat at all.

Mr. Speaker: Yes, he is wearing a long-sleeved Kaunda suit and he has a shirt and tie. I think we will let him remain so for today.

Mr. Karungaru: Mr. Speaker, Sir, I would also like to join my colleagues who have spoken on this very important Motion.

Mr. Speaker, Sir, experience has taught us a lot of things in this country. It is quite true that the purpose of sales tax has already been defeated. It is also true that there are some unscrupulous traders in this country who are taking the advantage of the Government's weaknesses to put the ordinary *mwananchi* in a big problem concerning his livelihood. Mr. Speaker, Sir, I must sound a warning here that even the price control system does not work effectively. Therefore, there is need for this House to have a permanent committee to look into the continuous rise in prices.

Mr. Speaker, Sir, as I said earlier this afternoon when I wanted the Minister to elaborate on the statement which the unscrupulous traders issued to the newspapers, I am quite aware that this country is being put to shame by the unscrupulous traders. I wonder what the

[Mr. Karungaru]

Government is doing about it. If these people are going to be allowed to have negative attitudes towards our people, the Government is going to be very unpopular indeed. Mr. Speaker, Sir, there must be a limit to freedom. We cannot allow some people to enjoy the freedom of exploiting the entire nation with the Government just watching without doing anything. We would like to advise Government to be ruthless with such traders because they are putting our country into trouble.

Mr. Speaker, Sir, we use our money to import some goods into the country, but there are some few people who sell the same goods to the neighbouring countries at very exorbitant price. It might also be true that, perhaps, Government is not getting anything out of this trade. I doubt whether the Government can be able to assess the income of a smuggler. Such a person does not issue out receipts for the goods which he sells. This is the time when Government must take a very sharp turn and start dealing seriously with such ruthless and unscrupulous traders. Without doing that, Mr. Speaker, we are not going to achieve much.

As I said earlier on, the price control system and sales tax have been abused already. The administrators are not doing much this time. When our people used to pay graduated personal tax these people used to do quite a lot. What are they doing today to protect our people when they know very well that they are being exploited by the citizens—the so-called business community? There was a time when we used to complain that Indians were very bad *dukawallas*, but are we going to replace them with our own Africans who are unscrupulous in the way they run their businesses? This is the question which most of the people who go with empty bellies are asking. Our people are now going without dresses and they do not get good education because they are being exploited by these unscrupulous traders.

Mr. Speaker, Sir, with regard to the question of importation, I would like to say that we are importing some unnecessary commodities into this country. Why should we import a Mercedes Benz worth Sh. 200,000 for one man using tax-payers' money? Why should we feed someone in London, Paris, Washington and in Tokyo and then completely neglect our own people? We are always being told that there is no money, but the truth is that there is a lot of money but someone does not want to use it for good purposes. The problem here is that a lot of money is being used to import these unnecessary goods, which in the end are entrusted in the hands of a few unscrupulous traders who, in turn, sell them to the neighbouring countries free of income tax or any tax whatsoever. We seem to be building some people—the business community—to become millionaires at the expense of our people. This should not happen.

Coming to the question of Betting Tax, I would like to say that this is most welcome. However, I do not know whether this will affect the International Casino and other casinos which are going to be established in this country very soon. I believe that it is through the casino that our foreign exchange outflows. I do not know what machinery exists to check what is happen-

ing. Of course, it is a very well-known fact that the persons who go for betting and bookmaking are wise fellows. It is not possible to find anybody wanting to bet without knowing that he will get something out of it. It is possible that these people can even use evil methods to get that money or even take it out of our country. We do not know what machinery exists to make sure that the people who come here do not carry our money away with them when they return to their countries.

The other problem is that one of the Kenya Charity Sweepstake. If you compare the money which they collect and what they give for charity you will notice that we are losing somewhere—they collect quite a lot of money and give out a mere token amount of money. I understand that this organization is exempted from taxation. I think this is wrong. In fact, I would like to appeal to Government to take over this organization because it collects over Sh. 6 million and give out Sh. 300,000 only to charitable organizations per year. I fail to understand what useful purpose this organization is serving in the country. To make things worse, the Kenya Charity Sweepstake is now being publicized, as if it is a Government Department, through the Voice of Kenya. In fact, the majority of our people do not know that Kenya Charity Sweepstake is a private organization which is run by foreigners.

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

Mr. Masibayi: Thank you, Mr. Speaker, Sir, for giving me an opportunity to say a few words.

Sir, I would like to talk about foreign companies which have been allowed to trade in this country and whose main motive is to suck our country. I do not see why companies which manufacture oil should import raw materials from outside this country when, in fact, most of the raw materials could be grown in this country? The price of raw materials is going up mainly because they are imported from overseas countries. I maintain that we have sufficient cotton seed, groundnuts, simsim, and sunflower which could be used by local companies in this country to manufacture cooking oils without having to import anything from outside Kenya. I request the Minister to ensure that before these companies are allowed to operate here, they are required to assure us that they are going to exploit our local raw materials instead of importing them from outside this country. It is only in this way that Kenya is going to maintain stability in its economic growth.

Mr. Speaker, Sir, this country is developing very fast and it is my view that we are not using goods which could be exploited from within this country. Here, Sir, I am thinking of steel which is being used extensively in Kenya at the moment. Every structure being put up in Kenya now is made of either iron bars or iron rods together with cement. I feel that our Government has not cared very much about these two commodities, namely, steel and cement. We have said time and again that iron ore could be obtained from the hills in Busia District. Before Europeans came into this country, Sir, people in Busia District used to get iron ore from these particular hills in the district. If our forefathers could get iron from raw materials from Kenya, which they

[Mr. Masibayi]

used in manufacturing hoes, spears and arrows, how can our present Government say that we do not have sufficient quantity of iron ore to be exploited from Busia Hills? I feel that we are being misadvised by the so-called experts who come to advise us in this country. These experts want us to continue importing steel from foreign countries—it is high time we had our own iron sources in this country. In this way, Sir, our development programmes will forge ahead unimpeded.

Coming to the question of water in this country, Mr. Speaker, Sir, I still maintain that the waters of Lake Victoria is being wasted. It lies there unused. If we could get this water to dry areas in this country, I am sure Kenya could look better than it is now. Kenya depends on agriculture and, besides, Sir, the portion of agricultural land in this country is very small indeed. We should not wait until we have increased in population so much that we are overpopulated before we start irrigating our dry areas. As we plan for future, Sir, we have to consider the question of irrigating arid areas in this country and thus making them more productive than ever before. Areas such as the northern Kenya can easily have fresh water from Lake Victoria or Lake Rudolf for irrigation purposes. In this way we shall be able to plant crops such as palm from which we shall be able to get raw materials for manufacturing cooking fat. Sir, if we can get palm oil from Sahara or West Africa, why can we not get it from areas in the northern Kenya? This only depends on careful planning and proper utilization of our money in development programmes. I know that we are one-sided in that we are building big houses here in Nairobi. We are also trying to build beautiful roads in and around Nairobi and probably the game parks as well. These programmes, aimed at promoting tourism in Kenya are very good indeed, but they are really temporary. What are these things going to benefit our people with in future? We say that tourists are attracted by these things, but how will our people benefit from these attractions in future? Sir, we have to look ahead, to, say, thirty years to come. How are the roads around Nairobi going to expand the scope of agricultural land in Kenya? Mr. Speaker, Sir, I feel that irrigation schemes should be established whereby water from Lake Victoria will be utilized so as to convert our dry areas into agricultural land.

Mr. Speaker, Sir, I would like to talk about the price of meat. Sir, the Government has controlled the price of meat in various districts and provinces throughout the Republic. Surprisingly enough, Sir, you will find that a district like Busia District has been given a different price from Bungoma and Kakamega Districts although the three districts form Western Province. There are markets which are at the borders between Busia and Bungoma and also between Busia and Kakamega. You will find that a market on Bungoma side sells meat at a higher price than another one on Busia side. Now, why should a trader sell meat at K.Sh. 3.90 per kilogramme while another one three yards away sells it at K.Sh. 4.50 per kilogramme? How do you expect the man who is selling meat at a lower price to have enough money to carry on with business? I feel

that the price of meat should be put on provincial basis and not on locational basis. There is no need controlling the price of meat when the Government cannot control the price of livestock. The people who buy livestock buy them at high prices only to find that when they come to sell the meat they are told that they cannot sell at so much per kilogramme. Therefore, I feel that price control should be put on livestock as well so that our businessmen can get a little profit.

Mr. Speaker, Sir, I would like to say something regarding the Mumias Sugar Factory. In fact, this factory is doing very well. However, I would like to state that this particular factory has no storage for sugar. For this reason there are occasions when the factory is compelled to stop working because it has overstocked sugar.

With these few remarks, Mr. Speaker, Sir, I beg to support.

The Minister for Local Government (Mr. Osogo): Thank you, Mr. Speaker, for giving me an opportunity to contribute to this debate. I would like to commend the Member for Busia East for having said something about the availability of iron ore in Kenya. I wish the Minister for Natural Resources was here to reply to those remarks. The facts, as they now stand in the Ministry of Natural Resources are that there is a lot of iron deposits in Busia District in the Samia ranges and it extends under the lake belt. The reasons which we are given by the experts is that this iron ore has an element in it that makes it breakable and that it would be uneconomical to extract that particular element. Personally I do not agree with this because the hoes that were made from this iron ore were harder than the mineral used for making *majembe* these days. I do not know where the mineral used for making these *majembe* are imported from. However, I think the hoes which were made by our great-grand-fathers were not as brittle as the iron ore that is here. We only want to make this remark hoping that my colleague will catch up to follow what the hon. Member for Busia has said. I have gone into depths of the matter with our officers in the Geological Department and confirmed that it is true that we have a lot of iron ore which we could utilize in this country.

At the moment even building steel is not available and yet it is one of the things that take a lot of our foreign currency.

[Mr. Speaker, left the Chair].

[The temporary Deputy Speaker (Mr. Mutunga) took the Chair].

I would like to correct the impression the Member for Embakasi gave in this House in connexion with importation of big cars. I think what the Member wanted to say is that it is wrong for a community like ours to have people driving big cars. The question of the importation of these big cars and wasting foreign currency does not arise. This is because all those big cars whose capacity is above 250 cubic centimetres are imported against a 100 per cent duty tax, so that if these cars were costing Sh. 100,000 each overseas, the man who is importing them has to pay the Government Sh. 100,000 as tax. Therefore, this balances. However,

[The Minister for Local Government]

the problem here is social one rather than financial. I think what the hon. Member wanted to say is that it is wrong in a community such as ours to see people driving these expensive cars when other people are going on foot. The financial aspect—

Mr. Karungaru: On a point of order, Sir. Do you not agree with me that the Minister is now going out of his way to distort what I have said because my statement was directed to Government officers and departments? You find a civil servant running a car worth Sh. 200,000 bought with public money—I am questioning whether this is economical. Is it really economical for one man, with one soul, to be given a car worth Sh. 200,000?

The Minister for Local Government (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir. I am not distorting anything. I heard what the hon. Member said very well and I am only explaining that his is only a social problem. As far as the Government is concerned, this House has all the power to restrict the use of all Government vehicles by refusing to pass the Votes of the Ministries concerned. The House can also see to it that the kind of car intended to be bought is the type it would allow by scrutinizing all these Votes. In fact, when we were discussing the Motion on reduction of Supply Days to ten days, I appealed that we take it as our duty to scrutinize these things because if we do not do that and it happens that a Mercedes Benz 280 SE is included in the estimates and we pass the estimates, then we will have nobody to blame. It will be pointless for us to go on complaining and asking why a Mercedes car has been bought when, in actual fact, the proposal to buy it was approved in this very House.

Mr. Karungaru: What do you do in the Cabinet?

The Minister for Local Government (Mr. Osogo): The hon. Member is asking what I do in the Cabinet. That is what should be corrected here; if I pass that in the Cabinet, then this House should be able to correct it here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, could we get this clear from the hon. Member because when these things are brought in this House they are supposed to be passed. It is only normal according to our Standing Orders that we move a reduction of £1 which just facilitates a debate. But you cannot actually increase or deduct in practical terms. Even for the ten years he has been here, we have not been able to do so. Is he in order to say that?

The Minister for Local Government (Mr. Osogo): The hon. Member knows that what he is saying is not true. The reduction of a Vote by £1 means killing that particular Vote. It can be "killed" and Government has to resign over that. That is what has happened in Britain and it can happen in Kenya.

An hon. Member: But it has never happened here!

The Minister for Local Government (Mr. Osogo): It could happen. What I am arguing on is actually a Constitutional fact. It is provided that when this Parliament discovers—that is why the Parliament passed the

Ndegwa Commission simply because we failed to scrutinize the Votes. We would have reduced the Votes by £1.

Mr. Karungaru: On a point of order!

The Temporary Deputy Speaker (Mr. Mutunga): He is explaining what was raised on another point of order.

Mr. Osogo, go ahead.

The Minister for Local Government (Mr. Osogo): If we reduce a Vote by £1, it means that we are rejecting that Vote as a Parliament. What we cannot do, according to the Standing Orders is to reduce anything. However, we can "kill" a Vote. By "killing" a Vote you actually "kill" the Government. In fact, we should be able to know our Constitution well.

An hon. Member: Teach them!

The Minister for Local Government (Mr. Osogo): Yes, they need a bit of teaching, of course.

I was at a point of explaining that if Government wants these big cars, this Parliament should refuse to give Government money to buy them. However, if an individual wants to buy a limousine or a Mercedes Benz 300 SE or any other expensive car, let him buy it because he is paying half of that money to Government in a form of tax.

I would like to talk quickly on the question of production of raw material of edible oil. I think I have said it here before and I want to repeat it. The fact that we can now import cotton seed oil at Sh. 290 per ton and yet we are able to grow that cotton here—I am surprised to note what is happening! This country can grow simsim which gets ready within six months. It is not like coconut oil or palm oil that will take years before it is ready. Simsim takes a very short time and the whole of Kenya soil can grow simsim from which we can get raw oil from which we can make edible oil. Another example, is that of groundnuts; this can be grown anywhere particularly the Lake Rudolf.

Mr. Karungaru: On a point of order. I have very high regard for the Minister who is speaking. I also know that he is a student of the Constitution; I am also quite aware that this House reduced a Vote by £1 in a certain Ministry and Government has never resigned. Now he is now making us to believe that reducing a Vote by £1 means Government resignation. Since we have done that many times, which rule should we go by?

The Temporary Deputy Speaker (Mr. Mutunga): Well, perhaps if you have any specific question in mind then, I might be in a position to help. However, as far as I know, if Government lost in any Vote concerning money then, naturally, it would be bad because it would mean that people have no confidence in Government and, as a result, the Government must resign. However, that has never happened.

Hon. Members: It has happened!

The Temporary Deputy Speaker (Mr. Mutunga): Well, if it has happened then, I am not aware. However, the facts are that if a Vote was reduced by £1 and hon. Members got away with it then, it meant that the whole Bill had been "killed".

The Minister for Local Government (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Embakasi knows that I am old enough here and that I have studied the Constitution very well. I have also studied the supplementary procedures very well.

Mr. Karungaru: Where?

The Minister for Local Government (Mr. Osogo): I studied them at school! The fact, Sir, is that we have reduced K£1 from the Vote and debated it. However, we have never divided this House on that issue to defeat and go away with it. If we are defeated, according to Constitution, it means that that particular Vote has not gone through. Therefore, that particular Ministry is not going to get any money.

Mr. Temporary Deputy Speaker, Sir, I am sorry my time has been taken by hon. Members but I was dwelling on the—

Mr. Ahmed: On a point of order, Mr. Temporary Deputy Speaker, Sir, I remember in 1971 the Vote on the Ministry of Agriculture was reduced by K£1 by the hon. Wafula Wabuge and nothing happened and, therefore, why—

The Minister for Local Government (Mr. Osogo): But there was no Division!

The Temporary Deputy Speaker (Mr. Mutunga): Well, if there was a deduction of K£1 and then there was no Division to count the actual votes, then, that was just too bad.

Mr. Komen: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to join my colleagues who have congratulated the Minister for Finance and Economic Planning.

First of all, Sir, I am going to speak about the sales tax. I think the Minister should be happy because this tax has brought in a lot of money to the Government. The public is paying it while buying goods and paying for what-have-you. However, since the Minister knows very well that he gets a lot of money from this sales tax then, he should also save the *wananchi* from the unscrupulous traders who exploit them. They do this by using the sales tax as a way of making more profit by telling the public that because of the sales tax, everything has gone up. This is wrong.

Mr. Temporary Deputy Speaker, Sir, when the graduated personal tax was in force the clerks, chiefs and everybody else used to collect it. However, I think they have less work to do nowadays because they do not collect the graduated personal tax anymore. Therefore, if the chiefs and the Administration Police can be sent around to protect *wananchi* from such unscrupulous traders because they steal the public money in the name of sales tax then, that would be very good. That is the reason why I would like to urge the Minister to try and get a permanent person in every district so that he can co-ordinate all the chiefs and the district commissioners in the areas to help *wananchi*. The chief should be going round and check those traders who are charging the maximum price as set out by the Price Controller here in Nairobi.

Mr. Temporary Deputy Speaker, Sir, we know what is happening. The public has been cheated through this

sales tax. Therefore, I would like to urge the Minister to see that chiefs are used to help *wananchi* in arresting these traders because, after all, they have nothing else to do.

Mr. Temporary Deputy Speaker, Sir, going to the customs and excise duty, I think it was a pity for those who went to the Press yesterday and said that it was the Minister for Finance and Economic Planning who increased the prices of commodities such as Kimbo and the others. However, first we know that the East African Industries had so many brands of fats. For example, Kimbo, Cow Boy and everything. They had all these fats in store before the Budget. Now, they were waiting for the Budget to come out because they knew very well that there was going to be an increase in the price of these fats. Therefore, they had to cheat the public by telling them that there was shortage of cooking fats whereas actually they had them in store. They wanted to sell their fat to Uganda. This also includes the hon. gentlemen who went to the Press to say that the Minister for Finance and Economic Planning had not increased the price on cooking fats. Sir, I congratulate the Minister for Finance for the way he made his Budget and especially for reducing the duties on cooking fats. I am sure that the traders were expecting to have had a lot of money after selling all the goods they had in store. However, instead, the Minister, indirectly, reduced the importation tax and then the price of the items remained the same. That is the reason why I am saying that I am congratulating him in particular.

Mr. Temporary Deputy Speaker, Sir, coming to income tax, I would like to say that everybody should be taxed in Kenya. However, since we know that there are some people who are heavily taxed and that most people in the rural areas are not taxed, because I know that there are quite a few rich people in the rural area, I would like to urge the Minister to look into this. I am sure that one will always find that taxation is confined in urban areas. However, it is also confined to the former "White Highlands" but if you go to smaller districts, you will find that there are some people who sell more than 100 head of cattle to the Kenya Meat Commission but they are not taxed. There is nobody to see and arrest these people. I would like these people also to contribute towards the development of this country by paying their taxes. We should not just have a few people paying tax on behalf of others. For example, in those districts which were neglected by the colonialists, people do not pay tax. There is nobody to collect it. The most affected areas are Nairobi, Mombasa and Nakuru. However, I can assure the House that there are so many people in rural areas who are rich enough and can afford paying tax. I am sure that they are enjoying themselves by driving big cars because they are not taxed. I know a good number of them who do not pay tax. However, I hope that they have started paying tax at the moment.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Minister for Finance and Economic Planning again for what he has done in as far as betting is concerned. I am sure that if there are some

[Mr. Komen]

people with a lot of money so that they can go around betting and gambling them, they should be taxed more than what the Minister taxed them last time. Some of them are the Asians who have sucked this country for a long, long time. They have also stolen this money from the Africans by charging them more money when they go to buy things from their shops and yet they cannot even offer an African a cup of tea. However, you will find that an Asian is able to spend, say, about Sh. 1,000 in gambling every night. I can assure you, Sir, that the Asians do not give anything at all. Therefore, Sir, I would like these people who seem to have enough money to gamble to be taxed more heavily, so that the *wananchi* can benefit. After all, we will be getting back what they have sucked from us.

An hon. Member: Who are these people you are talking about?!

Mr. Komen: I am talking about Asians. They like gambling very much, and we would like them to be taxed heavily. The hon. Member for Embakasi said that another casino is going to be constructed here—

An hon. Member: I know where it is going to be constructed!

Mr. Komen: Well that is all right. It may even be in your constituency.

Mr. Temporary Deputy Speaker, Sir, I do not want to dwell on these matters very much because they are straightforward, and I would only like to congratulate the Minister for the way he has handled the situation with regard to Customs and Excise Duties, especially in connexion with vegetable oil and edible fats. These people were going to exploit us by making huge sums of money from these things, but instead, the price has been left the same.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Mwithaga: Mr. Temporary Deputy Speaker, Sir, I would like to join hands with my colleagues to discuss this particular Motion.

An hon. Member: He has already spoken!

Mr. Mwithaga: Mr. Temporary Deputy Speaker, Sir, I have not spoken. The Minister for Finance and Economic Planning is getting out of date. I think the Minister perhaps fears that I might tackle these issues radically, but I am not going to do that.

Now, all I want to say, Sir, is that all these taxes have actually prompted our traders to cash in on the situation. Now, what is happening, especially in towns, is that they have tended to use every available opportunity to increase prices of every given commodity, calling it sales tax or calling this and that. Mr. Temporary Deputy Speaker, Sir, the Sales Tax Act should be reviewed, with a view to finding some new machinery to assist the Ministry in detecting these particular unscrupulous traders. How come, Sir, that every bit of item that is on sale has a 10 per cent sales tax on it? Mr. Temporary Deputy Speaker, Sir, this is happening, and I am sure that those who go to big or small shops have seen it.

Again, on the question of the said fixed prices, the Minister had said some time back that he was negotiating with the manufacturers and the rest of the people, so that the prices are printed on the given commodity that is going out for sale, in order to enable the consumer to avoid being exploited by the unscrupulous traders. Now, Sir, the Minister told this House that he had gone some distance in discussing with these people, and some had already tagged the prices on the commodities. However, Sir, we do not know how far that has gone in order to protect the consumer. The consumer is now paying uncalled for sales taxes, and the rich guys in the shops are getting richer at the expense of the consumer.

Mr. Temporary Deputy Speaker, Sir, there was even a time the price of a box of matches had increased by five cents. In fact, I witnessed this in my place, after which I went to the police and asked why this was the case. That particular trader was arrested. Therefore, due to the ignorance of our people or due to the fact that they do not know the law, or they have no access to this Act or apart from what they hear from here or read in the Press, we should not allow them to exploit this situation.

Now, Sir, we have debated the Income Tax Bill in this House, but what goes on in the income tax office? When it was the East African Income Tax Department, I thought that they were overworked because they were dealing with the three states. I hope that the new Income Tax Department in Kenya is going to concentrate in dealing with this particular issue, so that there are no people evading taxation. Those who should not pay must not be taxed. Mr. Temporary Deputy Speaker, Sir, what happens now, and I am sure that some hon. Members have experienced this, is that these guys go round here and there, then when they remember hon. Ngala Mwendwa has been mentioned as belonging to a company buying the Musituni farm, they say, "Now, we know." They go and fill in their forms of assessment, thinking that they have now known his assets, something which he has not actually declared. Sometimes they will go out and find you drinking somewhere, you frequent that place quite often, you are a friend of the proprietor, they do not know any details about him; they connect you with that particular fellow and then they assess you equally. Now, Sir, this kind of approach in assessing income tax is quite wrong. At one time, Sir, I wrote to the Income Tax Department and told them, "I must pay income tax if I have to, but what I would like is for them to pin-point exactly what they are taxing and then tell the person, instead of depending on unnecessary hearsay, using their uncouth special branch, which is paid for nothing." Mr. Temporary Deputy Speaker, Sir, they have a so-called special branch, which belonged to the East African Income Tax Department, and which was spending a lot of money unnecessarily moving around, sleeping in certain places and only to come back with unscrupulous reports. Now, I must also say that some of the Asians in this country are evading income tax. I am sure that the Minister would like to listen to this. Now, they are evading income tax by forming or committing all their wealth into investment companies. They are doing all these things in order to

[Mr. Mwithaga]

avoid that tax. The fellows who are suffering are not those in corporations, who have to pay corporation tax, or the people forming investment companies to evade income tax, but the people who are employed; the workers in this country, both in the Civil Service and in the private sector. These are the only people who are paying income tax directly and every month because it is deducted immediately from their salaries. However, if other people pay anything at all, they pay from 5 to 10 per cent maximum of any particular assessable income tax. Therefore, Sir, if the Minister would like to be assisted, he must organize some machinery to constantly review the position of sales tax, the position of income tax, and the position of customs duty.

Now, Sir, I hear the traders complaining. In fact, Sir, I was just about to join them. I was asking myself what has gone wrong because we all heard what the Minister said in his Financial Statement. We would like a clear statement from the Minister, dispel this kind of discussion in the Press by the Chamber of Commerce and the rest. Our constituents heard the Minister say that edible oils and such other things were now going to be sold at a lesser price. However, Sir, that is not what is happening. In any case, it is even impossible to find Kimbo, box of matches and flour in my town. They are dishing these things out as if they were filtering water. You will go to a shop, and you cannot get a box of matches unless the trader knows you very well, and then he pretends he sympathizes with you and dishes out one box of matches to you. Mr. Temporary Deputy Speaker, Sir, the consumers are also becoming more clever. If you want five boxes of matches, all you have to do is to send five waiters, each to buy you a box of matches. Then you will go home with five boxes of matches.

However, Sir, these things are happening. These traders are keeping away their Kimbo supplies, their boxes of matches, flour and all other necessary food-stuffs which are required by the ordinary man in the village, so that they can charge better prices for these things and continue with their extra and uncalled for sales tax. Now, Sir, what are we doing about this situation? In that way, we are continuously exploiting the poor old man and the poor old woman in the village, while some of them live miserably. They have to make *busaa* and *chang'aa* for sale to make a living. They do this to buy these things that have had prices going up so high. However, when they have brewed their *busaa* and the rest of it and sold it, we then tell the police to pick them up, take them to court to pay fine and then go home and pay higher taxes while buying these commodities. Mr. Temporary Deputy Speaker, Sir, we must think in terms of the welfare of our people and protect them. These poor people are being pressurized to pay high fines in courts and in this way they live very miserably.

With those few remarks, I beg to support.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): On a point of order, Mr. Speaker, Sir, in view of the fact that there has been

some repetition, indicating that the debate is exhausted, I would like to move that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Mutunga): I think I will allow one more Member to speak.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in contributing to this important Motion.

We have time and again said here that the laws we make in this House should be aimed at helping our people. It is true that since we passed the sales tax, a lot of criticisms have been made in this House, against this particular law and I would like the Minister for Finance to tell the House what is actually happening. The statement we have today, dwells very well on the manufacturer. It is only from the manufacturer that if we can really control the sales tax and levy the maximum tax possible. This can only be done by having a law to make it compulsory that all products produced by the manufacturers have their actual prices and the sales tax to be levied on them, printed on the package. If this is not done, it will be very difficult for anybody in the country to understand exactly whether he is paying the sales tax. It is therefore very important that the Minister should, as soon as possible, introduce a law in this House, which will compel all the manufacturers to have the prices of produced goods printed on the packages, so that the ordinary man can understand how he pays his sales tax. If that is not done, we may not be able to convince our people the reason behind the price increase.

As most of the hon. Members who have spoken before me have said, our people are paying more money, in the form of the sales tax than they were actually paying through the graduated personal tax. If the prices of these produced items is marked on the packages, it is easier for our people to know when they are being cheated by the traders.

The other thing which has been very difficult to follow up is the method by which taxes are collected from people who may be termed as manufacturers but they are really not manufacturers. An example of the group I am talking about is the timber saw millers. When you visit a saw miller, he cannot tell you how much timber was produced on a given day. I do not know whether it is possible to keep record of the timber produced on each particular day. However, when the saw millers are selling their timber, they add on the actual price, the sales tax but this sales tax does not reach the Government. So, I think something must be done to cover this category of manufacturers, to have sales tax collected from them.

The other point that I would like to raise here is with regard to the income tax. I understand that this year's Budget is very popular because it is only taxing those who have and that those who have not are not very much taxed. However, we have said here time and again that there are some people who get some income but their income is not taxable. We have often urged the Minister to rectify the situation but so far nothing has ever been done. You will agree with me, Mr. Temporary Deputy Speaker, Sir, that we are buying a lot

[Mr. Kinyanjui]

of property from the foreigners, be it a business, building or land. These people are getting a lot of money from the sales of properties and this should also be subjected to sales tax. However, it is not easy to collect this form of tax if there is no law to provide for this. Although there is a duty paid on this money, there should be a law providing for the sales tax on this type of property sales. This House has urged the Minister time and again to introduce a Bill in this House to that effect but nothing so far has been done. There is a lot of property sales in this country, some people buy a building today for so much and tomorrow they sell it for twice as much. I think instead of increasing the price of edible oil, we should try to get some more money from the sales of properties in this country. There are a lot of people earning a lot of money from this type of transactions and they get away with it. If a tax of this kind is introduced, I think it will benefit our country a lot.

It is true that today we had a statement in this House that the price of oil has gone up tremendously. However, the whole blame should not be laid at the door of the manufacturer. Our traders are also playing a very big part in this price increase. Even our own traders are getting salt from Magadi bring it to Nairobi and pack it, then sell it outside this country. Most of them are also agents of the Kenya National Trading Corporation and they have the import licences. Some of them may sell these goods to Asians, who do not have licences to deal in such goods and then nothing is done to such people. Mr. Temporary Deputy Speaker, Sir, it is time that the Minister and the Kenya National Trading Corporation found ways of scrutinizing this, because they can as well sit as they did, agree to condemn the Minister as they did while they are getting a colossal sum of money in a way in which the money cannot be taxed. Indeed, they are making the public suffer in that they have commodities passing onto many hands instead of having these commodities pass from the wholesaler to the retailer. In other words the cost of this funny way of selling commodities through agencies is borne by the members of the public. There must be a way of taxing these people so that they can stop these funny transactions. If this is not stopped the members of the public will suffer the consequence. I, therefore, request that there be, between the Kenya National Trading Corporation and the agencies, a way of scrutinizing the commodities—the supply that has been done genuinely from the Kenya National Trading Corporation manufacturers rather than allowing these commodities to pass through many hands. This will help the members of the public so that they do not suffer from these unnecessary transactions.

With these few remarks, I beg to support.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): On a point of order, Mr. Temporary Deputy Speaker, Sir, may I move that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Mutunga): I will put it to the House to decide.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, in reply to the debate, I would like to say that I have been very encouraged by the appreciation that hon. Members have shown in the matters of the problems of this taxation and, particularly, the administration. I would like to assure the hon. Member for Nakuru West who raised matters of income tax administration that, in fact, the department is very much stronger than it used to be. We have recruited other 40 assessors and we are training another 20. We shall soon be in a very strong position. It is planned that we also open regional offices of the Income Tax Department in different provinces with a view to reaching the taxpayers who, quite a few hon. Members said, are not paying as much as they ought to be paying. We are also making sure that the calibre of the people we recruit is much higher than before and we have, as you know, adjusted the rate of pay so that we recruit the calibre of the people that we need.

Mr. Temporary Deputy Speaker, Sir, as regards the customs and excise duties the points made have been taken quite seriously. It is true that there are still a lot of problems in connexion with the administration of sales tax and there are a lot of problems, in connexion, particularly, with the exploitation of the law by the traders who use it as the excuse for raising prices. It is a general problem. The only point I would like to remind hon. Members, particularly, the hon. Member for Nakuru West and a few other hon. Members who spoke about Indians—I think they should appreciate that the Africanization of the distribution of trade has gone a long way. Many of the traders who are now exploiting consumers are, in fact, Africans. As I have said before, time has come for us to stop blaming our troubles on some foreign elements. The bulk of our problems are created by ourselves, people who are Kenyans and as I have said before, many of the devils are very black and not white at all. Therefore, let us do what we have to do which is to be vigilant.

Mr. Temporary Deputy Speaker, Sir, a point has been made by the hon. Member for Lurambi North and then repeated by his friend the hon. Member for Busia South about the production of cotton seed oils, sim sim and sugar—the items which we can make in Kenya. I said in my speech that in fact it is shameful to import these commodities. It is not proper for these two hon. Members and two others to go on looking for reasons why the production is not rising and, perhaps, look for these reasons at the Treasury Building. These reasons are, in fact, to be found on the ground in Busia, Bungoma and around Chemelil—in the areas that have the soil—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Minister to run away from his responsibility which is planning. Could he tell the House when he planned this to be done and the Ministry failed?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Butere, as you know, is not famous for patience. He has, in fact, none at all.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Minister to say that I have no patience when I sit in this House from 2.30 p.m. to 6.30 p.m. listening to everything?

The Temporary Deputy Speaker (Mr. Mutunga): That is out of order.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, why I said that is because it has been on the programme for the production of these crops in Kenya. It is true because I, myself, am able to produce those particular programmes. For instance, about the increase of cotton and other vegetable oils. These programmes are still with the Ministry of Agriculture. They are not sitting on the plans because they have produced them and they have gone further to encourage the setting up of the processing facilities which used to be an argument that because we do not have facilities for processing oil in Kenya, the prices were never assured to the growers. They have gone further and done that. My real hope is that we shall get the response we do need to get from the farmers. We are fortunate that in the new area around Mumias, the production of cane has kept up to the schedule and I do hope that when we move on to the next factory which is already been agreed on and announced, the production in the new area will also keep up as the present producers have kept up. I am hopeful that the production in Western Province will be able to take care of that factory and also for the extension of Mumias factory to its full capacity which is 75,000 tons of sugar per year.

I have heard so much from hon. Ogalo. Unfortunately, we are still not getting much production from the growers who are now growing sugar-cane in the area. It is unfortunate because the capacity is there at Chemelil, Miwani and Muhoroni to mill more cane but we are not getting the cane. Therefore, we are not using the factory to the fullest capacity. However, Sir, we have done those things which hon. Ogalo wanted us to do. We have removed those cesses we used to charge to the growers in that area, we have subsidized the Department of Settlement so that they can maintain the staff on the ground, we have increased the price of sugar-cane, but still we do not get enough production in that particular area. However, worse still, Sir, every week, there is a report of people burning the sugar-cane. Sir, I do not know why this happens, but this is a matter that can only be dealt with by the local people themselves.

Mr. Ogalo: On a point of order, Sir, is the hon. Minister really in order to say that the people around Chemelil are always burning sugar-cane while we know that the sugar-cane just burns on its own during the drought due to carelessness of certain passersby. Our people do not burn sugar-cane. Is the Minister in order to say they do when actually they are not responsible?

The Minister for Finance and Economic Planning (Mr. Kibaki): I really do not want to enter into the dispute about this matter, but all of us are amazed as a result of the accidents which the hon. Member is trying to talk about. I am saying this because there are other areas growing the sugar-cane. For instance, since we started growing sugar-cane in Mumias, there has not been a single fire. Therefore, it is not possible for us to believe that these accidents happen so consistently in one area, but do not happen in another area. There must be some activities by certain individuals who for one reason or another burn the sugar-cane. It is not possible for the sugar-cane to burn on its own as the hon. Member was trying to suggest because this is not possible.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, would I not be in order to ask the hon. Member to substantiate that the sugar-cane in his area burns on its own. He categorically said that as a result of drought, the sugar-cane burns on its own. Could he really tell us how this happens?

The Temporary Deputy Speaker (Mr. Mutunga): I think you should give Mr. Kibaki enough time to finish his reply.

The Minister for Finance and Economic Planning (Mr. Kibaki): I have heard some reasons being produced as to why sugar-cane is always being burned, but I am not going to produce them here.

Sir, in conclusion about this point on production, I do seriously want to say that we now have at least in regard to these three items, that is cotton, sugar-cane and wheat, set up these very special schemes to increase the amount of money being spent. I hope we are going to produce more to save money from importation.

Sir, there has been a series of other points made which I have taken very good note of and, as I did last year, I will incorporate some of these measures in the future Budget.

Sir, I beg to move.

(Question put and agreed to)

BILLS

First Readings

THE CONTINENTAL SHELF BILL

THE OIL PRODUCTION (AMENDMENT) BILL

THE FINANCE BILL

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

Second Reading

THE LOANS AND CREDIT FACILITIES (AMENDMENT) BILL

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I beg to move that the Loans and Credit Facilities (Amendment) Bill, be now read a Second Time. Sir, this is a very short Bill whose purposes are very specific and therefore, I will not take

[The Minister for Finance and Economic Planning]

long in moving it. This Bill which is moved after every three or four years, provides the Government with the powers of borrowing and of obtaining credits. Now, in the main Act, there was a limitation of period over which these powers are given and therefore, every time, we have to come to this House to extend those powers. This year, we are asking for the extension of those powers for the period covering the Development Plan which is four years, that is from 1974 to 1978. This is the purpose of section 2 (a). Equally, Sir, we are asking the Parliament to agree that from now onwards, the sums of money to be borrowed, be approved, not by specific amendments to the law, but by a Motion of this House. This is the purpose of section (b) here. I regret to say that during the printing one little sub-section, which quotes the actual figure for which we are asking the authority to borrow, was erroneously omitted and therefore, I have circulated an amendment on the Order Paper to sub-section (b) which is going to introduce the figure of £340 million. Now, this is the money required for the whole period and it is more in the nature of maximum, but we must obtain the authority to borrow this money.

Sir, during the Budget Debate, I explained that although we are doing this borrowing, as of now, Kenyans are, in fact, financing their own budget, from their own means. The proportion of borrowed money to the total spending is a mere 10 per cent and this is a very long way from where we were in 1965. This therefore means that the Kenyans have come to a point of self-sufficiency by-and-large, and that the means of financing our own development is becoming more obvious. I do hope therefore, that as time goes on the proportion that we shall have to borrow will be less. However, there is always some kind of capital goods which we shall have to borrow because we are not making them here and perhaps because even if we had the money, it would probably be better to borrow and pay over a long period of time. This is in the nature of certain projects whereby the repayment is spread over a long period of time.

Secondly, and this is a point which needs to be emphasized because the last time we were discussing this matter what some hon. Members did not seem to understand is that we do not expect this money to be paid on a certain day. Every year, if you look at the estimate, you will find that there is set aside some money for the repayment of debts. Therefore, we set aside a certain amount of money each year and we pay a little of our debts each year so that we do not have large sums of money outstanding at any one time.

As I said, this point about the need for borrowing needs to be emphasized. I do not need to take any more time of the House and therefore, I beg to move.

The Assistant Minister for Finance and Economic Planning (Mr. Balala) seconded.

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Temporary Deputy Speaker. Sir, for giving me an opportunity to speak on this Motion.

While agreeing with what the Minister for Finance and Economic Planning said when he was moving this Bill, I would like to ask him to make it his habit of telling the House any time he is moving a Bill like this one how much money we have borrowed so far and how much we have been able to repay. Since I came to this House eleven years ago, this country has been borrowing every year from outside sources. There is no reason why the Minister should not tell us how much money we have been able to repay. There is no reason why the Government should not tell us how much is still outstanding. I think before we approve this Bill the Minister should let us know how much money we have borrowed so far and how much is still outstanding. If this is done everybody in this country including my son Majimbo who is attending school at Pokot can know how much I have committed him as far as national debts are concerned. However, I was very much pleased to learn from the Minister that these days we are borrowing less than we used to do in the past. I hope that one day we shall stop borrowing completely. It is in our interest to try and make sure that we borrow less and less as we go. However, the problem with most of us is that we do not bother to think of what we should do. We just do things as they come. This is very dangerous. The reason why this is happening is because we have adopted a very dangerous habit of expecting to be helped by the developed countries. Time has come when our leaders in Africa changed their attitude. There is no reason why we should enslave our unborn children by asking for loans we are not able to repay in our lifetime. There is no reason why we should always be thinking in terms of grants and aids. If we continue doing this, time will come when we shall find that we are not in a position to do anything on our own. Time has come when everybody in this country started thinking how we can become self-sufficient almost in all aspects.

For the information of the House, I will never forget what took place this afternoon in this House when the Minister for Finance and Economic Planning tried to explain why the price of edible oils has gone up. The Minister made it very clear that the price of edible oils had to go up due to the fact that the price of all the raw materials which are used in the manufacturing of edible oil has gone up considerably. He also made it clear that the Government had no means of controlling the price of such raw materials simply because they are imported from other countries. However, I still think that the East African Industries which manufactures Kimbo and other edible oils has not been doing what we expected it to do. For instance, realizing that Kimbo was introduced in the market as far back as in 1964, I fail to see the reason why the East African Industries did not plan on its own how some of the raw materials needed in the manufacturing of Kimbo and other edible oils could be produced locally. Time has come when we started to think how we can become self-sufficient in the near future. It is very shameful to see that Kenya is importing raw materials from Arab countries via United Kingdom. Since the East African Industries knows very well that in Kenya we grow sunflower and coconuts in small quantities, I fail to

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

see the reason why the company in question did not try to encourage *wananchi* to step up the growing of these crops so that we can be self-sufficient as far as they are concerned. I am sure that this company knows very well that these crops can grow very well in Kenya, but for reasons unknown to me they have done nothing to boost the growing of these crops. In fact, in my opinion this company should have encouraged the growing of these crops in the same the sugar companies in Kenya are encouraging people to grow more sugar-canes. The only thing the company is interested in is to wait until there is crisis in the world so that they can present the Minister concerned with a list of the raw materials they use showing that the cost of such items have gone up, and therefore, they ask him to raise the price of the edible oils. The only thing I know is that this company does not want to invest money in this country. Time has come when we taught people of this nature a lesson.

If the Government has no way of avoiding increasing the price of edible oils, there is no reason why the Government should subsidize that.

An hon. Member: I do not need *Kimbo* myself!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, Sir, the reason why hon. Osogo is saying that he does not need *Kimbo* is because his stomach is full of fat. However, for his information the people of Butere who are not as fat as him need oil. Time has come when we—

An hon. Member: They can eat fish!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, Sir, for the information of the hon. Member for instance, people in Moyale find it very difficult to get fish.

Time has come, as I have just said, when we started thinking on how we can become self-sufficient. Time has also come when we stopped borrowing. However, I was glad to learn that the Minister has already planned how this country can step up the growing of some of these crops so that we can be self-sufficient. Therefore, it is now up to the Minister for "Growing"—the Minister for Agriculture—to get rid of the expatriates who are misadvising him. I am sure that the Minister cannot plan successfully as long as these advisors are in his Ministry. Time has come when they were dismissed. Who does not know that one does not need to go to a university to learn that the stomach needs to be fed. After the Minister has sacked his advisors we shall be able to minimize our borrowing. Kenya is in a position to produce enough food if we only planned well instead of always relying on grants and aids. I am not ashamed to say that people in Kenya are lazy and that is the reason why we shall continue borrowing from other countries. In the first place people of this country are lazy in thinking and in working. That is the reason why I would like to ask the hon. Members who are trade unionists to urge the workers in this country to change their attitude. For instance,

there is no reason why workers in this country should work eight hours a day simply because that is what workers in Britain are doing. For instance, is anybody going to tell me that since in Britain workers are working six days a week, workers in Kenya should start doing the same thing? Who does not know Kenya is a developing country? Therefore, we should work for more hours a day. There is no reason why we should not work 14 hours a day.

I am ashamed to see that one trade unionist is laughing when I am giving him a piece of advice. For his information despite the fact that Japan was badly affected by the Second World War, Japan is one of the richest countries in the world. That is the reason why in Kenya we are using a number of cars from Japan. When the Japanese realized that they were in trouble they worked hard and today, thanks to God, Japan is one of the richest countries in the world.

Mr. Boy: On a point of order, Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to suggest that workers in Kenya do not work hard?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I did not say that, Mr. Temporary Deputy Speaker, Sir. What I said was that people in Kenya have to work hard including Members of this House. We should stop stealing the public funds. Workers in this country should work harder than they are doing at the moment. They should even go to the extent of putting 14 hours of work per day. We should do what the Germans did after the Second World War. They worked very hard and they are still working hard even today. That is why we are borrowing money from them. The hon. Member who is a trade unionist in this country insists on working for eight hours only. We must work for more hours. That is why I said that if I were in a position of authority I would shave all the beards of these trade unionists and lock them up. These trade unionists always carry small sticks with them and keep a beard around their mouths. If I had my way I could shave these beards of theirs and lock them up for ten years. If this is done to them they would learn something. Everybody in this country, including the President and the Ministers, should work more.

The Assistant Minister for Housing (Mr. Mukuna): On a point of order, Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to suggest that all trade unionists keep beards while I do not have any myself?

An hon. Member: Are you a trade unionist?

The Assistant Minister for Housing (Mr. Mukuna): Yes, I am!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Most trade unionists in this country keep beards. I think hon. Member is an exception in this case. In every society there are some exceptions. It could be that the hon. Member shaves his beards but most trade unionists carry sticks and keep beards. The beards they wear—

An hon. Member: Like the one which is being worn by hon. Migure!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Fortunately he is not a trade unionist himself but most of the trade unionists in this country have beards. If I get my way I will shave these beards of theirs and take away the sticks which they carry around. After doing this I will lock them in for long terms. Mr. Temporary Deputy Speaker, Sir, I am trying to emphasize the point that all the people in this country, including the leaders, should work very hard. If we put in 14 working hours in this country we shall be a very strong power and we shall never need to borrow money. Other countries will be borrowing money from us just as we are now borrowing money from Germany which was very badly hit economically after the Second World War.

Mr. Boy: You are dreaming!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Temporary Deputy Speaker, Sir, the hon. Member is telling me that I am dreaming. I think he cannot realize the point which I am trying to put across. He is a trade unionist who gets two salaries, one as a trade unionist and the other as a Parliamentarian. As long as his affairs are perfect he does not mind. But he should know that there will come a day when he will not— Mr. Temporary Deputy Speaker, Sir, the hon. Member for Kwale Central is talking while I am on the Floor. I do not know whether he thinks he is in a market somewhere in Kwale or what he is thinking about. I think I will not stop talking because of the way he is behaving this afternoon. I am not against him as a person because he is a very great friend of mine. I am only contributing to this debate to enable the country to think seriously about putting in more work so that we can become independent economically like Germany and other countries. If we are today borrowing from Germany who were very much affected economically after the Second World War I do not see why we cannot work very hard as they did because we have also been hit economically for the last 70 years. I think we can work hard and one day various countries will come to borrow money from us. If we work hard I think we shall lessen borrowing in this country. Those were the two points which I wanted to make, Mr. Temporary Deputy Speaker, Sir.

With those few remarks, I beg to support the Bill.

Mr. Karungaru: Mr. Temporary Deputy Speaker, Sir, I would also like to pay special tribute to the Minister for Finance and Economic Planning for having given us a hearing this time.

Mr. Temporary Deputy Speaker, Sir, during the last four years we have repeatedly been telling the Minister to reduce borrowing in this country because we thought that we were not benefiting out of that borrowing and that perhaps we were enslaving our children by this borrowing. Today the Minister has behaved gently and has listened to hue and cry. The Minister is now co-operating with the House and as such he deserves our congratulations at this stage of our development. However, I do not think what has been done is enough. I think you remember that during the last time we were talking about mortgaging our children

with loans. I am not convinced that we should go to the extent of borrowing to the tune of what the Minister is proposing for the next four years. I would like to advise the Minister to lessen his borrowing. You will remember that when the Minister was asking ourselves to reduce the days of publication for this Bill, I had advised the Minister to reduce his borrowing power. Every time the Minister wants money he comes with a Motion and we pass a resolution allowing him to borrow money or to spend certain amounts of money in this country. You can therefore see that I had a point in questioning the reduction of the publication days for this Bill. We were told that this Bill comprised of only two lines but as we can see today the Minister is now proposing to move an amendment to this Bill during the Committee Stage. This amendment will allow the Minister to borrow more money than it was anticipated before. Mr. Temporary Deputy Speaker, Sir, any time we are conducting deliberation in this House we must know that we are only acting as the representatives of the people of this country in the House. At the same time we must know that the people of this country are being discouraged from working hard. The hon. Member for Butere has appealed to the people of this country to work harder than they are doing at the moment. But there is an element of discouragement on the part of the Government. The other day I pointed out in this House that the Government has no policy which governs wages and salaries in this country. This is one of the mistakes that this country is making. Unless this policy is provided we will be conditioned by the surrounding circumstances to go out of our own way to borrow money out of the country instead of being self-sufficient in our needs. I did mention that we have a class of people called casual labourers in this country. These people have been working in this class for more than 20 years and funny enough some of them are in the Government service while others are working with the local authorities and the private sector. In this country there is a tendency for the employers in the private sector to discourage permanent employees. They are using a loophole of employing casual labourers in their firms in order to exploit the people of this country. To make things worse there is no provision in the existing law which caters for the casual labourers in this country. You cannot tell people to work and at the same time tell them that you are going to rob them of their right. This is the argument I am trying to advance. If I work hard I deserve to be paid. I am not going to be told to work hard for 20 years only to be told in the end that I am just a waste matter or and I have only been enslaved. I would hate to see such a thing happening in this country, Mr. Temporary Deputy Speaker, Sir. We are advising our Government on how best we can depend on ourselves. In America, for the information of the House, people do not have time to go for lunch. People eat as they work. In that country everybody must work for a living. That is why the hon. Member for Butere is advocating for more working hours in this country. Everybody in this country must take seriously this question of putting in

[Mr. Karungaru]

more working hours. On the other hand, trade unions are to be blamed also.

An hon. Member: Be careful of what you are saying.

Mr. Karungaru: Of what am I going to be careful? I was a trade unionist once, but it seems as if trade unions have now become talking clubs.

Government has allowed trade unions to deduct money from salaries of their members, but, unfortunately, these members, some of whom are subordinate staff, do not get any benefits out of their contributions. Whenever they go on strike they are only disregarded and nothing is being done. I would like to advise any trade unionist who is worth his title to go and look into the problems of workers and see that they get their dues which they are entitled to. We are not going to sit here and tell our people to go and work hard and then let them be robbed of whatever they have worked for. This is not what we are looking for.

Mr. Temporary Deputy Speaker, it now seems that the Minister for Finance and Economic Planning is becoming more and more reformed. We appreciate whatever he is doing, but he has a very bad team of colleagues because whenever he is attacked here they do not defend him. One day I will question His Excellency the Vice-President and Minister for Home Affairs to tell me where collective responsibility, of which we have been hearing for a long time, has gone to.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, it is customary in this House that when there is an amendment Bill, such as the one which we are debating now, we confine ourselves to it. Are you satisfied that the hon. Member for Embakasi is actually debating the amendment Bill?

The Temporary Deputy Speaker (Mr. Mutunga): He was just about to go out of his way. I hope he has taken note of that.

Mr. Karungaru: I know the Minister has no time to discuss the details of the Bill. He is in a hurry as usual. In fact, you can only see these Ministers when there is something good in the House. Since we are approving some money they have to be present. If you count them you will see that they are very many of them present. When there is nothing good in the House they all go away and leave the Minister for Finance and Economic Planning alone in the House. Since they know that they are going to benefit something out of what we are doing today, they are present. However, we would like them to understand—

An hon. Member: What are they going to benefit out of this Bill?

Mr. Karungaru: They are going to get money to run their Ministries and also buy big cars.

Mr. Kanja: On a point of order, Mr. Temporary Deputy Speaker, are you satisfied that hon. Karungaru's insinuation, that the Ministers are here because we are debating a money Bill and that they are going to benefit out of it, is correct? Is this Bill for the Ministers' personal benefit or is it for the benefit of the country as a whole?

The Temporary Deputy Speaker (Mr. Mutunga): I did not expect that kind of reaction from one of us. However, I think he is going out of his way, and as I said, I have been watching him—

An hon. Member: Is the hon. Member one of you, Mr. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Mr. Mutunga): I mean I did not expect that kind of reaction from one of the Back-benchers. Since the insinuation has been directed to Government and the Ministers who are present I would have expected the Ministers themselves to react. That is why I said I did not expect the Ministers themselves to react. That is why I said, I did not expect such a remark from hon. Kanja, although he is entitled to defend any Member of this House.

However, Mr. Karungaru, I think you are getting out of your way. Whatever we do here is not done for the benefit of an individual. We legislate for this country as a whole. It will be good if you confine your remarks to the amendment of the Principal Act.

Mr. Karungaru: Mr. Temporary Deputy Speaker, Sir, I am speaking collectively; I am not saying that a certain Minister is going to benefit. Although the Vice-President and Minister for Home Affairs is the Leader of Government Business in this House, I am sure he is not going to benefit from these loans.

The Temporary Deputy Speaker (Mr. Mutunga): Well, you should not say "them", but you should say "we" are all going to benefit. When you say "them", you exclude them from your association. You directed that remark to Ministers and that is why you said "... that is why they are here."

Mr. Karungaru: Mr. Temporary Deputy Speaker, Sir, I know that one day I will become a Minister and I will be speaking the same language. If they were appointed to be Ministers, Sir, we can also be appointed Ministers.

However, I would like to appeal to Ministers to continue co-operating as they are doing now. What we would like to see them do is that they should come to the aid of the Minister for Finance and Economic Planning whenever criticisms are levelled against him. I say this because when, in the past, we were discussing an important matter such as the one before the House now, the Civil Service Bench used to be filled up. However these days, there is hardly any civil servant on the Bench. The same thing is happening on the Front Bench. Therefore I am advising the Front Bench to be careful in matters such as this one. We are custodians of public finances and therefore we should ensure that any money we pass in this House is reasonable. Similarly, Sir, any money that Government would like to spend should be spent with the consent of this House.

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

The Minister for Health (Dr. Onyonka): On a point of order, Mr. Temporary Deputy Speaker, Sir, are you satisfied that the hon. Member is putting up anything new? Is he not merely repeating, a thousand times, what has been said before?

The Temporary Deputy Speaker (Mr. Mutunga): No, he has already ended his speech.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, Sir, I am wondering if it is not high time that I moved that the Mover be called upon to reply? I am saying this because the amendments to the two clauses were exhaustively discussed by the hon. Member for Butere and it appears that hon. Members are in agreement with amendment proposed in the Bill, am I in order to move that the Mover be called upon to reply?

The Temporary Deputy Speaker (Mr. Mutunga): I have already called upon arap Keino to speak. However we shall see how things go on after he will have concluded his speech.

Mr. arap Keino: Thank you, Sir, for allowing me to speak on this Bill. I am very happy to express my views about this Bill at this juncture.

Mr. Temporary Deputy Speaker, Sir, one thing we must be thankful about as a country and indeed as a people is the wise leadership of our President. He has been able to provide an atmosphere whereby we can talk in terms of borrowing money from financial institutions. There are many countries around the world which are unable to borrow money, even if they wanted to, simply because they have failed to provide political and economic stability. So, it is my view that everyone of us here should thank His Excellency the President for providing political and economic stability in Kenya.

Secondly, I am sure I have a lot of confidence in the people of this country and I know that if they are given the opportunity they are able to repay whatever loans that these other countries advance us. All I expect from the Minister for Finance and Economic Planning who is knowledgeable and one of the most able persons in this country, is to tell us—

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, could I lend my copy of the Bill to the hon. Member?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Give it to him so that he knows what to speak on. He has just been looking at the Order Paper.

(Mr. Nabwera passed the Bill onto Mr. arap Keino)

Mr. arap Keino: Mr. Temporary Deputy Speaker, Sir, I am sure—

Mr. Mwithaga: On a point of order, is it in order for a Member to study the Bill while on his feet having not studied it before? This is because he has just been lent the Bill and he is now reading it trying to study what to say; is that actually in order?

The Temporary Deputy Speaker (Mr. Mutunga): That is out of order. I expected that to come from someone because he started reading when the Bill was passed on to him by Mr. Nabwera. This shows that he was not ready although he accidentally caught the Speaker's eye.

I hope if he has anything to contribute to the debate he will have to do so, if not then he will resume his seat and allow another Member who is conversant with what is going on to speak.

Mr. arap Keino: The person who is going to make

use of this law is the Minister for Finance and Economic Planning although it is being introduced by the Attorney-General; this is obvious.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker! Is it in order for the hon. Member to keep standing when I am on my feet having allowed me to stand on a point of order under Standing Order No. 68?

The Temporary Deputy Speaker (Mr. Mutunga): No, he is out of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you Sir.

My second point of order is this: is it in order for the hon. Member to say that this Bill is being introduced by the Attorney-General when it is being introduced by the Minister for Finance and Economic Planning?

The Temporary Deputy Speaker (Mr. Mutunga): Since you were not prepared to contribute to this debate you are therefore requested to discontinue your speech.

Mr. arap Keino: Mr. Temporary Deputy Speaker, Sir—

The Temporary Deputy Speaker (Mr. Mutunga): No, I said it appears that you were not prepared to speak on this Bill and as such I have requested you to discontinue your speech.

Mr. arap Keino: I am prepared—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir. Is it in order for the hon. Member to go on arguing with you? When you were giving your ruling he was still standing and there were also other hon. Members standing like trees in this House?

The Temporary Deputy Speaker (Mr. Mutunga): Mr. arap Keino apparently appeared not to have read the Bill and so I requested him to discontinue his speech.

Mr. Kanja: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to speak. I have very little to say on this very short Bill. All we are being asked—as a House—is to approve—

Mr. arap Keino: On a point of order, Mr. Temporary Deputy Speaker, Sir, I thought you said, you were of the opinion— You did not say we had a firm opinion.

The Temporary Deputy Speaker (Mr. Mutunga): I think you are heading for trouble which I am not prepared to give. Will you resume your seat and be quiet to hear other Members speak?

Mr. Kanja: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Bill before the House is very concise and clear. Therefore, I stand to support the Minister in asking for this money to support this nation so that he has to prepare himself in advance knowing very well that he has the mandate and the blessing of this House. However, when we get this money or loans then we must realize one thing which is very, very important—

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker, Sir, if the hon. Member had studied this Bill very well, apart from what the Minister said in moving it, he would have found out that the Minister is not asking for any money in this Bill. However, he is amending the Principal Act to ask for borrowing powers.

An hon. Member: Which are those?

Mr. Mwithaga: Now, I am seeking your guidance, that since the hon. Member does not have a copy of this Bill, can I lend him mine so that he can be able to follow the Bill correctly?

Mr. Kanja: Mr. Temporary Deputy Speaker, Sir, with all due respect to the hon. short Member for Nakuru Town, he should not think that I have not read the Bill simply because I do not have a copy. He should have waited for me to finish my sentence, at least, and then he might have heard what I had to say. We are talking in terms of money!

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker, Sir, although we excuse the hon. Member for his emotions but, is he in order to become "personal" when we are actually following the procedure of this House according to the Standing Orders?

The Temporary Deputy Speaker (Mr. Mutunga): I think the hon. Kanja was out of order when he referred to another hon. Member as being "short". His constitution does not matter. He is simply an hon. Member just like any other hon. Member. Therefore, I hope that the hon. Waruru Kanja will refrain from personal attacks. The hon. Member for Nakuru Town also should have waited to hear what the hon. Member for Nyeri had to say.

Mr. Kanja: Thank you very much, Mr. Temporary Deputy Speaker, Sir—

Mr. Araru: On a point of order, Mr. Temporary Deputy Speaker, Sir, was it in order for the hon. Member for Kandara, Mr. Mwicigi, to walk in the Chamber as if he was in Kandara Market when you were on your feet giving a ruling on a point of order?

The Temporary Deputy Speaker (Mr. Mutunga): Yes, it is true, Mr. Araru has a point. I also noticed that Mr. Mwicigi was walking across the Chamber when I was on my feet. However, I hope that he is not going to repeat it. I hope that there is going to be some order and dignity in this House.

Mr. Kanja: Mr. Temporary Deputy Speaker, Sir, I must say that the House is becoming very humorous. I think it is because the quorum is there; we have everybody in the Chamber. Therefore, I can assure every hon. Member that we are really enjoying seeing each other.

However, coming back to the amendment, I was saying that it is better because the Minister himself has seen it fit to bring this amendment so that he can also prepare his borrowing powers and he knows exactly what he is going to do. However, the crux of the matter, Sir, is that when this money is borrowed, then we must be told or we must know as the custodians of our people, how we are going to spend that money so that

the small man in the village, the ordinary person in the streets and the ordinary *mwananchi* whether he is in Duruma or Masailand, is going to get a fair share of this money. This is because things are becoming very difficult in our country. Therefore, we who are charged with the responsibility of delivering the goods to our people, should only see it fit that we should always share the national cake together. This is my personal appeal to the Minister and those who are going to be charged with the responsibility of seeing that the money is distributed properly.

As I said earlier on, Sir, the amendment to the Bill is very concise and clear. There is no controversy in what the Minister has said and, therefore, with those few remarks, I beg to support the amendment.

The Vice-President and Minister for Home Affairs (Mr. Moi): Mr. Temporary Deputy Speaker, Sir, I think we should have ended this Bill long time ago because it is very precise in what it requests us to do. However, I would like again to contribute something towards this amendment. The problem which we have now throughout the country is that all hon. Members of this Parliament are not keen to associate themselves with the planning committees within their areas or districts. Now, they should attend the meetings of their district development committees, so that they can know exactly what is being planned in their own districts.

Mr. arap Rono: On a point of order, Mr. Temporary Deputy Speaker, Sir, is the Vice-President in order to accuse Members of this House of not associating themselves with the planning committees in their districts which is actually contrary to what I know because I have always attended these meetings myself since I came to this House? I am one of the Members of this House!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I think the hon. Members should understand what I said in a much wider sense. If, for instance, there is some planning in a given district for water development and other projects within the district, the most important thing is not to build small projects which will waste manpower and the ability of the people to do such things. It would be advisable, of course, in collaboration with the Treasury and the planning officer in the given province, to make sure that we have much bigger schemes. If we are planning for water, in a district for instance, we should have a much bigger plan, to cover the entire area rather than just buying pumps for one small area, which in the long run would mean dismantling all the things we have done in the past. We should plan for a better future for our people.

Now, there have been complaints about oil. Hon. Members spoke about water and the rest of it. What I would like to say is this, let us make use of our own water instead of just talking. We should pump the water, plant crops and make use of the water, so that we may have plenty of food.

Again, I know the failure at a certain level, and this has been the question of feasibility studies. I think these studies should be done away with. If we know that in a given district, sugar-cane grows very well, why should we embark on a feasibility study, which takes five years?

[The Vice-President and Minister for Home Affairs]

It is better to start the project immediately, when it is known that the rainfall and other things which are required are favourable.

I would also like to say here that we have officers in the provinces who are called production officers. These production officers ought really to know what are the requirements of the people within any given area, so that these can be known.

Lastly, the hon. Member for Embakasi kept on saying something about casual labourers. The only thing—he is always fond of saying that he has studied something and he has the real facts—which could be rectified administratively is with regard to the people who are employed by the Land Adjudication Department, who work on contract. I think these, and a few others maybe, could be reinstated because no one envisages that land adjudication could go on for ten years or 15 years. Someone might have thought that land adjudication could go on for two or three years, and then proposed a contract. However, these people should be reinstated.

Mr. Mwithaga: On a point of order, Mr. Temporary Deputy Speaker, Sir, I want to seek your guidance here. The Vice-President is the Leader of Government Business in this House, and also the second person in command of the state. Now, when he makes that statement, are we going to take it as a Government directive?

Hon. Members: In connexion with what?

Mr. Mwithaga: In connexion with Land Adjudication officers. We want some clarification on this.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Temporary Deputy Speaker, Sir, as I have stated here, this is an administrative matter and can be done easily. This is not a matter to bother about.

With these few remarks, I hope that the money which will be borrowed will be utilized for the benefit of all the people of this country. We should also be thankful for the good leadership of our President because it is through his leadership that we have managed to move forward with all the prosperity we have in this country. I beg to support.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, Sir, I was wondering whether it is not high time that I moved the closure of this debate.

The Temporary Deputy Speaker (Mr. Mutunga): That is for the House to decide.

(Question, that the Mover be now called upon to reply put and negatived)

Mr. Araru: Thank you very much, Mr. Temporary Deputy Speaker, for giving me this opportunity to join my colleagues in contributing to this important Motion. For the last five years I have been in this House, we have been borrowing money every year to develop this country for the benefit of our people. We appreciate this borrowing but I would like to advise the Minister to make sure that when this money is borrowed, it is utilized for the benefit of all the people in this country wherever they may be.

In the Development Plan, which we discussed here the other day, I did not see any specific development programme scheduled for Marsabit District. If the Government really wants to help the people of the area, they can only develop their water resources or help them to rear good cattle. However, so far we have never seen anything like that provided for my people in that part of Kenya.

As our Vice-President has just said, when these loans are made available to our Government, we would like to see some development planned for the remotest parts of this country. We would appreciate very much if Government undertakes to provide water in the dry parts of Kenya so that people living in these areas can enjoy the fruits of *Uhuru*. We would like water to be supplied in these areas. If these areas have water, the soil is very fertile and can be used in growing a lot of food for the people living there and elsewhere in Kenya. If this area is irrigated, a lot of crops can be grown there without any problem.

We have heard in the past, the Minister for Finance and Economic Planning promising that water will be supplied to this area but so far nothing has ever been done. So, I am urging the Minister that when he gets these loans, he should not forget what he has promised to us. We would like the Minister to provide some schemes for range management in that part of Kenya, so that people can rear beef cattle on a large scale, because at the moment our cattle are dying very much because of diseases and lack of water.

We would also like the Government to provide better medical facilities in our area because at the moment we do not have them. Our area is not like Central Province or Nyanza Province where people live together. Our people are nomadic and they can be more than 40 to 50 miles from the hospital and therefore the health facilities do not reach them. If you go to Moyale today, you will find that several Government departments are not functioning because they have not received the money for the coming Financial Year. They cannot even operate radio calls because there is no money for diesel oil. The tanker which carries water for the civil servants at Moyale has stopped because there is no money for petrol. I came from Moyale yesterday and, therefore, I know what is happening. The money allocated to places like Moyale and Turkana which are on the borders should reach them on time. We are appealing to the Government to make sure that money gets to these places on time. We have cattle in my area and, therefore, the Government should consider building a meat factory. Camel meat is also very good and should be processed and exported to Arab countries who are willing to pay very high prices.

Mr. Temporary Deputy Speaker, Sir, I mentioned two or three points and I hope that they will reach the Minister.

With these few remarks, I beg to support.

Mr. Kahengeri: Mr. Temporary Deputy Speaker, Sir, I have very little to say about this Bill because it is a straightforward Bill and it is a Bill that we need.

It is a fact that every country that is progressing has to borrow money for development. There is one little

[**Mr. Kahengeri**]

thing that I would like to remind the Minister that it is not the wish of this country that money borrowed should go to a few people in the country who have what they call the security. We should like to see the borrowed money, which has to be borne by the whole nation going to every corner of this country.

I would like to cite an example, if we borrow money and the money goes to the institutions that the Government has established for lending, some institutions will only give money to people who can realize the security and who already own some other properties in the country. These institutions must find a way of assisting the people—

Mr. Areman: On a point of order, Mr. Temporary Deputy Speaker, Sir, it seems to me that most of the hon. Members in this House have spoken and those speaking are repeating what has been said. I have not spoken but I feel hon. Members are repeating the same things. Shall I now be in order to call upon the Mover to reply?

The Temporary Deputy Speaker (Mr. Mutunga): I think I will leave that to the House.

(Question, that the Mover be now called upon to reply put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I am most grateful to those hon. Members who have spoken on this Bill. Sir, there are three very important points which have been made and I would like to say that we have taken care of them. One of these points is about the public debts, the size and the distribution. Sir, this information is given in the printed estimates, that is the total figures and everything else. Therefore, there is no need for me to table another document because it is there already. The amount which we have repaid this year is also stated in the printed estimates.

Sir, with regard to the hard work and all that kind of thing, we all agree with the hon. Members. Now, since the hon. Member for Moyale has been talking about the district development plan, I will offer to extract these plans from the main book which most probably, he has not had the time to read so that I may give him the actual projects for Marsabit District. I offer to do this.

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 Temporary Deputy Speaker (Mr. Mutunga) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Mr. Mutunga) in the Chair]

THE LOANS AND CREDIT FACILITIES (AMENDMENT)
Clause 2 BILL

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I have given notice in the Order Paper with regard to this amendment and as I said, the actual amount which we propose to borrow has been omitted. Sir, I beg to move:—

(a) That clause 2 be amended by the deletion of paragraph (b) and the substitution in the place thereof of the following new paragraph—

(b) in subsection (3)—

(i) by the deletion of the words “two hundred million” and the substitution thereof of the words “three hundred and forty million”;

(ii) by the addition, at the end of the following Proviso—

Provided that the National Assembly may, by resolution, approve the increase of the said aggregate equivalent sum.

Sir, hon. Members will note that the proviso is the same as in the printed Bill and the only addition is this subsection (i) which mentions the actual figure which had not been included before.

Mr. Chairman, Sir, I beg to move.

(Question of the amendment proposed)

Mr. Karungaru: Sir, I have no quarrel with paragraph (b) (ii) because the Minister ought to have come to this House with a Bill asking us to give him powers to borrow this money. However, this time, the Minister is trying to change the situation by bringing a Motion instead. In other words, he can only get a resolution of this House so that he can continue to borrow this money. I would like the Minister to tell the House why he thinks this is a more sensible move.

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I think the hon. Member has two things wrong. The powers to borrow are governed by the principal Act. Now, the proposed amendment does not propose to change anything about the fundamental law. It proposes that if we need to borrow £50 million, we will be authorized by this House through a resolution instead of bringing an amendment Bill as the law stand. If we wanted to amend the law, we would have brought an amendment Bill. However, if we are only amending the figure so that instead of borrowing £50 million, we intend to borrow £60 million, we only need a resolution saying that the amount allowed be increased from £50 million to £60 million. This is what this proviso means. Therefore, we can by a resolution of this House approve the increase of the said aggregate which is equivalent to the sum we may borrow. It makes it easier for the House to deal with the situation. However, the approval of the House will still be needed.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in the place thereof, be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I beg to move that the Committee of the Whole House doth report to the House, its consideration of the Loans and Credit Facilities (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Mr. Mutunga) in the Chair]

REPORT, CONSIDERATION OF REPORT
AND THIRD READING

Mr. Mwamzandi: On a point of order, Sir, I think it is now time for the interruption of Business.

The Temporary Deputy Speaker (Mr. Mutunga): Yes, I know, but we shall have to finish with this particular Bill because we are just about to conclude everything.

The Minister for Finance and Economic Planning (Mr. Kibaki): Thank you, Sir. I am directed by the Committee of the Whole House to report its considerations of the Loans and Credit Facilities (Amendment) Bill and its approval thereof with amendment.

The Assistant Minister for Agriculture (Mr. Wanjigi):

Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee on the said report.

The Minister for Local Government (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, I beg to move that the Loans and Credit Facilities (Amendment) Bill be read a Third Time.

The Minister for Local Government (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutunga): It is now time for the interruption of Business, the House is therefore adjourned until tomorrow, Wednesday, June the 26th, at 2.30 p.m.

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

Wednesday, 26th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS**ORAL ANSWERS TO QUESTIONS***Question No. 422***ASSAULT ON MR. MULI BY POLICE**

Mr. Munyasia asked the Vice-President and Minister for Home Affairs—

- (a) if he is aware that on 12/5/73 a Mr. Ndolo Muli of Matinyani Location, Kitui District, was assaulted by some police officers of Kitui Police Station.
- (b) what measures he is taking to see that those involved are brought before a court of law; and
- (c) as Mr. Ndolo Muli is a young man, married and has been castrated by the Police, what form of compensation he is considering for him.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

(a) A report was made to Police in Kitui by Mr. Ndolo Muli to the effect that he had been assaulted by some unnamed policemen who were believed to have come from Kitui Police Station.

(b) The matter is under active police investigation to find out who the culprits are so that action is taken against them.

(c) The question of compensation cannot be considered until we know the outcome of the police investigation.

Mr. Munyasia: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister to the effect that a report was made by this gentleman to Kitui Police Station, this is not true. I say so because Mr. Ndolo Muli was arrested by the Police and beaten right inside Kitui Police Station. How can the Assistant Minister say that man made a report to that Police Station while the true facts of the matter are that this man was beaten right inside the police station and the names of these police officers are known? What has happened to the investigations on this matter which took place in 1973?

Mr. Bomett: Mr. Speaker, Sir, when a policeman beats up any person, whether outside the police station or within the police station, the man complains to the officer in charge of that police station. I would, therefore, like to say that this matter is still being pursued and I will give the undertaking that we shall do everything possible to unearth the mystery surrounding this matter.

Dr. Munene: Mr. Speaker, Sir, is the Assistant Minister aware that this particular person was referred to the provincial surgeon by a local doctor and the surgeon declared that he could not be treated because of ulcer and that now this patient is not having any treatment?

Could the Assistant Minister tell us what action the police are taking to see that this man is properly treated even if he is going to be compensated later?

Mr. Bomett: Mr. Speaker, Sir, I am not aware of whether this man was treated or not. In my reply to the question I said that I am aware that the person concerned did report to the police at Kitui that he had been assaulted by some policemen. I cannot tell whether he was treated or not. I cannot also tell whether he was castrated as it is alleged in part (c) of the Question until the investigations have been completed.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister, as far as part (c) of the Question is concerned see to it that this person is rushed to a doctor to see whether something can be done to restore him back to an ordinary man?

Mr. Bomett: I wish I could but I am not God.

Mr. Speaker: Next Question. Mr. Amin.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, am I in order to lay on the Table the doctor's letter which was given to Mr. Ndolo to take to Machakos?

Mr. Speaker: Well, if you wish you can do it but you could do it without making a speech. After all, nobody has asked you to lay the letter on the Table.

Mr. Munyasia: Mr. Speaker, Sir, the doctors at Kitui have refused to treat him and he is crying all the time. I think I should lay this letter on the Table.

(*The hon. Munyasia laid the letter on the Table*)

*Question No. 447***ATTACK ON KENYANS BY ETHIOPIAN POLICE**

Mr. D. M. Amin asked the Vice-President and Minister for Home Affairs—

- (a) if he is aware that Mr. Jima le Bulle Farah was shot dead and a Mr. Abdullahi Hassan Abdi seriously injured by Ethiopian policemen at Habuni area of Malkaniri Division, Mandera District on 23rd February, 1974; and
- (b) what action the Government has taken to ensure that compensation is paid to the relatives of the attack victims.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

I am not aware, and therefore part (b) of the Question does not arise.

Mr. D. M. Amin: Mr. Speaker, Sir, is the Assistant Minister aware that one of them was immediately killed on the material date and the other one was admitted to Kenyatta National Hospital? Is he also aware that one camel was killed by the same policemen at the same incident? How can the Assistant Minister say that he is not aware of something like this which has happened in the Republic?

Mr. Bomett: Mr. Speaker, Sir, I think the hon. Member is not quite sure about the material date and time. If he can straighten the time I will be able to say something on this matter. According to my information nothing happened on the dates which have been quoted by the hon. Member.

Mr. Umuro: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I think this is an oral Question which has taken a long time before coming to this House. I think the Ministry of Home Affairs have had enough time to find out exactly what happened and tell the House accordingly. Since this information reached his office, a long time ago, what investigation has the office done about this matter.

Mr. Bomett: Mr. Speaker, Sir, if the Questioner would like me to help him I will do so. The Question talks about an incident that took place on 23rd of February, 1972 and not in 1974 as alleged by the hon. Member in his Question. It was about 11 a.m. at a place called Habuni in Malkaniri area within Mandera District. We are aware that this incident happened and that Mr. Bulle Farah was killed. We are also aware that the other person was also killed. We are also aware that three camels were stolen but one of them was recovered. This matter has been reported through our Ministry of Foreign Affairs to the Ethiopian Government. However, so far we have not received any communication from the Ethiopian Government. Therefore, the only thing we are going to do is wait for a reply to come from the Ethiopian Government.

Mr. Araru: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, that the Government has not so far heard from the Ethiopian Government, and in view of the fact that that incident took place a long time ago, will he tell the House the steps the Government is taking to make sure that the matter is settled without further delay?

Mr. Bomett: Mr. Speaker, Sir, last month my Ministry wrote a letter through our Ministry of Foreign Affairs to the Ethiopian Government on this very question. However, I would like to assure the House that this matter is going to be pursued until we have got the final answer from the friendly Government of Ethiopia.

Question No. 407

HOUSING ACCOMMODATION FOR CUSTOMS OFFICIALS

Mr. Marwa asked the Minister for Finance and Economic Planning if he is aware that the Customs officials at Isabania border post have been living in tents with their families for more than a year; and if that is the case, what is being done to provide them with houses.

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): Mr. Speaker, Sir, I beg to reply.

Customs officials at border posts like Isabania where permanent accommodation is not available are posted there on temporary basis for a period ranging from two to three months. Such officers are allowed to retain their houses in places where they are permanently stationed. During that period such officers are not expected to take their families with them to such posts. The Government has set up a committee composed of officials from the Ministry of Works, Ministry of Home Affairs, Ministry of Health, Ministry of Lands and Settlement, Office of the President and the Treasury to

look into this question. The Chief Architect in the Ministry of Works has completed the plans on which the committee is going to work. The committee has already visited Isabania border post and the preliminary survey has been carried out. As soon as the plans are completed, land on which the new border post will be built will be provided. Since adequate financial provision has been made in the 1974/75 Development Estimates, it is anticipated that the construction work on the residential buildings for the customs officials at Isabania will commence during the next Financial Year.

Mr. Marwa: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, that the plans to erect permanent buildings at Isabania are going to be finalized soon, is he aware that during the 1974/75 Development Estimates Isabania is not mentioned anywhere?

Mr. Cheron: Mr. Speaker, Sir, since I am sure that the border post in question has been included in 1974/75 Development Estimates I would like to ask the hon. Member to go back and have a second look at the Development Estimates for this year. According to the Development Plan on page 520, a provision for the construction of houses at this border post is made.

Mr. Marwa: Mr. Speaker, Sir, I think the Assistant Minister is trying to mislead the House. According to what I know, no provision has been made in the 1974/75 Development Estimates for the building of houses at this border post. Is the hon. Assistant Minister in order to bring in the question of Development Plan which is not referred to in my question?

Mr. Speaker: He is telling you where you can find the answer. There is nothing wrong with that.

Question No. 393

ALLOCATION OF FUNDS TO DISTRICT JOINT LOANS BOARDS

Mr. arap Cheboiwo, on behalf of Mr. Lenayiarra, asked the Minister for Commerce and Industry—

- (a) if he will inform the House what criteria is used to divide the Joint Loans Boards Funds between various districts; and
- (b) what was the amount allocated to Samburu Joint Loans Board last year and if he will consider increasing the amount this year.

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

(a) There are a number of factors which are taken into account when joint loans funds are being allocated. The major reason is that the demand for such loans invariably depends on the volume of the commercial activities in a district and the funds available. Other factors, such as the payment of loans already issued, are considered in order to ascertain whether or not the money will be properly used.

(b) During the 1973/74 Financial Year, Samburu Trade Development Joint Loans Board received Sh. 125,000 as additional fund for trade development in the area. As to what we are going to do this year, this will depend on the availability of funds.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, that the criteria

[Mr. arap Cheboiwo]

to giving these loans is the demand for funds in a given area, is he aware that in some districts quite a number of the people who have applied for these loans have so far not got them despite the fact that they have already paid the old loans?

Mr. Anyieni: Mr. Speaker, Sir, I am not aware of such a thing.

Mr. arap Cheboiwo: Mr. Speaker, Sir, my intention is to make the Assistant Minister realize that in some districts a number of people have applied for these loans but so far they have not received them. Will he tell the House why people in such districts like Baringo have not received these loans although they have applied for them?

Mr. Anyieni: One of the conditions we require before these loans are given is repayment record of a given area. However, once this fund is given to a given district to be distributed among the people who have applied for loans after the loans are repaid they are given to some other people in the same district. What the Ministry does is to give additional sums of money yearly to such districts.

Mr. Kurgat: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, that one of the conditions to be met is the repayment of the old loans in a given area, is he aware that in some districts very few people have received these loans? What is the Government going to do to make sure that people in such districts like Elgeyo-Marakwet receive these loans? Is the Assistant Minister prepared to pay a visit to this area and explain to the people there how to apply for these loans?

Mr. Anyieni: Mr. Speaker, Sir, my Ministry is at the moment doing exactly what the hon. Member is asking me to do. The trade officer in charge of this district has a vehicle which he uses in visiting this area. I am sure that this officer has already explained to the residents of the area in question how they can apply for these loans. However, I would also like to ask the hon. Member to tell me whether or not this officer pays regular visits to his area so that I can investigate the matter.

*Question No. 440***TARMACKING OF ELDORET/ITEN ROAD**

Mr. Cheserek asked the Minister for Works—

(a) when the tarmacking of the Eldoret/Iten road is going to be completed; and

(b) if he is aware that Eldoret to Kapsowar road needs tarmacking also.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

The design for Eldoret/Iten road is under way and, depending on availability of funds, the construction of this road will commence in 1977. That is exactly three years from today.

I would like to inform the hon. Member that I am aware of the need to tarmack the road from Kapsowar to Eldoret, but that will depend on the availability of funds.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Minister, what steps is he contemplating to take to see that this road is tarmacked before 1977, bearing in mind that His Excellency the President is scheduled to use that road on his way to Elgeyo-Marakwet where he will perform the official opening of the district headquarters?

Mr. Nyamweya: None whatsoever, Mr. Speaker.

Mr. Koigi: The Minister stated earlier in his reply that funds will be available in 1977/78 Financial Year. Why should he not spend some money in the 1975/76 Financial Year to construct that road?

Mr. Nyamweya: Construction of roads throughout the country is programmed. According to the priority given to that road it will not have to come earlier than the time fixed for its construction. It will have to wait for that time.

With regard to what will be done when His Excellency the President goes there, I would like to say that the existing road will have to be improved.

Mr. Cheserek: Mr. Speaker, Sir, can the Minister tell the House when funds will be available for the construction of the Kapsowar/Eldoret road?

Mr. Nyamweya: We have to look for money to construct this road. I cannot guess when I shall be able to get money for the construction of that particular road. Of course, I know something has to be done to that road, but we shall only do something when development funds are available.

*Question No. 444***CONSTRUCTION OF EREGI/MUSOLI BRIDGE**

Mr. S. Lugonzo asked the Minister for Works whether he could inform the House as to when the bridge between Eregi and Musoli Missions in Idakho Location will be completed.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

The work on this bridge is progressing well although there has been some delay in the construction of abutments due to recent heavy rains. It is expected that by the end of August, this year, the abutments will have been completed for the Bailey Bridge to be launched. We hope we shall be able to use this bridge before the General Elections.

Mr. S. Lugonzo: Mr. Speaker, Sir, while the community of that area appreciate what the Minister is doing in the construction of the bridge, they wonder why the Ministry is taking so long, and we assume that—

Mr. Speaker: Would you ask your question, Mr. Lugonzo!

Mr. S. Lugonzo: Mr. Speaker, Sir, the problem is that the contractors are taking too long to complete this bridge. We would like the Ministry to explain why there is such a delay when it is assumed that some money has been allocated for the completion of that bridge as quickly as possible.

Mr. Nyamweya: Mr. Speaker, Sir, we have not taken too long to do the work as the hon. Member alleges. In fact, the community should be grateful that we have

[Mr. Nyamweya]

moved so fast. I was in that area in 1972 or 1973 when a request was put to the Government that a road be constructed there. Since then we have taken some steps to that effect, and the hon. Member should be grateful that construction work on the bridge in question has already started and is due for completion in August, this year.

Question No. 448

ATHI RIVER BRIDGE NEAR KABAA

Mr. Kiilu asked the Minister for Works when he is going to construct a permanent bridge across Athi River near Kabaa since the present bridge is impassable during the rainy seasons.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

My Ministry has no plans to construct a permanent bridge across Athi River near Kabaa in the immediate future. The reasons why we do not consider this as urgent are as follows:—

First, although the low-level bridge which is being used at present is impassable during unusual floods, considering the volume of traffic which use the road, this temporary inconvenience can be tolerated. In any case, these unusual floods are not as frequent or as lasting as to disrupt communication seriously.

Secondly, building of bridges is a very costly exercise, and high priority is given to more heavily trafficked roads, and this, I am afraid, is not one of them.

The third reason is that Athi is a big river and bridges to span it are expensive. Speaking of Athi River and its distributaries within Ukambani, a number of bridges have been built during the past few years; for instance, over Kibwezi/Kitui Road, Kangondi/Kitui Road, Nairobi/Kangundo Road, and at present an expensive bridge over Athi River on the Machakos/Kitui Road is under construction. This is quite near the area in which the hon. Member is asking that a bridge be constructed. I am afraid I cannot be helpful to the hon. Member as far as this request is concerned.

Mr. Kiilu: Mr. Speaker, Sir, arising from the answer by the Minister, is he aware that the divisional headquarters is near the place in question, and that during the rainy season the people in the area experience a lot of difficulties when going to the headquarters since they have to follow a long way to get there? What is the Minister going to do to assist the people who live in Yatta Division?

Mr. Nyamweya: Nothing can be done until and unless I have the funds. I appreciate the fact that there is some inconvenience, but, as I have explained, this particular bridge does not rank very high on the priority list.

Mr. Mutunga: Mr. Speaker, Sir, while I appreciate what the Ministry has done for the district, does the Minister agree with me that the bridge on the Machakos/Kitui Road is more than 20 miles away from the place where the hon. Member mentions in his question? If that is so, what is the Ministry going to do about it?

Mr. Nyamweya: I will investigate the question of the distance from the bridge which is currently being constructed to the area where the hon. Member wants us to construct another one. If it is found that the distance to the nearest bridge is quite considerable, then, naturally, my Ministry will endeavour to do something to solve the problem.

Question No. 455

BITUMINIZATION OF THIKA/KANGARI ROAD

Dr. Munene asked the Minister for Works—

(a) in view of the fact that the Kandara Road (C70) from Thika Bendor Road to Kangari has fully been surveyed, when bituminization will start; and

(b) whether he is aware that the money allocated for this road has been diverted on many occasions.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

(a) The location of road alignment between Thika and Gacharage has been completed but the design and the bills of quantities are still under preparation. The construction of the road to bitumen standard is programmed to start in April, 1975.

(b) No, Sir, I am not aware that funds for the construction of Thika/Kandara Road were ever diverted to another road project. The Thika/Kandara Road is one of those roads which are being financed by the World Bank and the loan agreement for this road was signed in September, 1973. It is, therefore, incorrect and utter nonsense to state that the funds for the construction of the road were diverted when they had not even been made available.

Dr. Munene: Arising from the Minister's reply, which is quite good except for the second part, would the Assistant Minister undertake to see to it that this road, which is only halfway from Thika to—

Mr. Mutua: On a point of order, Mr. Speaker, Sir. Is the Member speaking in order to call the Minister for Works an Assistant Minister?

Mr. Speaker: Well, if he said so, it is incorrect. Carry on Dr. Munene.

Dr. Munene: I think the hon. Member requires hearing aid because I never said the "Assistant Minister" but I said the Minister.

Now, Sir, my supplementary question is whether the Minister would see to it that the construction of the road is extended to Githumu or Kangari where the actual product comes from? It should not stop halfway at Gacharage.

Mr. Nyamweya: That can be investigated, Mr. Speaker, Sir, and if we have funds, I see no reason why it cannot be done. However, I cannot give an assurance to the House that this can be done.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir. In view of the fact that the hon. Questioner has alleged in the question that funds were diverted from this road to another place, would I be in order to request him to substantiate this part of his question?

Dr. Munene: Mr. Speaker, Sir, I would like to make my substantiation by way of a supplementary question. In the first part of the question, Sir, the Minister for Works agrees that there was money for the alignment of this road. He says that—

Mr. Speaker: Order! Dr. Munene, you have been challenged to substantiate the second part of the question.

Dr. Munene: Mr. Speaker, Sir, I was trying to ask a supplementary question to prove that there were some funds. That, Sir, is what I am trying to tell the Minister.

In the first part of the Question the Minister agrees that the road has been aligned up to Gacharage. This, therefore, means that there were funds for alignment and that is why it has been completed. Therefore, would he tell us how it is that the loan by the World Bank could only align the road and not tarmac it?

Mr. Nyamweya: Mr. Speaker, Sir, I do not know what is itching the hon. Doctor because in my reply, I said clearly that the location, site or route of the alignment of the road between Thika and Gacharage has been completed. However, the bills of quantity are still under preparation. This is the first step which must be taken before the road is constructed. That does not necessarily mean that the money was available before September last year.

The Thika/Gacharage/Kandara Road is one of the 15 projects which got money from the World Bank. The loan for this purpose was signed in September, 1973. This was done before we embarked on the question of preparing the design and the bills of quantity in order to put the work to tender. What remains now is to put the project to tender. The money available from the World Bank for this project and for many other projects in the country was signed for in September. Therefore, this money could not have been available before September, last year.

All we have done is proceeded according to our road development programme and I have indicated that the work will start in April, 1975. At no stage did we divert money for this particular project to any other project. Maybe the hon. Member is thinking of the many roads we have built in Murang'a and Kiambu Districts. It is the problem of the people in those districts to think of their competition and rivalry.

Dr. Munene: Mr. Speaker, Sir, I would like to say that what I said in my Question was not intended for any insinuation. Now that the Minister has explained the position, I do not want any insinuation that I am thinking of competition between districts. Sir, what I was thinking is that the money allocated for alignment should have been extended to cover tarmacking of the road. I had no other reason in my mind, Sir.

Question No. 430

TELEPHONE FACILITIES—MACHAKOS TOWN

Mr. Nthenge asked the Minister for Power and Communications when Machakos is going to have dialling system of telephones.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

Yes, Sir, this will be done in 1977.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us why we have to wait until 1977 and yet Machakos Town had telephone service before many other towns which have a dialling system now?

Mr. Onamu: Well, we are committed in other places. We shall be able to install the service in Machakos at that time.

Mr. Mulwa: In view of the fact that Machakos is only 40 miles from here, and that if you book a telephone to Machakos you can drive there before the call goes through, can he tell us why we should not be given priority? Why should we wait until 1977? We know that the whole system is inefficient and we would like to have the dialling system.

Mr. Onamu: You are lucky to be nearer Nairobi than many other people.

Mr. Mulwa: On a point of order. I asked the Assistant Minister why we cannot be given priority. He has not answered that part of my question. Therefore could he answer the question?

Mr. Speaker: Well, he has answered the question although it might be unsatisfactory on your part.

Mr. Mutunga: Mr. Speaker, Sir, it would appear that the Assistant Minister has not done his homework. Sir, there is a building being constructed now which is meant to be a post office. We have been told by the local post master that the dialling system will be introduced next year. Where did the Assistant Minister get the information that it will be installed in 1977?

Mr. Onamu: This is very interesting, Mr. Speaker, Sir, because if he had been given information, why should he ask the Question at all? I am giving the House a reply from our Ministry now.

Mr. Araru: Arising from the Assistant Minister's reply, and in view of the historical fact that the Nairobi City was at one time under Machakos District, would it not be a shame for that town to be left behind other towns in this country?

Mr. Onamu: Mr. Speaker, Sir, that is why I said that the people in Machakos are very lucky to be near Nairobi because other people who are far away feel that they are more entitled to this service than people who are near here.

Question No. 442

POSTAL FACILITIES AT SIBOTI

Mr. Wabuge asked the Minister for Power and Communications, in view of the fact that Siboti trading centre and its surroundings is densely populated, he would provide post office facilities at the centre to serve the *wananchi* there who are very much in need of such services.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

Arrangements are in hand to establish a sub-post office at Siboti Trading Centre in the near future.

Mr. Wabuge: Arising from the Assistant Minister's reply, could he tell us when this work is going to start.

Mr. Onamu: I have said that this work will start in the near future. We are very keen to see that they get it as soon as possible.

Mr. Wabuge: Arising from the Assistant Minister's reply that it will be done in the "near future", could he be specific and tell us whether this is going to be established within the current Financial Year or the next Financial Year which starts on the 1st of July?

Mr. Onamu: This is common-sense; 1st July is just "at our doors" and this means that this is going to be done in the next Financial Year.

Mr. Wabuge: In view of the fact that the Assistant Minister has seen the need to establish a post office there, could he tell us the reason why this has not been established up to now and why it cannot be established, for example, tomorrow?

Mr. Onamu: I would have thought that the hon. Member would be grateful that we are doing something. He cannot ask for reasons when we are actually doing something.

Question No. 360

LIBRARY SERVICES IN KERIO VALLEY

Mr. Kurgat asked the Minister for Co-operatives and Social Services, since most of the workers in Fluorspar Mines in Kerio Valley are young and wish to study for higher education, he will consider, as a matter of national importance, providing a well-stocked library for reference.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Mr. Speaker, Sir, I beg to reply.

The hon. Member will no doubt be pleased to know that the Kenya National Library Service have already made some arrangements to offer a makeshift library services to the Fluorspar Mines in Kerio Valley. According to these arrangements the Kenya National Library Services will lend batches of books to the mines for periods of up to three months. This will be done by having a vehicle running to and from Kerio Valley regularly.

The Kenya National Library Service also plans to start building a modern area library at Eldoret from which Kerio Valley would be serviced from closer quarters. The work will start by next month. The board has also a long-term plan to build a district library at Tambach before 1980.

I hope the hon. Member is satisfied with this answer.

Mr. Kurgat: Arising from that reply, and realizing that the district headquarters at Tambach is being shifted to Iten, would the Ministry have Iten as a sub-station of the library unit? This is because the headquarters of Elgeyo-Marakwet is soon shifting from Tambach to Iten.

Mr. arap Choge: We will have to cope with the problems as they come.

Question No. 449

UNNECESSARY TRAVELLING EXPENSES—NITHI TEACHERS

Mr. Mutua asked the Minister for Education—

(a) whether he is aware that teachers in Nithi Division of Meru District incur unnecessary expenses and waste a lot of time by travelling to the district headquarters now and then on very minor missions; and

(b) what the Ministry is doing with those officials who keep on suspending taking decisions on minor issues and thus asking the teachers to call on them again and again.

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

(a) The information I have is that teachers whose records are proper do not run into the problems mentioned by the hon. Member. However, those teachers whose records are suspected to be false or doubtful have to be called to the district headquarters to set their records right.

(b) My Ministry has divisional education officers who deal with minor problems and it is expected that teachers would see these officers before going to the district education officers.

Mr. Mutua: Arising from that answer by the Assistant Minister, whom I respect very much, is he not aware that Nithi Division or Meru South as a whole has asked the Government to give them their own district? This is because Meru District is so vast—that is why teachers and other *wananchi* are being frustrated when they go to the district headquarters.

Mr. Rubia: I presume he means teachers are frustrated; I do not think *wananchi* are frustrated in any way.

Any teachers who have been frustrated have only themselves to blame because the information I have is that several teachers, particularly the untrained ones, gave false information when we authorized the district education officers to recruit untrained teachers to cope with the Standards I to IV influx. Therefore, it was necessary to call those teachers back to the headquarters to put those records right. The position is much improved and I sincerely hope that the frustration is on the decline.

Mr. Kadir: Will the Assistant Minister be fair enough in view of the fact that that division is thickly populated, and also the district headquarters is far off, to consider posting an assistant education officer there to help to solve the problems in that division?

Mr. Rubia: Well, I implied that we have divisional education officers. Therefore, Nithi Division has its own divisional education officer.

Mr. Mutua: It would appear that the Assistant Minister is not informed. Is he not aware that the junior officers in Nithi are always ignored at Meru District headquarters so as to punish Nithi Division?

Mr. Rubia: May I say most categorically that I am not aware that those officers in Nithi Division are frustrated. However, if we have any proof, action will be taken because it is the wish of my Ministry and the Kenya Government that *wananchi* are properly served.

Question No. 451

LAND ADJUDICATION IN MAKUENI

Mr. Mulwa asked the Minister for Lands and Settlement what steps he is taking to ensure that Kikumbulyu, Ngwata and Lower Makueni Locations of Machakos South have their land adjudicated.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

An hon. Member: Apologize for coming late!

Mr. Speaker: The hon. Member is right; you should apologize for coming late.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, I apologize; but I expected the Speaker to tell me to apologize and not the hon. Member.

Mr. Speaker: It is not for the Speaker to tell you Mr. Kariuki; it should come from within you.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): I apologize firstly because I was not here yesterday and also because I came late today. I hope my apology is taken.

The area referred to by the hon. Member which is on both sides of Nairobi/Mombasa road just beyond Kibwezi and is at present the subject of an inter-Ministerial investigation in which the District Commissioner for Machakos is represented. Some of the land involved is Government land, which was recently settled illegally. Part of it also forms the Shiulu Hills which is an important water catchment area for springs in the vicinity and for the Mombasa water supply. For this reason, it is necessary for the balance to be struck between human settlement under public and conservation requirements, hence the establishment of the committee to look into the matter. Mr. Speaker, Sir, depending on the outcome of the inquiry, it may be necessary for some of the people to be re-settled elsewhere. In these circumstances, I am unable to say at present when land adjudication will commence in the area.

Mr. Mulwa: Mr. Speaker, Sir, since the Assistant Minister's reply dwelt mainly on water but my question was on Kikumbulyu and Lower Makueni which are not a subject of that committee's investigation, will the Assistant Minister tell us when he thinks he will be in a position to adjudicate the land in Kikumbulyu Location and Lower Makueni because it is only after that we shall look into the question of water?

Mr. G. G. Kariuki: Mr. Speaker, Sir, there are several factors which help in determining whether an area should be given priority in land adjudication matters. For instance, the willingness of the local people to have the area adjudicated; agricultural potentiality of the land and many other factors. Mr. Speaker, Sir, Lower Makueni, which is a short distance from Shiulu Hills, was just settled recently and, therefore, the people living there have not yet established proper boundaries which could easily be identified from an aerial photograph. The hon. Member should, therefore, advise his people to keep boundaries so as to enable us to move in as quickly as possible.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir.

Is the Assistant Minister aware that Kikumbulyu Location is one of the oldest locations in Machakos District? Secondly, arising from what the Assistant Minister has said about Lower Makueni, is he aware that some time back, in 1970, the Minister for Lands and Settlement sent a team of his officers to visit the area for adjudication purposes and they had started on Lower Makueni sublocation 1 but in 1972 they started moving away for reasons we do not know? My people have been sending delegation after delegation to the Director of Lands asking for land adjudication in Lower Makueni but no positive action has been taken so far. Therefore, the Assistant Minister is not right in saying that our people do not want land adjudication to be done in Lower Makueni and that they were also recently settled there.

Mr. G. G. Kariuki: Mr. Speaker, Sir, action will be taken according to wishes of the hon. Member.

Mr. Nthenge: Mr. Speaker, Sir, will the Assistant Minister tell us what has caused the delay in adjudication in the whole district of Machakos? The Assistant Minister gave the impression that Kikumbulyu Location is a settlement scheme whereas it has always been a part of Machakos District.

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is not true for the hon. Member for Iveti South to say that land adjudication in the whole of Machakos District has been delayed because, in fact, we have adjudicated about 58 sections of Machakos District. For the information of the hon. Member, work is also in progress in some other areas of Machakos District. However, I do not think that I should waste the time of the House reading the names of all these areas.

Hon. Members: Read them out!

Mr. G. G. Kariuki: If that is the wish of the House then I shall read them out to the hon. Members. I guess that some of the names are very hard for me to pronounce. The Locations are as follows:—

Mwala, Kangundo, Kalama, Mbitini, Iveti, Ukia, Kiteta, Mbooni, Nzau, Mbiuni, Muvuti, Muthetheni, Kilungu, Mitaboni, Kisau and Mukaa.

Mr. Speaker: We shall go on now.

Next Order.

COMMITTEE OF SUPPLY

(*Order for Committee read, being First Alloted Day*)

MOTION

That Mr. Speaker do now leave the Chair.

VOTES 1—OFFICE OF THE PRESIDENT

2—THE STATE HOUSE

3—DIRECTORATE OF PERSONNEL MANAGEMENT

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to move that Mr. Speaker, do now leave the Chair.

An hon. Member: Where does he go?

The Minister of State, President's Office (Mr. Koinange): That is a matter for the Speaker.

[Mr. Koinange]

Mr. Speaker, Sir, the Votes which are now the subject for Debate are: Vote 1—The Office of the President for which we require K£7,750,300; Vote 2—The State House, for which we require K£162,200; and Vote 3—Directorate of Personnel Management, for which we require K£1,281,800. Mr. Speaker, Sir, I will deal briefly with each Vote.

Mr. Speaker, Sir, Vote 1 caters for six major sections which are under the Office of the President. Under Headquarters, we have the Special Branch, Statutory Boards, East African Community, Provincial Administration, Cabinet, Government Press and Kenyatta Conference Centre. Now, all these sections are coordinated by the Office of the President which is responsible for the general policy matters and day-to-day administration. The funds for which approval of this House is sought for Vote 1 are for financing various departments and sectors to enable the Ministry to run smoothly in the current year.

Mr. Speaker, Sir, hon. Members are well aware of the Government policy for accelerating development in the rural areas so as to improve the standard of living for the majority of *wananchi*. To bring such development in the rural areas there must be a close co-operation between the hon. Members, other community leaders, members of the public, entire provincial administration and all Government officers. This House, of course, has in the past been assured that officers of the Provincial Administration will work even harder to bring about a balanced development in the whole country.

Mr. Seroney: On a point of order, Mr. Speaker, Sir. Do we take it that the Minister is also putting Development Estimates together with the Recurrent Expenditure?

Hon. Members: No!

The Minister of State, President's Office (Mr. Koinange): The work of this department has been well defined to all of them. Recently, the Provincial Administration did a memorable work in the exercise for the registration of voters. The work of organizing and supervising the forthcoming General Elections and Local Government elections is also going to fall on them. Therefore, I am appealing to all the hon. Members and all intending candidates to co-operate with their district commissioners, who are also the returning officers, and to conduct their election campaigns peacefully. Government officers must be—

An hon. Member: When is this General Election going to be held?

The Minister of State, President's Office (Mr. Koinange): The date is not—well it is not within my power to announce it; it is within the powers of His Excellency the President!

Hon. Members: Tell us the date!

The Minister of State, President's Office (Mr. Koinange): I cannot tell the date!

Government officers must be impartial to everyone. On the question of the Provincial Administration, I am sure that hon. Members will recall that they have

often requested that adequate staff and staff houses and office accommodation be provided to them. Every year, we set aside money for the construction of new offices or improvement of old offices for the provincial, district, divisional or locational officers. In 1974/75, for example, we have set aside £825,210 for provincial and district offices, and £230,000 mainly for administration police houses. Some of the projects under construction are in Nyeri, Garissa, Nakuru, Mombasa, Nairobi and Kakamega provincial headquarters. Nyan-darua, Kajiado and Kiambu District headquarters have also been under construction.

As for administration police lines, they are set up in various sections like Siaya, Nakuru, Kakamega, Meru, Wajir, Hola, Kirinyaga, Iten, Embu and Kasarani.

An hon. Member: How about at Kabarnet?

The Minister of State, President's Office (Mr. Koinange): That will come later on.

Mr. Speaker, Sir, more of such facilities will be provided from time to time, particularly in 1974/78 Development Plan period, as and when funds are made available.

Now, Sir, Kenyatta Conference Centre is an additional department, responsible for organizing and coordinating international conferences. Already we have had international conferences such as the International Monetary Fund Conference, Boy Scouts Conference, the World Federation of Teachers Conference, *et cetera*. We have actually been holding very successful conferences at the centre, and apart from the revenue accrued from the conference charges, the centre is helping to place Kenya on the world map and, invariably, boosting the tourist industry. The Kenyatta Conference Centre also houses the United Nations Environmental Programme, which works for the benefit of Kenya and the world.

Members who have been with us here for about five years are wide awake regarding the work of the Cabinet Office, the Special Branch, Government Press, Inspectorate or Statutory Boards and the East African Community Secretariat. Therefore, Sir, I am not going to labour too much on the details of what is already known to Members.

Now, in the Printed Estimates for Vote 1, there is a net provision of £7,750,300 after deducting the sum of £162,443 which is to accrue from the expected collection of Appropriations-in-aid during the Financial Year. The provision in the Printed Estimates shows a net increase of £327,035 over the present Financial Year.

There are increases amounting to £450,208 under all the Personal Emoluments subheads to cater for the normal expansion in increments of salaries and additional staff.

Under the House Allowance subhead, there are increases amounting to £19,300 to cater for the house allowances for officers who are occupying privately rented or owner-occupied houses. Mr. Speaker, Sir, this is in line with the Government policy of encouraging officers to buy and live in their own houses.

There are increases under Transport Operating Expenses subheads amounting to £1,000.

[The Minister of State, President's Office]

There are mainly to cater for additional commitments as a result of higher prices of oil products and spare parts.

Under travelling and accommodation expenses and passages and leave expenses subheads, there is an overall increase of £16,326. The increases are to cater for the higher rate of travelling and accommodation for staff of various departments.

Under postal and telecommunications subheads, there is an increase of £16,790. The increase is to cater for normal expansion, but in the case of provincial administration there is an element of about £10,000 for the purchase of a number of radio-call sets for some of the out-stations which are not reached by telephone.

Under headquarters, subhead 132—Republic celebrations, there is a large decrease of £390,051. This decrease is due to the fact that the provision for the 10th Independence anniversary celebrations has not been repeated.

Mr. Speaker, Sir, it has been decided that funds for stationery will be allocated directly to Ministries as opposed to the previous arrangement, whereby such funds were allocated to the Government Printer. As a result, the stationery subheads show an overall increase of £20,049.

Under the replacement of transport and purchase of additional transport subheads, we are seeking £119,975 to enable us to buy a number of replacement and additional vehicles for the various departments under the Office of the President. We are also buying two boats, one to be used in Nyanza and the other at the Coast. Therefore, the provision of £12,000 is sought.

The provision for subhead 012, Administration Police, shows an overall increase of £146,388. Hon. Members are aware that there have been general increases in prices and, as a result, we are seeking for increases under the various subheads, such as food and rations, uniforms and clothing and the purchase of stores.

Mr. Speaker, Sir, under the Government Press, Subhead 150, Raw Materials-Production, there is an increase of £55,000 which will mainly cater for the import duty and sales tax for the raw materials. Under the same department, the Subhead which deals with the stationery and purchase of office machinery show a decrease of £120,970 and £59,800 respectively. This is mainly because funds for these two have been allocated directly to various Ministries.

Mr. Speaker, Sir, I have mentioned previously that Kenyatta Conference Centre is our new Department and, as such, we would like to mention that in the past it was only given a little money. Now that it is running smoothly, we are seeking more money in order that we may be able to start operating it in full.

Mr. Speaker, Sir, under Vote 2, Office of the President, we have the State House of Nairobi, Mombasa Nakuru and the State Lodges at Kisumu and Sagana. Every one of us will know and appreciate the importance of this Ministry and what we are presently asking is that the office which looks after the Head of State, be really looked after. In addition, the same Ministry

looks after the Heads of States who come to visit Kenya. At the same time, when the President is visited by the hon. Members of this House at the State House or anywhere else outside his Gatundu Home, we look after them. In this respect, we think that the small amount of £162,200 requested for the State House, Vote 2, is most reasonable.

Mr. Speaker, Sir, Vote 3, the Directorate of Personnel Management, is actually two in one, in that plans for the manpower development and training of the Civil Service at Kabete, Maseno and the Government Secretarial Colleges in Nairobi and Mombasa. We cater for the in-training and out-training for the officers of the Government. As the country enjoys the changes of time, our civil servants, who have been most dependable in all our development, will have to be trained to suit the technics of the changing society. Therefore, the additional amount we are asking for them is very necessary. As I have mentioned in the past, the amount will be needed for personal emolument, house allowances, food and rationing and travelling expenses for the civil servants in this department is exactly the same as we had last year.

With these few remarks, Mr. Speaker, Sir, I beg to move that Vote 1, Office of the President; Vote 2, State House, and Vote 3, Directorate of Personnel Management be approved.

The Assistant Minister, Office of the President (Mr. Munyi): Seconded.

(Question proposed)

Mr. Seroney: Mr. Speaker, Sir, I would like to congratulate the Minister for ably moving his Vote within the very limited time he had at his disposal. I still maintain that the action we took in reducing the period for debating these Votes was wrong. However, there is no use to cry over spilt milk.

Mr. Speaker, Sir, after the able way in which the Minister has moved his Vote, I think we cannot help but recall the most unsatisfactory replies we have been getting from his office. I think the Minister should look into this matter and instead of allowing unsatisfactory replies to be given by his Assistant Minister, and then we kick him here right and left, he himself should answer questions addressed to the Office of the President in an able manner, just as he has moved his Vote.

Mr. Speaker, Sir, there is some anomaly, I must say it here, and I am glad the Minister himself is here, between the Office of the President and the National Assembly. This relates particularly to the Directorate of Personnel. I would like the Minister to note that the Directorate of Personnel cannot go on suppressing the staff of the National Assembly indefinitely. We are bound to react soon or later and it is no use for somebody to run to the President telling him that somebody in the National Assembly wants to reduce the President's powers. None of us, Mr. Speaker, wants to reduce the powers of the President. I think what should be condemned are those mischievous civil servants who want to do wrong and get away with it. When we want to touch them, they hide behind the President. So, Mr. Speaker, Sir, I trust that the Minister will look into this question and drastically improve the terms

[Mr. Seroney]

and conditions of service of the staff of the National Assembly. If he cannot do so, let him tell us and we will remove the staff of the National Assembly from the Office of the President and create another organization to look after them.

Having said that, the Office of the President is in overall charge of the terms and conditions of service of the Public Service generally and I would like to commend them for the care they are taking for the poor constables, particularly at the present time. With the inflation being as it is, I think these people are doing a good job and I hope those responsible will review their salaries at least to ensure that they raise it to a minimum of about £35 per month.

Having said that, I would like to say here that recently we passed a Motion in this House recommending the creation of a Water Development Ministry. I hope that this will be done and in addition to this, I think there is a need to also look closely to this question of Economic Planning and Environment. I think it is not a good thing to combine the Ministry of Finance and the Department of Economic Planning. I think these should be held by two different people. One should simply plan and then the Minister for Finance will be charged by his colleagues with the problem of finding money to carry out the plans. When these two Ministries are in the hands of one person, he is inhibited in his planning to try to think where he would get the money to implement what he has planned for. Mr. Speaker, Sir, I suggest that a Ministry of Economic Planning and Environmental Affairs should be established under the President's Office. This Ministry should be able to influence and direct the other ministries. The weakness of the Ministry of Finance and Economic Planning in the past has been that it depended too much on the personality of whoever happens to be the Minister for Economic Planning. Otherwise, he really has no direct control or influence over the other ministries. By bringing this Ministry under the Office of the President we hope that the prestige of the Office of the President will give an added influence to whoever happens to be the Minister of State, in charge of environmental affairs and economic planning.

Secondly, I think we should have a separate Ministry of Justice. After we attained our Internal Government and until the Republic was established, there used to be a Minister of Justice and Constitutional Affairs. Thereafter, that office was abolished and the Constitution, having been amended earlier to enable the Attorney-General to be an *ex-officio* member of this House without a vote—what happened was that when the office was abolished, then the office of the Attorney-General was upgraded and he was, in fact, made a Minister who cannot vote in this House. I would, therefore, suggest that both functions of Justice and Prosecution should not be combined and be on one hand because there will be a lot of complications. There should be a separate Minister in charge of the Judiciary and the Administration of Justice and an Attorney-General who should be a politician. I think hon. Members have noticed, through experience, that if this job is held by a civil servant we

are lead to a lot of complications, particularly when the civil servant is not politically responsible for whatever advice he gives. I, therefore, suggest that the Constitution be amended in order to have the post of the Attorney-General held either by a nominated or elected Member. I hope that no one would say that I want to throw my friend the Attorney-General out of the job. I understand that he is at the moment on contract and it could be simple to nominate him to the next Parliament, if he should be so inclined. I would not want to be misunderstood for making this suggestion.

Mr. Speaker, Sir, having said that I would urge the Minister to look at places like Nandi where the people are discriminated against because, somehow or other all the chiefs are grade two or three when in the neighbouring districts of Kakamega and Kisumu there are grade one chiefs. One wonders whether the Nandi chiefs are inferior and, therefore, they should always be put in grade two. I would suggest to the Minister that he removes this anomaly because Nandi is a developing district and, therefore, the grade of the chiefs should be raised to avoid the discrimination which now exists. In addition to that, I think I have from time to time put the case of closer administration as far as Nandi Hills is concerned. I hope that the Minister will press for this matter because I notice that it is not covered in the estimates because he is not providing for chiefs but I hope he will come back later with Supplementary Estimates so as to provide adequate closer administration for Nandi District.

With these few remarks, I beg to support.

Mr. Komen: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to air about my views on the Vote of the Ministry of State, President's Office.

Mr. Speaker, Sir, I would like to congratulate the Minister for moving his Vote so ably. He is a respected Minister but I have a few complaints and I feel that the Minister should do something to correct them.

First of all I would like to say something on land allocation as far as the settlement schemes are concerned. I say so because I think it is the responsibility of the District and Provincial Administration to allocate the plots to the landless people in the country. What makes me wonder is whether it is the Administration which is supposed to allocate land or the Ministry of Lands and Settlement. This is where you find confusion in this country at the moment. People go to the district commissioner for land allocation. Those who had been registered by the Commissioner for Squatters as landless are pending while other people are being settled. The district officer goes in and says that one is not worthy of being allocated a piece of land. The President of this Republic allocated land to a group of people but the district officer of that place told them that they were not eligible for the allocation. We do not know who is responsible, whether it is the Minister for Lands and Settlement or somebody else. I can ask the hon. Member for Kabartonjo to tell the House the matter in details. This happened in Rongai where people from Baringo were settled and later on kicked out by a district officer. He did this after these people had been

[Mr. Komen]

settled there by the President. Things are now improving but we did not know whom to contact earlier on—whether it was the district officer, the Minister for Lands and Settlement or the Minister of State, President's Office. Mr. Speaker, Sir, we want a definite policy so that we may know who is responsible.

Another thing is that we get letters from people who have been introduced by the Minister for Lands and Settlement. This is what is creating differences in this country. You will find that a genuine labourer who used to work on a farm which was taken over by the Ministry of Lands and Settlement is given three acres or half an acre of land and then a civil servant is given 50 acres. We are creating a precedent in this country whereby a certain class of people are given a lot of land—a poor man, who is eligible for a big piece of land, is only given half an acre somewhere and a civil servant is given 50 acres. We are creating classes in this country. If it is a question of settling people, then all of them should be given an equal number of acres.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Do you not think that the allegation being made by the hon. Member is very serious? The hon. Member categorically said that there are certain people who have been deprived of their pieces of land and the land is then given to some other people, whom he calls civil servants. Could he really substantiate this?

Mr. Komen: Mr. Speaker, Sir. I wish the Assistant Minister for Home Affairs—Mr. Shikuku—ever lived in Nakuru. These things are facts and I wonder how one can be asked to substantiate facts. I am sure when the Assistant Minister is on his way home, he must have seen these large tracts of land belonging to some people. I can even give names of the people who own all these pieces of land. For example, Mr. Speaker, only very recently two people from Meru were settled by the Minister for Lands and Settlement. One of these two people was working with the Special Branch and—

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, Mr. Speaker, Sir. The hon. Member has categorically stated that there are certain civil servants who have been given large tracts of land at the expense of the ordinary people. Mr. Speaker, Sir, we know that the two Meru do not necessarily mean all the civil servants the hon. Member referred to. Could he, therefore, tell us who these civil servants are?

Mr. Komen: Mr. Speaker, Sir, I would like to challenge the Assistant Minister for Foreign Affairs by informing him that if he wants the names of these people, I can give him more than fifty names next week.

Mr. Speaker: Order, Mr. Komen! If you make such serious remarks and you are challenged to substantiate, you must do it now. We are not going to wait for you until next week.

Mr. Komen: Mr. Speaker, Sir. I can give the name of one of the two people whom I mentioned earlier on and one of them is Mr. Marete. This man was allocated

a plot at Rongai and he used to work with the Special Branch but has now resigned and is working with the County Council of Central Rift. The man resigned after getting the farm and—

Mr. Speaker: Order, Mr. Komen! You have not proved that the person you are now referring to deprived anybody of that land. He just got the land like anybody else. How does his having settled there amount to having anybody evicted from there? You must be very careful, Mr. Komen.

Mr. Komen: Mr. Speaker, Sir, I had better withdraw then; but if anybody is going to challenge me again on this matter, I can undertake to bring more names to this House if I were given until next Tuesday to do so.

Mr. Koigi: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: There is no point in any more points of order.

Mr. Koigi: On a point of information then, Mr. Speaker.

Mr. Speaker: I am sorry, Mr. Koigi, we do not want any information.

Mr. Koigi: But it is important, Mr. Speaker.

Mr. Speaker: Order! Order, Mr. Koigi! Will you sit down!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir. The hon. Member who has been speaking together with another colleague of his—Mr. arap Keino—have formed a habit of making allegations which they cannot substantiate. This habit should cease or else when they make them, they make sure they can give satisfactory substantiation.

Mr. Seroney: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister saying categorically from his own knowledge that these things do not happen when he knows as well as I do that these things do, in fact, happen?

Mr. Speaker: What we expect when an hon. Member makes an allegation, like the one Mr. Komen made, is substantiation when he is challenged to do so. If he cannot substantiate, he has to withdraw and apologize for wasting the time of the House. However, I must mention that Mr. Kariuki has made a point which has some validity. Quite often, Mr. Komen has done this—that is, making statements and then saying he withdraws when he knows very well he has already done the harm. I think Mr. Komen will have to be very careful in future and I must say that if he makes such a serious allegation knowing very well he has no substance to base his allegation, then some action will have to be taken against him. I must warn him now not to repeat this kind of thing.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. I really do not know where we stand now. Hon. Komen, after making a very serious allegation, has withdrawn what he said. Then, Mr. Speaker, hon. Seroney, on a point of order, wanted to know why the Assistant Minister for Lands and Settlement—Mr. G. G. Kariuki—said that what Mr. Komen had alleged was not true while he, Mr. Seroney,

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

knows that what Mr. Komen alleged does happen and has, in fact, happened. Could we now ask Mr. Seroney to tell the House how he knows that what Mr. Komen alleged has happened? Could he substantiate?

Mr. Speaker: Mr. Seroney just wanted to know whether the Assistant Minister did not know that these things are happening.

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, Sir. I hope, we are on the subject of the Vote of the Office of the President and not anything to do with settlement of people.

Mr. Speaker: Yes, that is quite right although Mr. Komen alleged that the Administration are involved. In any case, your time is up, Mr. Komen.

Mr. Komen: On a point of order, Mr. Speaker, I do not think I am going to withdraw what I said. I am going to stick to what I said and promise to bring the names of the civil servants who have been settled. At the same time, I am going to bring the names of the genuine landless people and I stand by my word.

Mr. Ayah: On a point of order, Mr. Speaker. When hon. Members are discussing a particular issue and then private matters are brought in the debate to the effect that certain people are purchasing land or are being granted land or other people being given shops and so on, is this really in order? These people themselves are not involved in the argument in this House and yet their names are brought to this House. Do you not think we are being unfair to these private individuals outside this House? We may have a case against a particular human being, but why bring his name to this House? I am asking this because the Member who has been speaking said that he will bring the names of the civil servants who have been given land and also the names of people who are landless. How do we know that these people would like their names to be brought to this House? Are we not being unfair to these people?

Mr. Speaker: Yes, it is most unfortunate that this kind of thing happens from time to time. It is most unfair for people who have no way of defending themselves here to have their names brought here in the way they are now being discussed. However, it all depends on what the hon. Members want. If hon. Members react so sharply when an hon. Member makes a certain remark that they ask him to substantiate, then it becomes the duty of the hon. Member to do so because he has been asked to do it. To this extent, you cannot blame the hon. Member because you have asked him to do it, but we must avoid dragging other people's names to this Chamber because these people may not really be concerned. When Mr. Komen, for instance, says that he will bring a list of 50 civil servants, how can we tell that all these people obtained land unfairly? He might have a certain case in mind, but surely, out of those 50 people he is now referring to, there might be some who are not involved in the matter.

Mr. Komen: On a point of order, Sir, I am saying that I stick to my statement because I know there was

a certain farm which was bought by the Government for settling the landless people, but in the same farm you now find somebody owning two acres while another owns 20 or even 30 acres. This is what is happening.

Mr. Speaker: Order, Mr. Komen, I think you are wasting the time of the House! What you are saying has nothing to do with the Vote of the Office of the President. You should stick to the Vote.

Mr. Kabingu-Muregi: Mr. Speaker, Sir, I rise to congratulate the Minister of State in the President's Office for the very able manner in which he moved his Vote. I am saying this because the contents of his speech—Mr. Speaker, I think the conference being held behind me here should stop immediately. Mr. Speaker, I was saying that the content of the Minister's speech was quite valid because it is my feeling that places like State Lodges should be properly kept so as to maintain the good name of this country. At the same time, it is my feeling that institutions like this one should be increased to cover all the areas in Kenya where the President is expected to visit. When saying this, Sir, I have in mind places like Nyandarua, Laikipia and Samburu. The Minister also mentioned something to do with the State Houses in Kisumu, Nakuru, Mombasa and Nairobi here. I think in places like Nyandarua and Laikipia we need a State Lodge where our President can rest when he goes to visit his people in that part of the country. If we had a State Lodge in these districts the President could be making regular visits to these areas.

Mr. Speaker, Sir: I think the Minister should be given the £7 million he is asking for so that he can be able to develop district headquarters. I am happy to note that the Minister, in his speech, said that he is going to develop Nyandarua District headquarters. I think giving the Minister this amount of money cannot be called a fruitless exercise. We are not wasting money when we develop our district headquarters.

Mr. Speaker, Sir, in the Vote which is dealing with the Provincial Administration there is an item which is talking about the uniforms of the Administrative Police. I think it is the high time we provided our askaris with proper uniforms. The time has come when we should consider giving the Administrative Police and other policemen long trousers. I think it is a shame to continue issuing our askaris with short trousers. I think we should change this trend of affairs.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): But how can they run in long trousers?

Mr. Kabingu-Muregi: Mr. Speaker, Sir, the question of whether they can run in long trousers or not is not valid. Some of these people are as old as our fathers and they are still subjected to wearing short trousers. I completely disagree with the hon. Shikuku's remark that they cannot be able to run in long trousers. I maintain that they can be able to run in long trousers although they are not employed to be running all the time. Some of these officers are old and others work in very cold climates. We should dress them decently with proper uniforms. I think I am entitled to my own opinion that these officers should be given long trousers

[Mr. Kabingu-Muregi]

instead of the present short trousers. I think it is a shame on the part of this nation to continue issuing these officers with short trousers.

Mr. Speaker, Sir, I would also like to call upon the Office of the President to provide a radio-call in Geeta Location where communication is very poor. This location is supervised by the Administration Police and they do not have any transport even to communicate them with the nearest police station. If they are provided with a radio-call means of communications, which was mentioned by the Minister during his speech, I think it will be of very vital importance to this area.

The Minister should also look into the question of providing district officers with sufficient fuel so that they can do their jobs properly. At times these officers are called upon to settle disputes where death may even occur. In some places of this Republic the police are so far that they cannot be reached easily. It was only the other day when a quarrel arose in a certain place in my area and somebody was killed. The district officer for the area did not have enough petrol to rush this person to the hospital and that is why he died. A provision should be made in the Civil Service regulations requiring a district officer to use his Government transport, in case of an emergency, to take someone to the hospital. I also witnessed an incident sometime back where a patient was seriously sick but the district officer in the area denied this person transport. There was no public transport for hire in the area and at the same time no police vehicle could be used on this kind of emergency. However, the district officer could not use his vehicle to help in this emergency because he was adhering to the regulations which govern the use of Government vehicles.

Mr. Speaker, Sir, the money we are voting in this House now is to be realized from the tax which is paid by our people. If this is the case, this money should be used towards the welfare of our people in all spheres of life. We should not only need our people when we are taxing them but we should equally need them when they are in difficulties. They should make use of such transport when they are in difficulties because such transport is bought with their own taxes. I do not imply here that district officers should always take headache-patients to the hospital. They should only be helping in emergency cases, say, where somebody is hit very badly or a patient is dying and there is no ambulance nearby as is the case in my district. I think the district officer of the area should be allowed to use his Land Rover in cases of emergency.

Mr. Speaker, Sir I would also like to appeal to the Minister to look into the development of a habit whereby the people are asked to contribute some money to buy a sheep or a goat to the provincial commissioner when he is touring certain districts. At present there is a tendency to force people to contribute money for this purpose, Mr. Speaker, Sir. It is a good gesture to give such an officer a present when he has visited a certain area, but this should be done voluntarily. These days there is a tendency that whenever an officer of that rank tours a district people are asked to contribute

money to buy him a present in form of a sheep or a goat to take home with him. Some chiefs force the public to contribute money for such presents.

An hon. Member: But that is in conformity with the African tradition!

Mr. Kabingu-Muregi: Mr. Speaker, Sir, I understand that this is in conformity with the African tradition; but it should be done voluntarily and not by force. I know that under African socialism we should treat a visitor well, but the public should not be forced to contribute a shilling each so that a provincial commissioner—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. I think the hon. Member is making a very serious allegation here, to the effect that people are forced to contribute money to buy presents for provincial commissioners. Could he substantiate this and say how people are forced to contribute this money and who are behind this exercise?

Mr. Kabingu-Muregi: Mr. Speaker, Sir, there was a case in Geeta whereby the chief of the area forced members of the public to contribute a shilling each so that they could buy a sheep for the Provincial Commissioner for Central Province. I am not blaming the Provincial Commissioner in any way because he did not ask for this present, but this chief thought that he could get promotion by doing this kind of thing. Mr. Speaker, Sir, there is a tendency of some administration officers to seek favours from their senior officers by asking the members of the public to contribute money to buy such senior officers some presents. I would like the Minister to look into this matter and see to it that such gifts are given voluntarily. The junior officers who attend to the provincial commissioners when they visit various places should be asked to refrain from asking the members of the public to contribute money to buy such presents against their own free will. This is the kind of thing I am very much against.

With these few remarks, I beg to support.

The Assistant Minister for Housing (Mr. Hirsi): Thank you very much, Mr. Speaker, Sir—

Mr. Kitonga: On a point of order, Mr. Speaker, Sir. Since I was not satisfied with the substantiation which was given by hon. Kabingu-Muregi on his allegation that chiefs force members of the public to contribute money to buy provincial commissioners presents could I—

Mr. Speaker: That is not necessary, Mr. Kitonga. I often wonder whether it is right to call you a chief since under our Constitution you could not be an elected Member in this House if you were a chief.

Mr. Kitonga: Mr. Speaker, Sir, I was not raising this matter because I had a personal interest in it. I do not mind what people call me, whether a hyena or something else, but I was not satisfied with the substantiation which was given by the hon. Member. He said that a chief was forcing members of the public to contribute money to buy a provincial commissioner a present. He also said that he could not blame the provincial commissioner in this matter because he had not asked for

[Mr. Kitonga]

this present. How can the hon. Member blame the chief on one side and defend the provincial commissioner on the other side? What is the difference between a provincial commissioner and a chief? Are they both not officers in the Administration? That is my question, Mr. Speaker, Sir.

Mr. Speaker: Order! Will you sit down, Mr. Kitonga? Mr. Muregi has said that it was the chief who did this. It is possible that the provincial commissioner did not know what was going on.

The Assistant Minister for Housing (Mr. Hirsi): Mr. Speaker, Sir, I stand to support the Vote which was moved by the Minister of State, President's Office. While doing so I would like to ask him to implement a Motion which was passed by this House in July, 1972 which called upon the Government to find ways and means of making Uaso Nyiro River flow permanently up to Wajir District. When that is done, there will be no water shortage in North-Eastern Province.

Mr. Speaker, Sir, having said that I would like to appeal to the Minister to see that there is close administration in the North-Eastern Province.

Mr. Speaker, Sir, thirdly, I would like to recall what took place in the recent meeting of the Organization of African Unity meeting at Mogadishu. An organization calling itself the United Liberation Movement of Western Somalia submitted a pamphlet to the delegates attending that meeting claiming that the North-Eastern Province of Kenya is part of Western Somalia. Let me say here in black and white that nobody, an institution or government in the world has the right to plan the destiny of Somali living in the North-Eastern Province of Kenya apart from the Kenya Government. The so-called liberation movement alleged that in 1963 a referendum conducted in North-Eastern Province revealed that about 90 per cent of the Somali living there were in favour of secession. Let me take this opportunity to let these people know that 100 per cent of the Somali living in North-Eastern Province are true citizens of Kenya. Everybody in North-Eastern Province is behind President Kenyatta.

Mr. Speaker, Sir, there were some people who used to think that when Kenya became independent it would be a second Congo. However, time has proved those people wrong. All tribes in Kenya are enjoying stability and peace due to the wise leadership of President Kenyatta. I am glad that the President has entrusted me with running of one of his Ministries although I am a Somali by tribe. In my opinion Somali are more loyal to the President than the other tribes in Kenya. I would like to tell everybody to have his hands off the affairs of the North-Eastern Province. Somali in North-Eastern Province, like the other people in Kenya are fully committed to the development of this country. In North-Eastern Province people are busy developing the country on Harambee spirit.

It is unfortunate that some few people in this country have of late been suggesting that those Somali in North-Eastern Province who are not loyal to Kenya should leave this country for Somalia. For the information of this House there is not even a single Somali in North-

Eastern Province who is not faithful to the Kenya Government. There is not even a single Somali in North-Eastern Province who is interested in secession. If the Somali are told to pack and go, they will ride their camels and come to Parliament Buildings because this is the place where they have constitutional rights to live in. The future of Kenya Somali lies in the hands of President Kenyatta and his Government. We are fully behind him in everything he does. We would also like to let the President know that the Somali of Kenya are his children.

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

Mr. Mwamzandi: Thank your very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Vote.

In the first place I would like to state that the Minister of State in the President's Office moved his Vote very well and for that reason I feel we should congratulate him. Of course, we should not forget that the Minister is very busy in his official duties and that is why sometimes he does not have time to come to this House. In my opinion the Minister is in charge of a very busy Ministry. I would also like to take this opportunity to thank the entire Ministry of State, President's Office for the work it has done in this country. We should give every support to the officers working in this Ministry so that they can develop this country faster. For instance, the officers of this Ministry do their best to see that Harambee projects are completed. The provincial administration has done its best to see that there is co-operation between politicians and Government officers. I am sure that this is one way of achieving development in this country more quickly. However, I would like to appeal to the Minister to see that there is more co-operation between politicians and Government officers so that we can develop this country faster.

Mr. Speaker, Sir, in my district chiefs and sub-chiefs are working on temporary basis. For instance, I know of some chiefs who resigned after working with the Government for about 30 years but they were treated as though they had been working on temporary basis. In my opinion this is very unfair to these people. Why should the Government employ senior officers on permanent basis and leave the junior officers to work on temporary basis? That is one of the reasons why some of these officers are not working efficiently. There are very many chiefs and sub-chiefs who have not been promoted since they joined the Civil Service despite the fact that some of them have been working with the Government for very many years. There are very many chiefs who have retired of old age in the same rank they were employed. I would, therefore, like to ask the Minister to do something for these people. I do not know the reason why the Ndegwa Commission forgot these people. I am tempted to think that the Ndegwa Commission was only interested in the affairs of the senior civil servants. The President's Office must see that these people are promoted because they do a lot of work. They are the ones who hold *barazas* and they used to make sure that taxes were paid when we

[**Mr. Mwamzandi**]

used to pay graduated personal tax. So, they are very important.

The other point is about the district administration in Kwale District. We still use a very old building as the headquarters' office, but nothing is mentioned in the estimates about the construction of new offices. At the same time, the district officer's office, which is in the same building housing the chief, at Msambweni is also very old. Mr. Speaker, Sir, something should be done to provide better offices. In fact, the administration police at Msambweni do not have residential houses near the divisional headquarters. So, they sleep three miles away from there, and I do not know how there can be security without these policemen.

I would also like to say that whenever His Excellency the President visits any area our people show their confidence in him by going to entertain him with their *ngoma*. However, I wonder why white people, Asians and Arabs do not go to entertain him. Are they really faithful to our President? I would very much like to see an Arab *ngoma* entertaining the President at the coast. Mr. Speaker, we dance before the President to show our loyalty to him. Sometime back I used to see Arabs playing *ngoma* to entertain our President but I do not see them these days. It is not true that their culture has since changed.

Mr. Speaker, Sir, the last point I would like to raise is with regard to the Kenyatta Conference Centre. When that building was at its early stages of construction we were told that it was going to be the Kanu headquarters. However, it is now being called Kenyatta Conference Centre. When the Minister stands to reply I would like him to tell us whether the building still belongs to Kanu or not. If it belongs to Kanu, I will be grateful if Kanu headquarters' offices are moved there. Kanu is the ruling party of this country and, therefore, it must be given all due respect. When visitors come to our country we should be able to show them the offices of our ruling party.

The other thing is that many institutions have rented offices at the centre. I would like to know from the Minister whether the rent which is collected is deposited in the Kanu's account because I still believe that the building belongs to Kanu party.

An hon. Member: You must understand that the rent which is collected is used to repay the loans which were given for the construction of the centre.

Mr. Mwamzandi: I know that, but the money should be deposited in Kanu bank account and then paid by the party to those who gave the loan. We have a lot of respect for the party because we have been able to enjoy a lot of stability in the Kanu Government.

With these few remarks, I beg to support.

Mr. Migire: Thank you very much, Mr. Speaker, for giving me chance to discuss a few points on this Vote.

First of all, I would like to thank the Kenya Cabinet Ministers for taking a keen interest in public affairs of this country. Most of them have travelled to various parts of this country and learnt the people's problems.

That is why when some of them come to reply to Questions here they do so very maturely.

However, I would like to suggest to the President that next time he appoints a Cabinet he looks at the country as a whole. Some districts in this country have been very unfortunate in that they have never had representation in the Cabinet. For example, South Nyanza District has no Cabinet Minister, I am talking about my district because—

An hon. Member: Is it because you are a Luo?

Mr. Migire: Not because I am a Luo, Mr. Speaker; but I hope the President will consider various districts when he appoints the next Cabinet.

Hon. Members: Oh, that is not possible!

Mr. Migire: Mr. Speaker, can you protect me from this unnecessary noise.

The other point I would like His Excellency the President to consider is the need to appoint two Ministers of State in his Office. I am suggesting that because at the moment the Minister of State is always busy with Presidential affairs. Of course, the President needs his advice on administrative matters and other issues.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker.

Mr. Migire: What is wrong, Charles?

The Attorney-General (Mr. Njonjo): Mr. Speaker, I wonder whether the hon. Member is in order to touch on the Constitutional prerogatives of the President, especially when some of his colleagues have suggested a reduction in the number of Ministries.

Mr. Speaker: Yes, it is quite true that it is the President who appoints Ministers. There was also this talk about reduction of the number of Ministries. In any case, it is unlikely that we can have enough Ministers for every district. I think we should leave that to the President, in his Constitutional capacity, to do what he wants.

Mr. Migire: Mr. Speaker, Sir, I am not talking about districts; I am only asking his Excellency the President, who has the power to appoint Ministers, to appoint two Ministers of State. That is what I am asking for.

Coming to the question of political detainees, I would like to say that on many occasions we have asked for their release in this House. People like Achieng-Onoko and Wasonga Siyeo are still in detention. We would like His Excellency the President, the father of the nation, to release Mr. Achieng-Onoko and his colleague. Mr. Onoko is one of those politicians who struggled with Mzee for independence.

Mr. Gatuguta: On a point of order, Mr. Speaker. I quite sympathize with the views expressed by the hon. Member but is he not implying that the President has refused to forgive them when we know very well that if they reform they will be released?

Mr. Migire: Mr. Speaker, Sir, those who are closely related to Mr. Onoko in particular, together with ourselves, feel very strongly about his detention. Achieng-Onoko is one of the politicians who suffered with Mzee. I am only appealing to the President to release him. What is wrong with that?

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir. We have heard these appeals regarding those people who have been detained so often in this House. Is this matter relevant to what we are discussing now?

Mr. Speaker: No, according to Mr. Migire the Office of the President is involved in this. I think he is only appealing to Government. He has no way, of course, of affecting his appeal, but I think we should hear him.

It is true that there is machinery to deal with that question and it is also true that appeals have been made here several times. It has been explained here several times that there is machinery which deals with these matters and, surely, that is the machinery which should come out with a solution. However, Mr. Migire is only appealing to Government.

Mr. Migire: Mr. Speaker, Sir, His Excellency the President is the father of our nation and, therefore, he is responsible for everything in this country. Mr. Speaker, Sir, I am merely making an appeal to his Office to review the position of the people who are still in detention. In making the appeal, Sir, I do not want to annoy anybody because I know that the President has done a good thing by releasing some political detainees, but I am appealing to His Excellency the President and his Government to consider releasing the others who are still in detention.

The other point I would like to speak about is with regard to Presidential visits. I would like to request the President to visit Nyanza Province and other areas such as Narok.

An hon. Member: What is there?

Mr. Migire: Mr. Speaker, Sir, an hon. Member here is asking me "What is there?" We know that His Excellency the President is the father of the nation, people in all parts of the country would like to see him visiting them; it does not matter whether or not those areas are arid. I am saying this because we feel sad to hear that His Excellency is visiting either Mombasa or Nakuru without coming to our area. We love the President: we have a lot of respect for him and, therefore, he should visit us.

The Minister of State in the President's Office mentioned the Kisumu State Lodge in his speech. Mr. Speaker, Sir, we would like to see the President staying at that lodge while on his visit to Nyanza Province for a day or two. I hope that the Minister of State will convey these views to His Excellency the President of the Republic of Kenya.

Now, Sir, I would like to speak about the appointment of deputy provincial commissioners. We are told that the post of deputy provincial commissioner has been abolished and substituted with assistant to the provincial commissioner. I do not agree with this change because it is my view that we should have deputy provincial commissioners so that when a provincial commissioner is not in the office, then the deputy provincial commissioner takes over. As the case is now, Sir, the assistant to the provincial commissioner seems to be his "clerk". Similarly the same change should apply in the case of the district commissioners and district officers I. We should, in fact, have a deputy district commissioner

instead of the present district officer I. In this way the deputy to the district commissioner can take a decision when the district commissioner is not there, because the position of district officer I looks a bit inferior.

Mr. Speaker, Sir, we passed a resolution in this House calling upon Government to change the designation of "Assistant Minister" to "Deputy Minister". I do not think that it is unreasonable for an Assistant Minister to act in the absence of his Minister instead of bringing in a Minister from another Ministry. Once one is appointed as an Assistant Minister, I am sure, it is my view, that Government has a lot of trust in him. Therefore, I do not see why he cannot act as a Minister in his Ministry in the absence of his Minister. The Minister of State in the President's Office, Mr. Speaker, Sir, has not told us why Government has not changed the status of Assistant Ministers in our Government. I hope that this one will be considered by the Office of the President.

I have complained in this House several times that once a Government officer retires he should be given his benefits without delay. Sir, if you go to the Office of the President or the Treasury, you will find many former civil servants complaining that they have not been paid their retirement benefits for over six months. They keep on coming here now and then but they are not paid their dues. Therefore, Mr. Speaker, Sir, I am appealing to the Office of the President to ensure that, in future, before a civil servant is retired, he should be given his dues. Many of these retired officers have children who should benefit from this money by way of school fees. I hope that these things will be looked into by the Government.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you, Mr. Speaker, Sir, I rise to support the Vote very, very strongly. In supporting the Vote of the Office of the President, Sir, I would like to say a few comments.

Mr. Speaker, Sir, I would like to say, in the first place, how His Excellency the President has ably carried out numerous functions. Apart from his own Ministry, Sir, he does many things outside his own office and I think we should be grateful to him. In this country, Sir, we have always spoken of conserving wildlife and, in fact, it is His Excellency the President who started the preservation of wild game. At the moment, Sir, he has started conservation of culture which is more important than anything else. The image of Africans and traditional dances should be preserved because they existed even before we attained our independence. It is because of his ability to understand our ways of life, this country has been able to prosper in happiness. I know that there are problems in the country but all of us should be concerned about them instead of blaming the President's Office from time to time.

The hon. Member for Nyandarua South—he has been squatting from place to place in this Chamber—asked why chiefs are given presents. I suppose that whenever there is any form of planning in his constituency at locational or even sub-locational level, he becomes part and parcel of the planning committee. If there is

[The Vice-President and Minister for Home Affairs]
any present, Sir, he is part and parcel of it; he cannot be isolated from it.

Mr. Kabingu-Muregi: On a point of order, Mr. Speaker, Sir, I am seeking your guidance as to why the Vice-President should misquote me by saying that gifts are presented to chiefs? I said that chiefs demand donations from people to buy a provincial commissioner sheep whenever he visits them. This is not the wish of members of the public. Is he in order to misquote me, Sir?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): That, Mr. Speaker, Sir, is precisely what I was driving to.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

If the hon. Member is a representative of any area, he should be part and parcel of his people. He should advise and guide them in all matters of national development. He should be able to inform his people whether what they are planning to do is the correct thing or not. If, say, my constituents chose to present a gift to a chief, why should I come in and prevent them from doing so? This is part of our African tradition. Therefore, if we are close to the people, we shall be able to help them. In 1923 Mussolini said that if you find that people are far apart, go back to them and carry on with them. Therefore, I am saying that he knew how to be close to his people. Therefore, the hon. Member should be close to his people, advise them and guide them so that they can go in the right direction.

An hon. Member: Some are very far.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Some of them are very far and that is why we are complaining. Therefore, we should go closer to them and get to know them.

Another thing on which I would like to advise the hon. Member is this: when we go to the elections let us not promise the people "the whole world".

(Laughter)

This is the problem which has brought frustration throughout the country. What happens is that one promises the people that when elected he will provide A, B, C and D. When he is elected, he finds that there is nothing to give them. So he blames the Government for not producing the goods to the people while Government was not part and parcel of these promises! Therefore let us select the words to use during our electioneering so that when we are elected we will feel satisfied that we are going to press and co-operate with Government to produce goods to *wananchi*.

My last point is about various parts of this country. I am glad that one of the hon. Members from North-Eastern Province, Mr. Hirsi stated in no uncertain terms that North-Eastern is part of Kenya and that the people of North-Eastern are Kenyans.

Mr. Deputy Speaker, Sir, I have been quiet for some time. I know a number of people who have approached embassies and individuals for money for elections. In this particular place—the North-Eastern—some people

have been promised money so as to be stooges of external countries.

Mr. Ahmed: On a point of order, Mr. Deputy Speaker, Sir, this is a very serious allegation, which has come from the Vice-President. I would like him to substantiate this allegation without any reservation.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I hope the hon. Member knows that the security of the state is to be kept. I would be the most stupid person to tell him, for example, that So-and-so in Garissa, Wajir or Mandera are doing A, B, C and D. What I am saying is that wait and see what will happen in future, should such a person proceed.

Mr. Ahmed: On a point of order, Mr. Deputy Speaker, Sir, if this thing was secret, how dare the Vice-President stand in this House where the Press and the public are listening, and say what he has just said?

The Deputy Speaker: He is entitled to keep secrets of the state; this is one of the oaths he took. There are certain bounds that he can cross; and he has crossed as far as he thinks he wants to. Beyond that, it is left either to your imagination or your other thinking.

(Laughter)

Mr. Mnene: On a point of order, Mr. Deputy Speaker, Sir, I would like to seek your guidance on this one. It would appear from what you have just ruled that according to our Standing Orders, there are some hon. Members who are exempted from making substantiations when they have alleged some serious matter while some Members are even forced to withdraw and apologize if they do not substantiate their allegations?

Mr. Deputy Speaker: The Minister merely said that some people have approached embassies; he did not specify. It is on a specific issue that you are called upon to substantiate. If you make a very definite statement which you believe to be a fact, then you must substantiate. But if you are so smart as to put your language in a such a way as either to maintain State secrets or to defend yourself in advance, then you cannot be asked to substantiate.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I did not mention any person. If anybody is sensitive, naturally, I will leave it to him.

I beg to support the Vote.

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak. I am going to take a very short time because I have only ten minutes to speak. First of all, may I say that judging from what I noticed in Kisumu District, I would like to express my thanks to the District Commissioner and the district officers for their wonderful work they did during the registration of voters.

Secondly, I would like to speak about the Department of Personnel Management. Sir, I think this is more of a psychological matter than anything else. The Minister must know that there is a definite misunderstanding in this Republic between the Department of Personnel Management and the rest of the Civil Service particularly in relation to the Public Service Commission. We have said in this House that we think that somebody is

[Mr. Ayah]

usurping somebody else's power. However, I suggest that it may not be so, but the behaviour of people in the Directorate of Personnel Management is such that people think that they are usurping the powers of the Public Service Commission.

I would like to ask the Minister—although the hon. Member for Mbita is very carefully interfering with the Minister's hearing—to look into this and make sure that there is a separation of powers between the Directorate of Personnel Management and the Public Service Commission. In the past, I have complained that the dividing line between the two seems to be so unclear.

The second point I want to make is to do with the Provincial Administration. I have had a lot to complain about but looking at it more soberly I think, generally speaking, the provincial Administration is doing a good job, except at one level.

Mr. Deputy Speaker, Sir, there is a definite tendency for the people in the Administration level, particularly, the provincial commissioners to be more ceremonious than they need be. This is particularly when they leave their offices to go into the districts to visit district commissioners and chiefs. I have noticed that when a provincial commissioner goes to visit an area, arrangements are made so elaborately that one would think that the Minister of State is just about to arrive. Therefore, I would like to request the Minister that apart from making the provincial commissioners look too far above the people they are supposed to be serving, it also means that we are wasting public funds. This is because when the provincial commissioners go out, all the provincial heads and the district heads leave their offices to go and attend the ceremony. Mr. Deputy Speaker, Sir, what has installing a chief to do with the Department of Agriculture or the Department of Health? I think for the good Government of our people, we should ask the provincial commissioners—I know that they are doing a tremendous amount of work but, when they go out of their offices then, they should leave this pompous attitude of—

Mr. Murgor: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to mislead the House by talking about provincial commissioners travelling together whereas it is more economical to use one vehicle for all the provincial commissioners to go to a meeting and address the people at the same time so that—

Hon. Members: No!

Mr. Murgor: But, that is exactly what happens! Is that not so, Mr. Deputy Speaker?

Mr. Deputy Speaker: That is not a point of order, Mr. Murgor!

Mr. Ayah: Mr. Deputy Speaker, Sir, the trouble with the hon. Member for Eldoret South is that he looks for disagreement where there is none at all! I am merely saying that when this happens and he agrees with me that it should not happen. I do not know the reason why he is rising on a point of order. I am merely asking the Minister that we should try not to make the provincial commissioners look too much high up above

the people whom they are supposed to be working with. This is because this kind of thing leads to the kind of differential which one hon. Member pointed out. It leads to or can lead to dissatisfaction with our Government.

Now, the third point which I would like to raise, Mr. Deputy Speaker, Sir, is again with the Provincial Administration but this time, at a little lower level. The closest people who work in Government to our people at home are the chiefs and assistant chiefs. These are the people who are in daily contact with the people of this country and yet the treatment they get, Sir, is not as good as one would expect. I am talking, for instance, in terms of offices for the chiefs and how the chiefs' camps look. They are terrible. In some cases, Sir, you will never know whether you are moving towards a chief's camp until you come to a little hut in the middle of nowhere. Therefore, I feel that the Government and, therefore, the Minister of State, President's Office, should make quite sure that in asking the House to vote money, he should ask the House to give him slightly more money so that our chiefs can have decent officers, some clerks and some detention camps if at all they have to detain anybody for some reasons. This should be done so that the people in the area know that there is a local Government represented by the chiefs in their neighbourhood. This is going to help in two ways. It is going to help to make sure that the chiefs in their neighbourhood. This is going to help in two ways. It is going to help to make sure that the chiefs can work well because nobody is going to look after, say, 50,000 people when he does not have an office, a clerk, papers and no decent place to work in. Secondly, Mr. Deputy Speaker, Sir, it makes the people feel that the chiefs have lawful and dignified authority in the locality. Moreover, I would like, Sir, that some of the money which we use for buying big cars here in Nairobi and at provincial headquarters be used to get the chiefs loans for buying, say, scooters and other quicker means of transport.

An hon. Member: And Renault Roho!

Mr. Ayah: Yes, and the Renault Roho, as my good hon. friend says! However, at any rate, the chiefs should be having an easier and a quicker means of transport so that they can be able to cover their locations fast enough and go to other business. Now, this can also be said on behalf of— What do you call them these days? The Administration Police. I feel that the Administration Police are also having a very difficult time. For instance, these people have no time to visit their relatives; and now that they are transferable within the same district, they are in a very difficult position. They have to walk, for instance, in my area where people are arrested with *chang'aa* for 20 miles going to Maseno. They arrest people with *chang'aa* in my area and they have to walk all of them all the way to Maseno. However, I think that if a person with, say, *chang'aa* is arrested or some of these petty offences, walking him 20 miles is enough punishment. This is because I think that even the Administration Police who walks with them and who was not arrested is even more punished than the men who were arrested.

Hon. Members: Hear! Hear!

Mr. Ayah: Now, Mr. Deputy Speaker, Sir, as I told my hon. friends that I am not going to take a long time but, I have only one point to make. This is in relation to our East African Community which also falls under this Ministry. Now, Sir, those of us who live very near the border with our neighbours have certain difficulties which are not experienced in the interior parts of the country. Many hon. Members of this House have said that somewhere somehow a way should be found by which our people who live very near the border, for instance, in Busia, Kisumu and other places, can move in and out without having trouble with the currencies of the neighbouring country. I think that we are not putting our case strongly enough to the Government. I am sure that if the Minister of State, President's Office, could put it before His Excellency the President, I am sure that a way could be found where people who live near the border could have an access to other countries near us without having to go through the current currency troubles. Moreover, Mr. Deputy Speaker, Sir, because of these difficulties, we have a lot of smuggling going on. A lot of Asians and Africans have stationed themselves near the borders to get Uganda, Tanzania and Kenya money. This means that they are making a lot of money out of this illegal deal. Therefore, I feel the only way we can help out—

The Attorney-General (Mr. Njonjo): But, they are disappearing!

Mr. Ayah: And I gather from the Attorney-General that they are also disappearing! However, be that as it may, I feel that we should try to— Somebody is saying that the Attorney-General is the next person to disappear but I do not think so!

Hon. Members: Why?

Mr. Ayah: I feel that we should try to help our people by making quite sure that the people who live near the borders have an easy access to other countries. What is the use of shouting that we are co-operative with our neighbours when we people who live very near them do not find this co-operation?

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

The Minister for Natural Resources (Mr. Omamo): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak on this Motion. However, I would like to assure the House that I am going to be a time-saver!

Hon. Member: Why? What were you before?

The Minister for Natural Resources (Mr. Omamo): Mr. Deputy Speaker, Sir, while listening to many hon. Members speaking, there is one area where the Office of the President should really take note of. This is an area which I would call "the colonial hangover area." Sir, if I might give an example of one of such areas, I would like to say that even the Vice-President who has just spoken before was right when he said that our President is a great conservationist of wildlife and also of our culture. However, there are certain practices and particularly with the Administration which should not be conserved. I would like to give an example of the old colonial practice of a district commissioner being a

small god in a district. When I say this, Mr. Deputy Speaker, Sir, I do not mean to suggest that any particular district commissioner has been rude to me in person. No! In fact, I do enjoy excellent relationship with my district commissioner. However, I would like to say that there is a need in this country, not just to promote our African culture alone but also, in my opinion, and this is more important as far as this debate is concerned, there is a need now to look at our Administration structure and ease those areas which are still tight due to colonial hangovers.

Mr. Deputy Speaker, Sir, the other point which I would like to mention is that looking at the district commissioners and the officers who help them, that is the district officers, I have noted that some of them are transferred too soon while others stay for too long. I would like to appeal to the Minister that some sort of balance should be struck as to how long an officer should be stationed in a particular area, so as to help him to do his work as efficiently as possible.

The other point, Mr. Deputy Speaker, Sir, which has been mentioned in this House time and again, is on close administration. Mr. Deputy Speaker, Sir, there are some good points in having a district or a division closely administered. There are definite advantages in close administration. I would like to suggest to the hon. Minister that his Ministry should try to find some kind of balance for this. If I may give an example with a small district like Siaya, where I come from, when I look at the statistics, I find that there is a location with 7,000 *wananchi* and another with 35,000 *wananchi*.

An hon. Member: Mine has 55,000 *wananchi*!

The Minister for Natural Resources (Mr. Omamo): That merely confirms what I am trying to say here!

Therefore, what I would really like to suggest is that there is a need for the Ministry to look into this point carefully. If I may give another example, there are certain divisions which are as big as districts. During the last registration of voters, I really laughed inwardly, when I heard that there are some constituencies that managed to register 7,000 voters. There was a district that registered 42,000 voters, while in my constituency alone, we had over 33,000 voters registered. If I may take hon. Peter Kibisu's case, having come from Vihiga, surely, Peter, your problem may not be with the registration of voters; it may be with the other thing; the control of—

Hon. Members: Birth!

The Minister for Natural Resources (Mr. Omamo): Oh, yes, birth control.

Hon. Members: Hear, hear!

The Minister for Natural Resources (Mr. Omamo): Mr. Deputy Speaker, Sir, I would really like to stress this point, that there is a need now in this country for somebody to look at various divisions and locations, to ensure that close administration is being practised.

Finally, Mr. Deputy Speaker, Sir, I would like to appeal—no, I think this word "appeal" has been used too much. Let me, therefore, use a different word. I would like to suggest to my colleague that the new

[The Minister for Natural Resources]

department in his Ministry, that of the Human Environment, is very important to Kenya. Therefore, Sir, I would like to suggest that the Minister should use this new department to identify as many problem areas in the Human Environment as possible, and come up with as many projects as possible in as many different parts of the Republic as possible. The Human Environment embraces everything; it starts with food and ends with poverty. I would like to suggest, therefore, that this new area should be taken very seriously. I would also like to see that the Department of Human Environment is manned by the most capable Kenyans available. It is an area, Mr. Deputy Speaker, where we can make use of some of the best brains in the country; we should draw them from the university, the private sector, and let us have the strongest secretariat to advise the Minister and the President as to how the Kenyan Environment can be a real good example.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Kanja: First of all, Mr. Deputy Speaker, Sir, I rise to support this Vote. By so doing, Sir, I would like, in particular, to congratulate His Excellency the President who has done so much for this country in that he has kept all the tribes together as one nation. As we head for our General elections, Mr. Deputy Speaker, Sir, I would like to appeal to my hon. colleagues, although we shall cease to be called hon. Members when the House is dissolved, to remember that first and foremost, we are Kenyans, and Kikuyu, Luo and the Kamba tribes come second.

Hon. Members: What? Who said that? You are losing your speaking ability!

Mr. Kanja: I have told you that, and I will repeat, that we are first and foremost Kenyans, and our tribes come second. Is that all right?

Hon. Members: Yes, hear, hear! That is better!

Mr. Kanja: Those who are tribalistic and who want it to be the other way round can go ahead, but they know the consequences.

Hon. Members: Hear, hear!

Mr. Kanja: We are trying to achieve nationhood, and we can only do that if we can sink our tribal differences. Mr. Deputy Speaker, Sir— Do not interject me, hon. Shikuku.

Mr. Deputy Speaker, Sir, there are certain things to which I would like to draw the attention of the hon. Minister, who is sitting right opposite me. First of all, within the Provincial Administration, we have officers like district commissioners, district officers and chiefs, who do so much work for the people, and although we appreciate what they do, the emoluments they get are not enough in my opinion. Therefore, unless we pay them well, whereby they can also be able to donate in every Harambee project we attend with them, they will be left with nothing, and this will leave them with the temptation of probably doing something that they would not have done if they had received fair salaries to compensate for the money that they would be donating to the *wananchi*. Mr. Deputy Speaker, Sir, we

should admit that it is quite embarrassing for a district officer, when a Member calls for a Harambee project, not to donate even Sh. 20 because the people go away thinking that the district officer is not interested in the project. Therefore, it is only fair that they are paid fair salaries, so that they can afford to have a small savings, for contributions towards Harambee projects.

The other point, Mr. Deputy Speaker, Sir, is that I remember very well that you were in the Chair when I was moving my Motion once-upon-a-time, back in 1952, about the people—

Hon. Members: What? 1952! Where were you at that time?

Mr. Kanja: I was busy with the other *Mau Mau* in the forest.

Hon. Members: Hear, hear!

Mr. Kanja: I am sorry, I meant 1972. Mr. Deputy Speaker, Sir, I was just about to touch on this point, that we have people who fought so much to liberate this country from the yoke of colonialism. Now, Sir, one of them is the hon. Minister of State, President's Office. He did so much towards this end, and in fact, he is lucky that he did not lose his arm or his leg during this struggle. I thank God that he and myself are here as leaders of this nation. Although I am much younger than he is, we have the same obligation towards those who lost their limbs. Therefore it is my very humble appeal, Sir, that it is for us, as legislators, to remember to give something to those people who were unfortunate to lose their limbs when fighting for freedom, and who are now languishing in the villages. However, if we say we can only help those who help themselves, Mr. Deputy Speaker, Sir, you know as well as I do that these people will never be able to help themselves to reach the standard, if there is any measure at all that has been set, so that they can be helped.

Therefore, Mr. Deputy Speaker, Sir, I would like to appeal to the Government to make sure that those people are cared for.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Put them on pension.

Mr. Kanja: Thank you very much, hon. Nabwera. With all due respect to those people who were homeguards, during the colonial time, and who have now retired and are enjoying their retirement benefits, the people who fought for our independence to kick out the white man, should also be given their pensions by this Government. They would only require about Sh. 1 million and I do not think this country would find it too much to provide.

The other point I would like to draw the attention of the Minister to is with regard to the election campaign. When we begin campaigning I would like those in authority to make sure that it is conducted as freely as possible without interference by the executive arm of the Government so that only the people who are wanted by *wananchi* will be elected to this House. There should be no imposition of any candidate in any particular constituency. Let us be mature enough and elect people who will be able to represent the interests of

[Mr. Kanja]

wananchi without any malice or favours from any quarter at all.

Another point I want to raise here is that considering that Kenya is a young country, we should try to be thrift. I would therefore, like to request the Minister of State, President's Office to make sure that when we purchase vehicles for Government use, wherever possible, let us not go in for the big cars but go in for small cars, which can still serve the purpose. These small cars can still take us to either Kisumu, Mombasa or anywhere else we want to go in Kenya. We should not go in for the very luxurious and expensive cars that our country cannot afford at times. I sometimes watch at the television and I see that some of the big and developed nations, use very small cars for their Government executives. They use much smaller cars, including Volkswagen Beetles. So, if these developed nations can use these small cars, why not Kenya?

The last point I would like to make here is with regard to the divisions of some of the present large constituencies. For the information of the House, Mr. Deputy Speaker, Sir, I represent Nyeri Constituency which comprises four divisions. Those who have visited my area or those who know it, is far too large a constituency for one single Member to be effective. My appeal to the Minister is that when it is appropriate, I would like that constituency divided so that an extra Member can also be elected in the area so as to help me harmonize things in the area. The other colleagues in Nyeri, for example, they represent a single division each. If the ratio is left as it is at the moment, of one to four, no matter how much hon. Kanja tries to do, my impact will never be felt. I know this applies to many other Members who are sitting in this House. I know the House will agree with me that some hon. Members in this House have very small constituencies, for instance, hon. Karungaru. He can easily manage to go round his constituency several times in a day and visit almost all his constituents. I am therefore appealing very humbly to the Minister to look into this question so that *wananchi* of this country can be effectively represented as required by law.

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

Mr. Kadir: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to speak on this Motion. First of all, I would like to thank the Minister for the able manner in which he moved his Vote.

The first point I want to speak about here is in line with what has been said here by the Assistant Minister for Housing, Mr. Hirsi, that people should not be worried about what is being said in Mogadishu, by some people who have moved from Kenya to live in Somalia. We should not be worried about those people who call themselves freedom fighters in Mogadishu. For the information of the House nobody from North-Eastern Province is living in Somalia today. When our President offered the amnesty, all our people came back into Kenya and are living peacefully in North-Eastern Province. If any of these people, who had escaped to Somalia did not return to Kenya, they should remain

there until their death. Therefore, I want to assure the House and the Government that no Kenyan Somali or Kenyan Boran are intending to associate themselves with whatever has been said by those people now living in Mogadishu. For the information of the House, most of these people have now filtrated back to Kenya for their own safety. This is because they have found that their lives would be more comfortable in their own country, which is Kenya. They have already found out that Kenya is the only place where they can live peacefully without any interference. Therefore, I do not think that any Somali, who was born here in Kenya can today think of associating himself with whatever is going on in Somalia. We have suffered in the past and I do not think any sane Somali would think of joining hands with those Somali in Mogadishu, who are propagating malicious rumours against Kenya.

Mr. Deputy Speaker, Sir, we, the representatives of the people of North-Eastern Province and Isiolo, appeal to the Kenya Government and particularly to the President and the Vice-President to take our people as Kenyans and treat them like that. We shall live in Kenya die in Kenya and be burried in Kenya. Therefore, the question of secession does not arise. This could only be known to the people who are already living in Mogadishu. Whatever has been said, has been said by those people and therefore the Kenya Government must take this matter very seriously. If anybody wants to claim a part of this country, let him come out in his true colours and attempt to fight the Kenyans.

Therefore, I am appealing to the Vice-President that from today on, he should regard the Somali and Boran living in Kenya as Kenyans. If any trouble comes, we are ready to join hands with the rest of the Kenyans and fight it out.

The other thing that I would like to say here is about employment. I quite appreciate what the Directorate of Personnel and Manpower Training Section does in considering recruitments. It is said that the Directorate of Personnel and Manpower Training considers the recruits on merit but this is not what goes on there. There are very many jobless people in my area and if this goes on my people will never be in the Civil Service. Therefore, I appeal to the Government and, particularly to the Minister of State, President's Office to consider my people favourably because people in the North-Eastern Province have been considered and employed as district assistant trainees and most of them have done very well. Therefore, I am appealing to the Minister also to consider giving the same opportunity to my people who have not enjoyed that opportunity. Since we attained our independence, nobody from my area has ever been considered to the offices of the provincial administration. I am, therefore, appealing to the Minister today, since there are many school leavers who are wandering about, to be considered to the positions of district assistant trainees so that they can improve gradually. Most of the people in these offices are those without the Certificate of Primary Education and yet they have shown that they are capable of running the Government offices without problems. Therefore, if the school leavers are considered then they can prove to be good civil servants. I am, therefore, appealing

[Mr. Kadir]

to the Minister to see that two or three school leavers from Isiolo district are absorbed into provincial administration.

Mr. Speaker, Sir, another point that I would like to stress is that it appears as if the provincial administration has been vested with too much power. Today, it is better for somebody not to contest to come to this Parliament but to try and be appointed as a district assistant or a district officer. The hon. Members of Parliament are, today, less important than the district assistant. This is very serious and the Government should see to it that since the Parliament is the supreme authority the hon. Members should be respected. When an hon. Member of Parliament speaks to a European, he understands what an hon. Member of Parliament is and the importance of being there, but today the district officers, and the chiefs do not understand the importance of hon. Members of Parliament. This is very bad and the Minister of State, President's Office must see to it that the powers of the provincial administration are reduced. This is very serious when hon. Members of Parliament and the district officers keep on colliding. This collision started after the administration met the President at the Limuru Conference Centre and it was then that the provincial administration was given too much powers, to arrest and to do each and everything even if it is the Minister or an hon. Member of Parliament.

Recently a driver was arrested because he collided with the district commissioner and the driver was later taken to a court where the same district commissioner presides. Since this driver had collided with the district commissioner who was the same to judge, this person was put in for six months. He appealed but the Chief Magistrate said the man should not have been jailed but he should have been disciplined in another way. Therefore, the man was acquitted. The district commissioner disputed the Chief Magistrate's ruling and put this man back to jail. Although this man had been acquitted by the Chief Magistrate he was later taken to jail. This kind of power should be minimized to such an extent so that—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, I have never heard anything so serious. If what the hon. Member is saying is true that the driver got in conflict with the district commissioner who was to be the judge and he sentenced him to six months, the man appealed and the Chief Magistrate dismissed the sentence and then, that same man, since the district commissioner was still there, was again locked in and he is now serving a sentence— Could he substantiate that Mr. Speaker?

Mr. Kadir: Mr. Deputy Speaker, Sir, the name of this man is Mr. Jadani from Garissa and this afternoon we took the case to the Attorney-General.

With these few words, I beg to support.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like to pay tribute to the Ministry of State, President's Office—

The Assistant Minister for Labour (Mr. Kibisu): On a point of order, Mr. Speaker, Sir, we notice on the

Order Paper that somewhere towards, or an hour before we adjourn the House shall go into Committee. Is it not time that the House went to Committee Stage?

Mr. Deputy Speaker: Perhaps, I should let you know that we are going on until 7.00 o'clock tonight. This was the decision of the Sessional Committee. Therefore, we shall go into the Committee at 6.00 o'clock.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like to start by thanking the Minister for State, President's Office and, particularly, His Excellency the President for what he has done for this country not forgetting the way in which the Minister has moved his vote. The way he moved his vote impressed the whole House and, for this reason, the House has been given great confidence in that we have now to give him his due by thanking him.

Mr. Deputy Speaker, Sir, I have a special tribute that I have to pay to the Directorate of Personnel in the Office of the President. I have seen that the office in question is catering for the houses and instead of giving house allowances the department is housing its trainees. I therefore, thank that particular department through the Minister.

Mr. Deputy Speaker, Sir, I have a little quarrel with other departments such as the administration on provincial level. Much has been done but I think that there is room for improvement and I think we should suggest something so that the Minister can try to improve what has been left behind. I wonder why we have to continue paying house allowance instead of building houses and in so doing reducing the expenditure so that we can end up as self independent. If we continue giving house allowance and this will never end and the people will suffer economically. I would therefore, appeal to the Minister to see the sense of providing permanent houses for the officers concerned so that the house allowance will be no more.

Mr. Deputy Speaker, Sir, the other point is on the purchase of the GK vehicles. I have a lot of bitterness on this one and I would like the bitterness to be conveyed by the Minister to those who are executing the decision because, I feel that the country is not fit, economically, to afford the cars that are being bought by some Ministries. Knowing that this is the co-ordinating Ministry, I am sure that the Minister will convey the information to the effect that the luxurious cars will not be bought any more. I feel that there is also an element of extravagance in regard to not having a limit in maintaining these vehicles. I know that the petrol has gone up and the spare parts have gone and I would, therefore, ask the Minister to see to it that all the Ministries curtail the maintenance of these vehicles. I feel that we are spending far too much on these vehicles.

Mr. Deputy Speaker, Sir, the other point which I would like to make is about the collective responsibility on the part of Cabinet Ministers. Sir, I would like to say with all sincerity that during the last Parliament, Cabinet Ministers showed a great deal of collective responsibility. If an hon. Member questioned the conduct of the Government here and a Minister then thought there was no justification on the part of the hon. Member,

[Mr. Karungaru]

he immediately came to the aid of the Ministry so subjected to such kind of accusation. However, in this Second Parliament, the collective responsibility has declined. I would like to appeal to the Minister to convey this information to His Excellency so that he may know what kind of people he has in this Parliament.

Mr. Deputy Speaker, Sir, we all know that we are elected Members of this House and if we have any grievances at all, we have to bring them to this House so that the Minister concerned can correct whatever we think is wrong. It is with this regard that some of us criticize the Government. We do not attack the Government, but what we normally do is to criticize the Government with the intention of seeing certain changes being made. Mr. Deputy Speaker, Sir, I have great respect for the Office of the President and this is why I am trying to advise the Minister concerned to try and see that some of these complaints are looked into. I am saying this because the Office of the President is supposed to be a co-ordinating Ministry and therefore, the Minister in charge should see that some of these complaints are dealt with, either at the Cabinet level or anywhere else whenever the chance occurs.

Having said that, Mr. Speaker, Sir, I would like to question a few things in the Office of the President. During the recent registration of voters in the urban areas, particularly in Nairobi here, something rather unique happened. We were told that there were no mobile units for the registration of voters. However, when we questioned the way the registration of voters was being done in some areas, we were told that we were exaggerating the situation. I am sure that most of the things we complained about did take place and to make it worse, if you looked at the compiled voters roll here in Nairobi, you will find a lot of anomalies. We would like the Minister concerned to look into these anomalies so that some of these things can be corrected. At one stage, Mr. Deputy Speaker, you can find a whole series of numbers on a full page, but no names are shown. You really cannot call this any form of registration of voters because it is not. Some people registered in false names while others did not even go to register in the registration centres. Some forms were just issued to these people and when their cards were issued, some other prospective candidates took them. Some of these candidates were even buying votes and when we complained about these things, we were told that we were just exaggerating the situation. We do not know the degree of exaggeration which the administration had in mind. Therefore, I would like to appeal to the Minister to look into this in order to find out why it happened. We know that even the police were kept away and therefore nothing was done about the illegal movement of voters from one place to another during the broad daylight. We would like to question the duty of the chiefs in Nairobi so that we may know what they are supposed to do and what they are not supposed to do. This will help us not to mistake them because we would not like them to mistake us either.

With these few remarks, Sir, I beg to support the Vote.

Mrs. Onyango: Thank you very much, Mr. Deputy

Speaker, for giving me this opportunity to say something about this very most important Vote. First of all, I would like to start by thanking the Minister of State, President's Office for the way in which he moved his Vote.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, could you enlighten us on when the Minister is due to reply in view of our Standing Orders.

Mr. Deputy Speaker: In five minutes time.

Mrs. Onyango: Mr. Deputy Speaker, Sir, I was thanking the Minister of State in the President's Office for the able manner in which he moved his Vote. At the same time, I would like to thank the Office of the President for all the good work they have done through the provincial commissioners, district commissioners, district officers and chiefs. However, I have a few observations to make with regard to Kisumu Town and the whole country at large. Mr. Deputy Speaker now that the Kisumu Town boundaries are being extended, I would like to take this opportunity to ask the Minister of State that since we are going to have more chiefs in this area, to grade these chiefs so that we do not have only one grade of chiefs in the whole town. At the same time, the provincial officers are scattered throughout the town and it has become very difficult at times to get from one of these officers to another. For this reason, I would like to appeal to the Minister to make use of the land allocated to the Ministry for the construction of provincial offices in Kisumu. I am sure the Ministry is aware of this and for this reason, I would not like to labour too much on it.

Mr. Deputy Speaker, Sir, we would like to see the administration police in Kisumu being provided with houses because the small houses which were built during the colonial time are too small for the families of these people. At the same time a vehicle should be provided to transport the police officers from the place of work to their residential places particularly during the rainy season. At the same time, the General Service Unit officers should be allowed to stay with their families so that whenever they are sent to a certain area to do their job, they do not make enemies with other people because of their wives. Therefore, I would like to ask the Minister of State to appeal to the big bosses throughout the Republic, that is the personnel managers and the like, not to befriend the working ladies in their offices. I know these ladies may lose their jobs if they refuse to befriend these bosses, but this should be done in good faith. If this particular problem is not looked into, it will lead to very many broken homes. Mr. Deputy Speaker, Sir, women in the Civil Service have remained in one category of employment for a long time. I think they should be allowed to venture into the various fields of our Civil Service. They should also be promoted in their present positions because some of them are even better workers than men. They remain in the office for all the eight working hours while some men keep on sneaking out of offices to take coffee. Some of these men only come back to sign some documents and then they leave the offices.

With those few remarks, I beg to support the Vote.

Mr. Deputy Speaker: It is now time for the Minister to reply.

The Minister of State, President's Office (Mr. Koinange): Mr. Deputy Speaker, Sir, first of all I would like to say that I am most grateful for the real lively discussion which we had on these Votes. I am thankful that every hon. Member who has spoken on these Votes seem to have supported them. The points which were raised by various hon. Members were very constructive and I did not detect any of them which could be called destructive at all.

Mr. Deputy Speaker, Sir, I would like to comment a little on the points which were raised by hon. Seroney. Mr. Deputy Speaker, Sir, I would like to tell the hon. Member that I am not in a position to alter the changes in the Judiciary which were instituted by His Excellency the President. I am not in a position to alter any part of those changes. It is the prerogative of His Excellency the President to bring about alteration to such a set up.

Mr. Deputy Speaker, Sir, as far as our Civil Service is concerned I would like to say the following. If anybody came from outside and said that the whole of this House is not good I think he will be making a mistake. But if he picks out one hon. Member and criticizes him I think he will be doing the right thing. Whenever we speak about our Civil Service we should not condemn them wholesale because we know they are not angels just like all of us are not angels. I think it is always good to pinpoint a particular person and the particular mistake which such a person could have done instead of condemning the whole of our Civil Service. I think it is unfair to condemn the whole of the Civil Service just because one officer has done a certain mistake.

Mr. Deputy Speaker, Sir, a certain hon. Member, in the course of his speech, raised a question whereby he said that certain officers in the Administration are forcing the members of the public to contribute money for various purposes. If we know such officers action can be taken against them because of forcing members of the public to contribute funds for any kind of purpose. People should contribute to various projects willingly. In this country we believe in the spirit of *Harambee* in any aspect of our life.

There was also a point concerning the district commissioners and the provincial commissioners in the matters connected with the allocation of pieces of land in this country. I do not want to go into details on this matter because this subject affects Members of the various areas, Government Departments and a host of other officials. Whether a person asks for one acre of land or asks for two acres of land I do not see why we should bring the issue here that there has been a degree of discrimination in the allocation of plots of land. These plots of land are divided in such a way that nobody knows how much piece of land a certain person has requested to be given.

Mr. Deputy Speaker, Sir, as far as His Excellency the President's visit to Kisumu is concerned I would like to say that His Excellency has already given instruction to the Provincial Commissioner in that area about such a visit. The President's visit to that area was recently postponed because of the floods which were there recently. The Provincial Commissioner, Nyanza Pro-

vince, has now been asked to make arrangements and recommendations for such a visit. The hon. Members of Parliament from this area should work hand in hand with the Provincial Commissioner so that when His Excellency the President visits that area they will act as his host collectively. This applies to all parts of the Republic.

Having said that, I would like now to talk about close administration. It is true as hon. Omamo said, there are some areas where close administration is needed due to the fact that some of these areas are densely populated. The only thing which is preventing the Government from having close administration in all parts of Kenya is lack of funds.

I would like to assure this House that the Government is going to do its best to see that every part of Kenya has adequate water supply in a very short time to come. I would also like to assure the House that His Excellency the President is taking a keen interest in the development of water supply in this country. I am sure that all hon. Members will appreciate that piece of information.

Mr. Deputy Speaker, Sir, having said that I would like now to talk about the Kenyatta Conference Centre. I am sure every hon. Member knows that the Kenyatta Conference Centre belongs to Kanu. In fact, since the building of this centre started, I have never doubted in mind that it belongs to Kanu. The Centre is the property of Kanu Party. The only thing everybody should appreciate that Kanu like any other organization in Kenya borrowed some money from financial institutions in the country to enable it to build this fine building. At the moment the money which the centre is making is being deposited in the bank. In the near future it is hoped that there will be enough money to clear the loan which Kanu got from the banks to build the Centre. As the Vice-President has assured me a few minutes ago, there is a Kanu Office at the Kenyatta Conference Centre at the moment. Every hon. Member is free to pay a visit to the Kenyatta Conference Centre which is the property of all the members of Kanu. In fact, it is an honour for the hon. Members of this House to pay a visit to this fine conference centre. Hon. Members are free without prior knowledge of the Minister concerned to visit this fine conference centre.

Finally, I would like to appeal to all hon. Members to campaign peacefully during the forthcoming General Elections. I would like to assure the hon. Members that the provincial administration is ready to co-operate with them during the campaigning period. However, nobody should get the impression that I am trying to suggest that the provincial administration will be supporting some candidates. The part the provincial administration will play is to maintain peace and order. For instance, one hon. Member tried to suggest that there are some civil servants who interfere with the smooth running of a fair election. For instance, during the last registration of voters all that the Government was interested in was how many people in a given area above 18 years registered. This is where we

[The Minister of State, President's Office] should exercise every effort to see that sincerity dominates.

Without going into all those details I wish to thank you, hon. Members for the discussion which you have had.

I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

Mr. Chairman: I would like to suggest that since we have three Votes in one we should give them time as follows:—

Vote 1 should take half an hour;

Vote 2, which is a very short one, will take ten minutes and

Vote 3 will take 20 minutes.

In this way we shall be able to go through the Votes satisfactorily.

Is that agreed?

Hon. Members: Yes.

Mr. Seroney: How about D 1 in the Development Estimates?

Mr. Chairman: When I call Vote 1, that means both Recurrent and Development Estimates. As you will notice, halves of both the Recurrent and Development Estimates are being asked for.

VOTE 1—OFFICE OF THE PRESIDENT

The Minister of State, President's Office (Mr. Koinange): Mr. Chairman, Sir, I beg to move:—

That a sum not exceeding K£4,457,755 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1975, in respect of:—

VOTE 1—OFFICE OF THE PRESIDENT

(Question proposed)

Mr. Seroney: Mr. Chairman, Sir, I notice that there is an increase in the expenditure on general administration. Can we be told the cause for this?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, the hon. Member will notice on page 3 that head 010 is broken down into several parts. He will also see, for example, that Personal Emoluments—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, is the hon. Minister answering the correct question because he is referring us to page 3—

Mr. Chairman: He is speaking on General Administration which appears on page 3 in details.

The Minister for Local Government (Mr. Osogo): If the hon. Member would care to look at head 010, General Administration, he would see that headquarters' services has a lot to do with increases this year. Sir,

personal emoluments have increased because of normal increments and also the recruitment of graduates from universities to take up general administrative work.

The hon. Member will also see that subhead 340 is a new one and it was not provided for in the previous Financial Year. However, now it is being provided for. Therefore I do not see why hon. Members should query this very much because the details are already there on page 2 and broken down on page 3.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, on page 3 under item 100, there is an increase from K£52,100 to K£60,000. This is a substantial increase and therefore could he tell us whether the increase has come about as a result of petrol used on Government of Kenya vehicles which takes women to markets and children to school? Am I to believe that the hon. Member will tell us again that we talk here and approve these things? I would like him to give me an elaborate explanation.

Under the same heading, Sir, I would like to draw the attention of the Minister to item 192 where a substantial amount has been increased. It has increased from K£236,000 to K£311,000. The Minister should give us an explanation on this one also.

Under item 194, there has been also a substantial increase from K£9,500 to K£12,000. If he could give us an explanation on those points, Mr. Chairman, Sir, I would be most obliged.

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, you will notice that on item 100, there is an additional K£8,000. Last year, Sir, we asked for K£52,100 while this year we are asking for K£60,000. The difference is there because of the increased prices of oil this year. Going to what he asked about under subhead 192—Confidential Expenditure—the increase there is because of the increased number of Special Branch officers who are now operating under the President's Office. The provision last year was £236,000 and now it is provided for £311,000. We need increased number of Special Branch officers to help us to know what is happening around us and in the country. As you might have heard, the Vice-President remarked something in his speech this afternoon. It is for this reason that we need these officers. Therefore, there is an increase on that.

An hon. Member: It is too much!

The Minister for Local Government (Mr. Osogo): It is too much because you want protection. You do not want to be taken by surprise. I am sure he wants protection!

Mr. Chairman, coming to item 194, the expenses there is for training officers. The increase there is just a normal increase: as the staff increases, the training also increases. It is actually consequential to the increase of the staff.

Mr. arap Cheboiwo: Mr. Chairman under item 132—Republic Celebrations—last year it was £396,551 but in the Estimates you require £6,500. Why is there this decrease?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, this is the simplest thing for anybody to know. The hon. Member for Baringo North knows very well that last year we had the 10th anniversary celebrations which carried all the money we have here. This year we will not have the 10th anniversary celebrations, we will have the usual celebrations.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): While on that 10th anniversary—and the disappointments we had during that time where very good freedom fighters were not even given seats—are we to believe that we will have a change? This is because every now and then you see the same faces you saw the previous year. Is it not time we told the Minister of State to change the system so that those freedom fighters who attended the celebrations or the people who came this year will give a chance to others to come the following year, so that we stop this monotony of having the same faces for every anniversary? This is because it appears that many people, particularly those who fought for the independence are not enjoying this money at all. It is only the loyalists, homeguards and many other fellows who were not even in the country here, who enjoy the money.

The Minister for Local Government (Mr. Osogo): That is noted.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, is it in order for the hon. Member to sit there lazily and shout "that is noted" and yet I have asked a very important question? Is that in order for him to talk while seated as if he is in Bunyala Market?

Mr. Seroney: Mr. Chairman, under item 340—Disaster Relief—I see it is shown that £40,000 is required. I wonder how the Ministers know that this amount will be enough to cover unforeseen disaster? Could it not be treated like £40,000 and put as a token of £1?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, the information we have is that the disaster relief used to come under another subhead in grants as we shall go on in the old Estimates. It is only being brought under the Administration now and that is the reason why it is being shown as being new. However, if we look at the old Estimates, we shall find that it was more or less the same figure except that it is now being removed from where it was and then it is brought under another Vote.

Mr. Seroney: Mr. Chairman, Sir, my question was that why was the figure changed? I note that under the previous years, there is a dash and, therefore, my question is: how does the Minister know that the disaster which is going to happen next year will be covered by K£40,000? Why was the token K£1 not shown, similar to the next item 341?

The Minister for Local Government (Mr. Osogo): It is true, Mr. Chairman, Sir, what the hon. Member is saying that we might require more than K£40,000 but, it is also true that a national disaster is something which happens and, therefore, would require a Supple-

mentary Estimates. Now, if we had put or shown only the token K£1, it means that it would require a Supplementary Estimates immediately. So, we are anticipating how much it would cost us as it is something that is brought by God, we cannot leave the token K£1 because we have to ask for a Supplementary Estimates. K£1 means that a Supplementary Estimates will be brought in at a later date. It was a fixed figure even last year as I had said earlier on. I am sure that the hon. Member for Tinderet had not got me right. I am sure now that if he looks, I have got it. It is on page 4. It was provided for under the field administration service and it is being transferred now from the field administration service to the general administration service. Therefore, I am sure that the hon. Member will find that it was provided for even during the last financial years.

An hon. Member: But we were not here!

Mr. Nthenge: Mr. Chairman, Sir, I can see that there is an—

An hon. Member: Why do you stand up before you are called

Mr. Chairman: Wait until you are called, Mr. Nthenge! Go on now.

Mr. Nthenge: Mr. Chairman, Sir, I am questioning Postal and Telecommunications expenses. They seem to have been increased and yet we all know that the postage of letters this year has been the same as last year. Therefore, why should there be an increment and yet even the telephone services are still being charged at the old rate? I do not think that they have opened more offices. At the same time, Sir, we expected a reduction on this Vote because we had already warned the Government that there was a lot of telephoning going on with the secretaries and messengers and this had nothing to do with Government work. So, instead of a reduction in this Vote, we still find that we are being asked to increase the amount. Is this not funny?

The Minister for Local Government (Mr. Osogo): No, Sir! Let us be a bit serious in what we are saying. The additional expenditure which the hon. Member sees which is about—

Mr. Umuro: On a point of order, Mr. Chairman, Sir. Why should we have the Minister for Local Government answering questions on behalf of the Minister of State, President's Office, whereas the Minister himself is here?

Mr. Chairman: I think that is an arrangement between them; probably it is because he is younger and, therefore, he can stand up much faster than the Minister of State.

The Minister for Local Government (Mr. Osogo): This is the first time, Sir, since we were elected to scrutinize this Vote. That is the reason why it has been strange for hon. Members to see me doing this. However, we have been doing this for the past years. I am sure that hon. Members are aware that any Minister can stand up and answer on behalf of another Minister. He will be helping him in that case.

Therefore, Mr. Chairman, Sir, the increase here in telephone and postage expenses is due to item 192: the

[The Minister for Local Government]

Special Branch, which has been transferred from the Vice-President's Office to the Office of the President. Therefore, that increase of personnel there means an increase in telephone expenses.

Mr. Karungaru: Mr. Chairman, Sir, I have only one question. Before we move on, I would like to get clarification or an explanation from the Minister as to—

Mr. Chairman: Where are you?

Mr. Karungaru: I am on 050.

Mr. Chairman: Where? What page?

Mr. Karungaru: House Allowances.

Mr. Chairman: No! We are on page 5:011—Field Services.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Chairman. Now, I want to draw the attention of the Minister to page 4, where under Miscellaneous and Other Charges in 1973/74, the amount shown is £48,881, and which has shot up to £64,430 now. Now, could we be told what the miscellaneous and other charges are because there has been quite a big increase?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, the increase is as a result of the stationery that is required by the Government Printer. Hon. Members will realize that the Government Printer comes under this particular Vote, and the increase is really due to the stationery required by the Government Printer. The hon. Members will also know that the price of paper has gone up and, therefore, that increase is quite reasonable.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, why should stationery for the Government Printer come under miscellaneous because it could easily have been put clearly. I agree that the price of paper has gone up and so forth, but the point here is that even in this National Assembly, you will find that we have the so-called HANSARD which sells just for one shilling, and which is never read. As a matter of fact, the HANSARD reports are thrown on the floor of the pigeon holes area here in the Parliament Buildings. Even some of these big books are not read by hon. Members; they are just around the place. Therefore, I was wondering why this was not specifically put across because I feel there is a lot of money wasted here in this National Assembly and in other Government offices, especially as far as stationery is concerned. Useless letters are being written and so forth, instead of an officer just walking from one office to another. This goes on endlessly, as a result of which a lot of stationery is wasted. Would the Minister tell us exactly why this should come under miscellaneous and other charges?

An hon. Member: Keep on trying!

The Minister for Local Government (Mr. Osogo): Mr. Chairman, we are trying to do our best here!

Hon. Members: Hear, hear!

The Minister for Local Government (Mr. Osogo): Mr. Chairman, it will be noticed that in the past, when

the Estimates were being printed, this item was appearing under stationery. However, it became a bit more than just stationery. Therefore, in the budgetary system, the Minister for Finance and Economic Planning found it necessary to lump it together and call it miscellaneous. Therefore, he has brought in all the other items that are miscellaneous. If the hon. Member wants us to say what the miscellaneous is, I have already said that stationery is part of it, in the form of paper, ink, cutting letters and so on. However, if the hon. Member wants a full breakdown of these items, and if the House is also interested, we can produce it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, while I would like to get these details from the Minister, he does not realize we have gone further in this book. Now, if you look on page 5, under Government Press, you will find stationery is also provided for there. Therefore, it could not be the same item under miscellaneous. Could we get a better explanation for this?

The Minister for Local Government (Mr. Osogo): The hon. Member will notice that under stationery in the Government Printer, it was £123,000 for the current year, and which has drastically been reduced to £2,000 only. Therefore, that reduction goes to the other side for budgetary purposes, and that is what I am saying. The decrease there is so great that the hon. Member should be able to see that the stationery to be used by the Government Printer this year could not be worth only £2,000. This could not be possible. So, I am stating here that for budgetary purposes, stationery that goes to the field and so on, has been brought under Subhead 190, in Head 005. That is what has happened.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I have not been able to follow the Minister. My arithmetic is bad but I think his is worse. If you compare the figure the Minister has given us, and he claims that it has gone down, you will find that it has actually gone up. I wonder how does he work out his arithmetic? Can he explain that?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, the difficulty we have here is the knowledge we have about the Government Press as compared to the ordinary stationery supplied to the Ministries. If the hon. Member would look at subhead 150, he would find what is called "Raw Material" and that comprises of raw paper coming in and other things. There is an increase on the raw material. Other things that are used by the Government Press are now being provided for under miscellaneous. The hon. Member will also agree with me that it was only last year that the new building of the Government Press was completed. So, they needed more money to install new machines in this building. The hon. Member knows all this.

Mr. Nthenge: Mr. Chairman, Sir, my question is with regard to this additional transport that I see here, and an additional boat. Can we have an explanation why there should be this increase while we know that we have already agreed in principle that Government

[Mr. Nthenge]

transport should be reduced. Instead of some officers travelling in Mercedes cars and Peugeot 504's they should be travelling in smaller cars to reduce expenses, because they are using taxpayers' money? If somebody wants a bigger car, he can buy a private one. So, here I can see that instead of reduction, there is about 20 per cent increase. We expect some reduction here. All the same, what is this boat for?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, we need a boat due to a number of patrols done on Lake Victoria. This boat is actually being manufactured for the administration to use on Lake Victoria. The District Commissioners, Siaya and Busia Districts have to have a boat because they travel on the lake to reach some parts of this Republic which are in water. That is why we have to have a boat.

The other additional money is because we are adding 42 vehicles of various sizes.

Mr. Chairman: We will go on now. A guillotine will follow on this part.

(Heads 010, 011, 012, 013 and 014 agreed to)

(Question put and agreed to)

(Vote 1 agreed to)

(Resolution to be reported without amendment)

VOTE 2—THE STATE HOUSE

The Minister of State, President's Office (Mr. Koinange): Mr. Chairman, Sir, I beg to move:—

THAT a sum not exceeding K£118,600 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1975, in respect of:—

VOTE 2—THE STATE HOUSE

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I would like to say something on subhead 020—State Lodges.

I see an expenditure of K£162,200 and the request from hon. Members elected by the people from Western part of the Republic of Kenya have been falling on deaf ears of those in the President's Office. Could we be told whether this amount includes the building of a State Lodge at Kakamega which is the Western Province Headquarters and if not, why?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, we cannot reply to this one because it is given on the explanation on the top that the estimates are to cover the state lodges that are mentioned. Unfortunately, Kakamega State lodge does not appear on that. Therefore, I think the request the hon. Member wants to put is that since there is no state lodge in Kakamega—it could not be provided here because it could be provided under the Ministry of Works who constructs Government buildings. This estimate is a provision for recurrent expenditure but not development. Therefore, I would request the hon. Member to ask that question when we reach the development esti-

mates. Constructing a state lodge is a development and not recurrent. Since we do not have a state lodge in Western Province or Kakamega for that matter then we would not pay any salaries to anybody there.

Mr. Chairman: I think we are doing the two of them together.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I was asking that question because you gave a ruling to the effect that we are considering both the Development and Recurrent Estimates together. I am therefore asking questions on both of them. Could he therefore, tell me where in the Development Expenditure Kakamega lodge is shown. It is really sad to see the hon. Minister for Local Government replying to my questions when the Minister concerned is here.

The Minister for Local Government (Mr. Osogo): Well, Mr. Chairman, this is not provided for.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, now that the Minister has admitted the truth that this is not in the Development Estimates, could he tell this House why over two million people must continue to be ignored for the last 11 years when we have been asking for this state lodge to be built there to facilitate His Excellency's visit to this province and yet we have been paying tax? They take our money but we do not get the service. I am glad that the Minister for Local Government is pointing to the Minister of State, President's Office to answer that.

The Minister of State, President's Office (Mr. Koinange): Mr. Chairman, Sir, with all due respect to the hon. Member, this must not be taken as being overlooked at all. With all sincerity, if we say this is the case, even those in North-Eastern Province will actually say the same. I know that it was only in the last two years that the President has concentrated in making and organizing and establishing Nakuru to be a State House. Mr. Chairman, we have had to do almost a piece-work on these lodges. We know that the Lodge in Kisumu and that one in Kakamega have not received our fullest attention. This is absolutely true. This being the case, therefore, the hon. Member should know that we have not ignored these places. It is not that we do not go there because the hon. Member knows very well that we do go there.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Yes, when you are just passing along.

The Minister of State, President's Office (Mr. Koinange): Not only when we are passing along do we go there. I am sure the hon. Member knows pretty well that we do go to some of these places. However, when the right time comes to concentrate on some of these places, we shall definitely improve these places. I do not think you should ask me exactly when because I cannot say whether it is tomorrow or the day after tomorrow.

Mr. Araru: Mr. Deputy Speaker, Sir, this point is very important because it does not only affect Western Province, but it also affects North-Eastern Province.

[The Minister of State, President's Office]

We have of late noticed that the President likes visiting those places where there are lodges. I am saying this because these days the President is always going to Nakuru because he knows there is a lodge there and the same case applies to Mombasa. We all know that our President is the father of the nation and we are ready to vote any money to build him lodges throughout the country. Could the Minister tell us why there is not even a single state lodge in the whole of Eastern or North-Eastern Province? When the President visited Embu recently, he had to stay in the provincial commissioner's house and this is why he has ignored visiting those places where there are no state lodges because he does not want to stay in somebody else's house. We would like to know why the Ministry has ignored building state lodges in some provinces. We have beautiful towns like Embu, Meru, Marsabit, and so on. Why do they not establish state lodges there?

The Minister of State, President's Office (Mr. Koinange): I would like to assure you that I will pass this information to the President for his full consideration. However, it has never been a refusal of any kind on the part of my Ministry to establish state lodges in these areas. Therefore, I would like to assure the hon. Member that this is going to be done.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman, is the Minister really in order to try and take us for a ride by saying that he is going to take this matter to the President. The President does not make estimates in this House. Therefore, is it really in order to take the matter to the President when the people who make the estimates are sitting in front of me here?

The Minister of State, President's Office (Mr. Koinange): Mr. Chairman, there are two things which are being mixed up here and I think I had better get them straight. The first point was this question of visiting which came from an hon. Member behind me here. Then there was this other question of the establishment of state lodges which came from the hon. Member over there. I have answered the question of establishment of lodges already.

Mr. Umuro: Mr. Chairman, in the development estimates, I notice that the State Lodge at Nakuru receives huge sums of money every year, even much more than the State House of Nairobi here. Would the Minister tell this House why so much money goes to the Nakuru State Lodge? Is it because the President is going there every other day?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, if the hon. Member went to Nakuru, he would find that the President had previously adopted the former provincial commissioner's office. However, the Ministry concerned, has established a new state lodge which is a beautiful one to look at.

Mr. Seroney: Mr. Chairman, Sir, could the Minister assist by telling us where this £270 in appropriations-in-aid is supposed to come from. Are they doing any kind of business in the State House?

The Minister for Labour (Mr. Mwendwa): Mr. Chairman, Sir, this has come from the sale of old cars which have been out of service for some time.

(Heads 020 and 021 agreed to)

(Question put and agreed to)

(Vote 2 agreed to)

(Resolution to be reported without amendment)

VOTE 3—DIRECTORATE OF PERSONNEL MANAGEMENT

The Minister of State, President's Office (Mr. Koinange): Mr. Chairman, Sir, I beg to move:—

THAT a sum not exceeding K£805,900 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1975 in respect of:—

VOTE 3—DIRECTORATE OF PERSONNEL MANAGEMENT

(Question proposed)

Head 030—General Administration

The Assistant Minister Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I can see that here there is an increase of more than K£20,000, on general administration. Could the Minister tell the House why this increase has come about.

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, if the hon. Member looks further on page 15 he will find that the personnel in this department has been increased to the tune of 27 new officers. For example, there used to be only one Deputy Secretary but in future there will be two such officers. Down there they have also increased seven subordinate staff. That is why there is this increase in expenditure.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, could the Minister also give us the situation in this office in terms of the representation of personnel there. We have complained time and again in this House about promotions, nepotism, tribalism and such things in this office. Since we are voting a lot of money for these members of staff could we get a sort of their tribal break-down. From my homework which is rough—although I can make it perfect—it shows that there are some tribalistic tendencies in this office.

The Minister for Local Government (Mr. Osogo): Honestly, Mr. Chairman, you will agree with me that the tribal break-down of these personnel would not appear in this book. Therefore I am helpless to answer the question by the hon. Member.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, if the Minister is helpless to answer my question I think somebody else has to be helpful in doing so because this matter concerns money. These people do not appear anywhere but the Minister knows them. This Ministry should depict a national outlook and not have too many fellows from one tribe. This is the point I am trying to drive home. I can see that the Minister is agreeing with me while he is seated. Could he stand up and assure me that this will not happen,

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

because it is a shame that we should spend so much money on one section of our community.

The Minister for Local Government (Mr. Osogo): I agree with the hon. Member for Butere.

(Head 030 agreed to)

Head 031—Training

Mr. Seroney: Mr. Chairman, Sir, according to the Estimates there is no additional of staff under this subhead, but there is an increase of £20,000. Will he tell the House why there is such increase of money for personal emoluments under this subhead?

The Minister for Local Government (Mr. Osogo): Mr. Chairman, Sir, I agree with the hon. Member that there is no additional of staff under this subhead. However, the increase the hon. Member is referring to is due to the annual increments of salary to the members of staff working in this department.

(Subheads 030 and 031 agreed to)

(Vote 3 agreed to)

(Question put and agreed to)

(Vote 3 agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

VOTE 1—OFFICE OF THE PRESIDENT

VOTE 2—STATE HOUSE

VOTE 3—DIRECTORATE OF PERSONNEL
MANAGEMENT

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered Votes 1, 2 and 3, the Office of the President, the State House and Directorate of Personnel Management respectively and has approved the same without amendment.

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the said Report of the Committee.

The Minister for State, President's Office (Mr. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Thursday, 27th June at 2.30 p.m.

*The House rose at fifty minutes
past Six o'clock.*

Thursday, 27th June, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Legal Notice No. 105—The Income Tax (Appeals to the High Court) Rules, 1974.

Legal Notice No. 111—The Statistics (Employment) Regulations, 1974.

Legal Notice No. 112—The Price Control (Salt) Order, 1974.

(*By the Attorney-General (Mr. Njonjo) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

ORAL ANSWERS TO QUESTIONS

Question No. 411

OFFICE AND LIVING ACCOMMODATION—ISABANIA

Mr. Marwa asked the Vice-President and Minister for Home Affairs, since Isabania Immigration Control Post has no offices and officers' houses, when his Ministry would construct them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

The immigration officers at Isabania Control Post are adequately housed and, as is the case in any other control post in the country, they share office facilities with police officers.

Mr. Marwa: Mr. Speaker, Sir, is the Assistant Minister aware that the office being shared by police officers and immigration officers is very small and it is because of this that passengers are delayed when going to Tanzania or coming to Kenya?

Mr. Bomett: Mr. Speaker, Sir, I said that the facilities are adequate and since we have little funds to be spread all over the country, we are not prepared to build lavish and good offices because the present set-up is good enough.

Mr. Marwa: Mr. Speaker, Sir, since I said that the small office is contributing to the delay of passengers travelling from Kenya to Tanzania and coming from Tanzania to Kenya, what is the Ministry doing to see that these immigration officers are given a small office where they can conduct their business properly?

Mr. Bomett: Mr. Speaker, Sir, the business is being conducted properly as far as we are concerned. Delays are bound to arise because the work of checking immigrants has to be conducted properly. No delay arises as a result of lack of office accommodation.

Question No. 441

POLICE STATION FOR KERIO NORTH

Mr. Cheserek asked the Vice-President and Minister for Home Affairs—

(a) if he is aware that there is only one police

patrol base station at Tot in the whole of Kerio North; and,

(b) whether the base could be considered for promotion into a full post and provided with (V.H.F.) very high frequency facilities.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Bomett): Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) The base will be considered along with others for elevation to a police post as and when funds are made available.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, will he tell the House how many police officers are at this patrol base at Tot? Are they sufficient to serve Kerio North?

Mr. Bomett: Mr. Speaker, Sir, the hon. Member should count the number of police officers in that place.

Mr. Cheserek: Mr. Speaker, Sir, my question is how many police officers and constables are at Tot at the moment and whether they are sufficient to serve Kerio North Constituency which has a population of 7,000 people.

Mr. Speaker: The Assistant Minister could rightly say that he requires notice of that question because what you are now asking does not arise directly from your question. Therefore, it is quite possible that he did not have the number ready.

Mr. Cheserek: Mr. Speaker, Sir, will the Assistant Minister tell the House whether this police base can be provided with very high frequency facilities since this is the easiest means of communication in such areas?

Mr. Bomett: Mr. Speaker, Sir, the very high frequency facilities will come along with the promotion of the post; but as I said, we shall consider this particular request along with other requests. I do agree that there is a need for the promotion of this base, but, as I said, we shall consider this when funds are available.

Mr. Koigi: Mr. Speaker, Sir—

Mr. Speaker: Order, Mr. Koigi, you must wait until you are allowed to ask a question. Anyway, what is your question?

Mr. Koigi: Mr. Speaker, Sir, would you give me guidance on the phrase used by Ministers and Assistant Ministers, "when the funds are available"? We are now voting for money and it will be available for use within the next month.

Mr. Bomett: Mr. Speaker, Sir, the hon. Member knows very well that money voted here is not considered for Tot only since it is voted for the whole Republic of Kenya. Therefore, it is futile to suggest that because money has been voted here, automatically, the police post will be elevated. There are many other things to be gone into, just like the hon. Member may like to drive a Mercedes Benz car and if he does not have money he will have to wait for a while.

Question No. 416

VEGETABLE CESS AT MOMBASA

Mr. D. M. Kioko asked the Minister for Agriculture why "Ship Chandlers" are required to pay cesses

[Mr. Kioko]

for the vegetables that go to ships calling in Mombasa and yet they are not exporters by law of the country.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply.

Ship Chandlers, Mr. Speaker, are required to pay cesses because cesses must be paid by growers or sellers of local produce even if they are not strictly for export.

Mr. D. M. Kioko: Mr. Speaker, Sir, since the Attorney-General is the custodian of the law in this country, is he aware that these cesses were imposed by some legal notices issued in 1972, namely, Legal Notices Nos. 188 and 149? Would the Attorney-General tell this House whether according to these two Legal Notices, the authorities have any right to impose these cesses to the Ship Chandlers?

Mr. Njonjo: Mr. Speaker, Sir, I hope the hon. Member is not suggesting that the imposition of these cesses is illegal. For instance, Mr. Speaker, although the growers of coffee do not themselves export coffee, they still pay some kind of cess because they sell our coffee to other people who then export it. The general interpretation of the law is that every person who sells any kind of produce is liable to pay a cess.

Mr. D. M. Kioko: Mr. Speaker, Sir, I do not think the Attorney-General is fully conversant with the whole issue. I am saying this because we are now being forced to pay these cesses just because we happen to be supplying vegetables to the Ship Chandlers. Mr. Speaker, Sir, I deny that we are Ship Chandlers by the law of this country. Therefore, could the Attorney-General tell this House why we are supposed to be paying these cesses?

Mr. Njonjo: Mr. Speaker, Sir, if one follows the interpretation of the law carefully, one can say that those people who sell vegetables to the Ship Chandlers and, as a result, these vegetables are exported from Kilindini Harbour to outside countries, are exporters.

Mr. D. M. Kioko: Mr. Speaker, Sir, by the interpretation of these two Legal Notices, if we are exporters we are supposed to be filling in certain forms indicating what types of goods we are intending to export and their destination. However, Sir, we have no overseas markets like the Ship Chandlers who just come at the Harbour and collect goods for two months. Could the Attorney-General really tell us why we are forced to pay these cesses?

Mr. Njonjo: Mr. Speaker, Sir, this seems to be the same problem which we have in this country these days. I am saying this because businessmen do not want to pay tax these days and all they want is to make profit. The Member for Mombasa West will agree with me that vegetables and goods sold by these people bring a good profit and, strictly speaking, these produce are being exported.

Mr. Nthenge: On a point of order, Mr. Speaker—

Mr. Njonjo: No, it is not a point of order! I know you just want to disagree with me, but you can ask a question later if you so wish. However, the point here is that if the hon. Member thinks that the law is not clear, it can be made more clear. However, the strict

interpretation of the law is that these goods are being exported from Kilindini to outside countries.

Mr. Nthenge: Mr. Speaker, Sir, could the Attorney-General tell this House what he expects these people, who come to the harbour and stay for two or three weeks, to eat? Could he tell us the difference between two persons who go into a shop and buy vegetables while one of these two fellows happens to be a captain of a ship and the other happens to be an ordinary person? The captain of the ship buys enough vegetables for his crew while the ship is at harbour.

Mr. Njonjo: Mr. Speaker, if a sailor goes to the hon. Member's kiosk and buys a carving, no cess will be charged for it; but when goods are sold in bulk to the ship, then these goods are subject to a cess.

Mr. Mnene: Mr. Speaker, Sir, according to Chapter 2 of one of the Legal Notices referred to, you will find that the word, "exporter" is interpreted to mean a person who removes or causes to be removed certain goods from this country to another country. This is the interpretation according to Chapter 2 of the Laws of Kenya. If the Ship Chandlers only sell vegetables to the owners of the ships for their domestic use, are they, strictly speaking, responsible for the exportation of these vegetables should the ship owners choose to export them?

Mr. Njonjo: Mr. Speaker, Sir, I am obliged for that interpretation we have just heard from the hon. Member. Any person who transports or causes goods to be transported outside Kenya is an exporter. If no person sold those vegetables to the captain of the ship, those goods would not move out of Kenya and, therefore, the people who are selling these goods are exporters and I can satisfy any court of law that this is the case.

Mr. D. M. Kioko: Mr. Speaker, Sir, would the Attorney-General deny or accept in this House that the lawyers of the Horticultural Crop Development Authority have all the way from 1962 refused the Ship Chandlers to obtain a clarification of this particular law in a court of law? Just now, Sir, we have paid money to these lawyers to find out the position because we still do not agree that we are exporters of any kind. Why has the Government stopped us from going to court for more clarification on this matter?

Mr. Njonjo: Mr. Speaker, Sir, I would like to assure the hon. Member that I have not stopped these people from going to the court. In fact, I would be very happy if his clients would go to court.

Mr. Speaker: Next question. Dr. Munene.

Question No. 456

AGRICULTURAL SHOW FOR MURANG'A

Dr. Munene asked the Minister for Agriculture—

- (a) in view of the growing demand for an Agricultural Show in Murang'a District, what he is doing to encourage one to start;
- (b) whether he is aware that Gakoigo Show Ground, near Maragua, was set aside for this purpose many years ago; and
- (c) whether he would instruct his field staff to start the show with immediate effect.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply.

The Minister is aware of the keen interest that the people from the hon. Member's constituency have in agricultural shows. All that remains now is the proof of an even greater interest that they will bring exhibits so that when the show starts it will be a success.

Dr. Munene: Mr. Speaker, Sir, the question seeks the establishment of a district showground. I have already informed the Minister that we have enough showground and the County Council of Muranga has given the necessary funds to start the show. Therefore, would the Minister see to it that his staff in the field at least encourage the local people to organize an agricultural show? Of course, the people have enough agricultural exhibits, and it now remains for the Ministry's staff to encourage them. We have enough *Ngombe* and everything else which is needed at an agricultural show.

Mr. Njonjo: Mr. Speaker, Sir, we are talking about an agricultural show in Murang'a District where hon. Dr. Munene comes from. The hon. Member says that the officials of the Ministry have not shown interest in this show. I think what we want is interest not only on the side of the officials of the Ministry but also on the side of the people in this area so that the whole operation is successful. After all, the exhibits are going to be produced by the people in the area and not by the officials of the Ministry.

Dr. Munene: Mr. Speaker, Sir, is the Attorney-General telling the House that the people themselves have to make the programme of this show when we know that such programmes are made by the officials of the Ministry of Agriculture, after which they call upon the people from the area concerned to bring their exhibits forwards? Is the Attorney-General now telling the House that we should do this job ourselves or is he going to ask the officials of the Ministry to compile the programme?

Mr. Njonjo: I suggest that the job be done by the hon. Member for the area to start with. In fact, he might become the chairman of the Murang'a Agricultural Show. This is possible because the chairman of the Agricultural Society of Kenya is hon. Maina Wanjigi, who is a Member of Parliament. That is why I am inviting hon. Dr. Munene to get more active in this matter and get appointed the chairman of this show.

Question No. 465

DOUBLE TAXATION TO FISHMONGERS

Mr. Onyulo asked the Minister for Local Government if he is aware that vendors like fishmongers are taxed twice in respect of their trade items in that they are obliged to purchase trading licences and also to pay market dues for the same commodities for which they are licensed at every market they sell them.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply.

Fishmongers are required to have wholesale licences which allow them to move from one place to another and to sell fish to retailers without necessarily entering a

market. Should the same fishmonger wish to retail the fish, he will be required to pay the normal barter fees.

Mr. Onyulo: Mr. Speaker, Sir, arising from that unsatisfactory reply given by the Assistant Minister, he appears to confuse a fisherman with a fishmonger. My point is that a fishmonger buys fish from the fishermen and takes it to the market and he pays licence for that. If this is the case, why should he be made to pay barter fees when he takes the fish to the markets?

Mr. Ogutu: Mr. Speaker, Sir, we have two categories of fishmongers. One category brings the fish from the lake or from the river to the market place and the category which buys it offshore and then resells it to the retailers who sit in barter markets. The category which brings the bulk fish from the lakes or the rivers to the market as wholesaler pays a different fee from the one which is paid by the retailer. This depends on what means he uses to transport his goods. If these two licensees decided to bring their fish into the market and retail it, then they must pay the barter fees.

Mr. Ogalo: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, since it is the same county council which issues these two different licences, why should it ask these fishmongers to pay market fees if they want to retail the fish?

Mr. Ogutu: Mr. Speaker, Sir, the first licence which allows the fishmonger to bring the fish out of the lake also allows him to sell this fish anywhere even along the road. Some of these fishmongers sell their fish by the roadside as they move about in their business. They do not even have to go to the market to sell their fish to the retailers. That licence allows them to hawk their commodities within the district. But when they go to an established market, then they have to pay the barter fees if they want to retail that fish. There is a difference in the two categories of fish dealers.

Mr. Ogalo: Mr. Speaker, Sir, is the Assistant Minister aware that the fishmongers who get the fish from the lakes also pay another fee when they go to the markets?

Mr. Ogutu: Mr. Speaker, Sir, I am aware of that. Any businessman or trader must pay for a licence to authorize him to trade.

Mr. Ogalo: On a point of order, Mr. Speaker, Sir. The Assistant Minister said that only those who are trading within established markets are supposed to pay the barter fees. He now says that those who get their fish from the lakes must also pay these fees. Could he clear the matter as to which is which?

Mr. Ogutu: Mr. Speaker, Sir, what I said about this matter was very clear. I said that if the fishmonger who is licensed to buy fish or to get it from the lakes decides to retail this same fish in the market he must pay barter fees.

Mr. Onyulo: Mr. Speaker, Sir, we have other kinds of hawkers in this country who buy licences to sell their goods to the markets but they do not pay these barter fees. We also have the fishmongers who buy their fish from the fishermen and take it to the market. Why should they be made to pay barter fees? What is the difference between a fish hawker and a hawker of other goods?

Mr. Ogutu: I said that the fish hawkler has a licence which entitles him to move his goods anywhere within the district but not necessarily taking his fish to a particular market. He can also go to the market and sell his fish to the retailers or even stand by the roadside and sell his fish.

Mr. Onyulo: On a point of order, Mr. Speaker, Sir. The hawkers of other commodities are also permitted to sell their products anywhere in the district just like the fishmongers.

Mr. Speaker: What is your point of order, Mr. Onyulo?

Mr. Onyulo: Mr. Speaker, Sir, my point of order is that the Assistant Minister is confusing the House by saying that the fishmonger is the only hawkler who is entitled to sell his goods anywhere in a district. Is he in order to confuse the House?

Mr. Ogutu: Mr. Speaker, Sir, I mentioned earlier on that we have two categories of licences. We have one licence for the wholesale fishmonger, and another one for the retail fishmonger, who sits at the market to sell his goods. The retailer buys his fish from the wholesaler in this case. I also said that the wholesale fishmonger pays his licences according to the means of transport which he uses to carry his goods. If he uses a motor vehicle he pays Sh. 75 for his licence but if he uses a bicycle he pays Sh. 40. The fish retailer who sits in a barter market pays 10 per cent of the value of his fish for licence.

Question No. 362

LAND ADJUDICATION IN KERIO SOUTH

Mr. Kurgat asked the Minister for Lands and Settlement whether he will speed up land adjudication in Kerio Valley of the Kerio South Constituency in order to enable *wananchi* to obtain loans from the Agricultural Development Corporation to purchase cattle like their counterparts at Nyaru and Chepkorio areas in the same constituency.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker Sir, I beg to reply.

Several adjudication sections in Soi Location of Elgeyo-Marakwet Division have already been finalized and registered owners of plots in Kapkarakwa, Kapchorwa and Matkei can collect their land certificates at their convenience. I am satisfied that land adjudication in the area in question has been carried out successfully.

Mr. Kurgat: Mr. Speaker, Sir, the Assistant Minister is confusing the House by bringing in the question of the highlands when the question specifically refers to Kerio Valley where fluorspar is being mined. Will the Assistant Minister answer my question without bringing in issues which are not relevant to the question?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am satisfied that the hon. Member is interested to know what is happening in the whole of Kerio Valley. That is the reason why I gave him additional information. I am satisfied that land adjudication is taking place smoothly in the area the hon. Member is talking about.

Mr. Kurgat: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, and in view of the fact that

land adjudication in some areas took place way back in 1964, what is he doing to make sure that these people are issued with title-deeds?

Mr. G. G. Kariuki: It is not possible for my Ministry to issue these people with title-deeds now because the mapping of the area is currently in progress. However, as soon as this exercise is over we shall provide these people with title-deeds.

Mr. Murgor: Mr. Speaker, Sir, will the Assistant Minister assure this House that land adjudication will be speeded up in this area so that it can be completed before the mining of fluorspar has commenced because I am sure that this will disrupt everything in the area?

Mr. G. G. Kariuki: Mr. Speaker, Sir, my Ministry is doing its best to see that land adjudication in this area is completed soon. I am glad to say that people of the areas are very co-operative with my field officers. This is a factor which is going to help us to complete land adjudication in the area very soon.

Question No. 450

LAND ADJUDICATION IN KARIMBA

Mr. Mutua asked the Minister for Lands and Settlement—

- (a) why land adjudication in Karimba land unit has not been completed whereas the exercise was started in 1964; and,
- (b) if it is true that the former officer attached to the unit has been transferred to avoid queries.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker Sir, I beg to reply.

(a) It is true that although Karimba land unit was declared an adjudication section on 1st August, 1964; unfortunately, this exercise has not yet started. The land adjudication team had to be withdrawn from Karimba because plot-owners were opposed to land adjudication taking place in the area. In fact, the plot-owners were so unco-operative that they refused to show the boundaries of their plots to the field officers. Later on these people changed their attitude and showed their willingness to have their land adjudicated. As a result, the land adjudication team was sent back to the area and since then the demarcation has been taking place smoothly. I am hoping that this exercise will be completed soon.

(b) I am not aware that one officer has been transferred from this area due to the reasons given by the hon. Member. In fact, I do not know what the word "queries" appearing in the question is supposed to mean. Perhaps the hon. Member is in a position to explain to us what he means by that word.

Mr. Mutua: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, which shows that he does not know what he is talking about, is he aware that the people in this area refused to co-operate with the field officers because these officers' main aim was to acquire plots of land for themselves in the course of their duties?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am not aware of what the hon. Member is claiming.

Mr. Mutua: Mr. Speaker, Sir, is the Assistant Minister not aware that the officer in question was transferred

[Mr. Mutua]

to Nyambene North due to the fact that members of the public had started complaining against him?

Mr. G. G. Kariuki: Mr. Speaker, Sir, my Ministry is not aware that *wananchi* complained against the officer the hon. Member is referring to. As far as I am concerned this officer was transferred to Nyambene North for other reasons apart from what the hon. Member is claiming.

Question No. 413

VOTING PROCEDURE

Mr. D. M. Amin asked the Attorney-General, since the people of North-Eastern Province are nomadic, as he is aware, and they are always on the move in search of pasture, they are going to be allowed by law to vote in different registration units within the same constituency.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

No, Sir.

Mr. D. M. Amin: Is the Attorney-General aware that the people in North-Eastern Province keep on moving from one place to another in search of water and it is possible for them, at a given time, to be as far away from a given registration unit, as 500 miles? In view of that fact, is he prepared to amend the Law so that they can vote anywhere in a given constituency?

Mr. Njonjo: Mr. Speaker, Sir, the Laws of Kenya are made for the whole of Kenya and not for one particular section of nomadic people. The Government would like to make sure that people who are going to vote in the next National Assembly Elections are of Kenya origin.

Mr. Kadir: Mr. Speaker, Sir, arising from that reply by the Attorney-General, is he aware that some people were transferred from such areas like Rift Valley to Moyale? What is the Government going to do to make sure that these people do not vote in Moyale?

Mr. Njonjo: Mr. Speaker, Sir, let me say emphatically that the people in North-Eastern Province know that every Kenyan was required to register as a voter in a given registration centre. The Government is not going to allow people to vote in areas where they were not registered as voters. After the President has dissolved Parliament these nomadic people will be given five weeks to move back to the areas where they were registered so that they can vote. The Government is going to safeguard what the hon. Member is afraid of. The Government is aware that people from neighbouring countries registered in Kenya. If these people are caught, they will be dealt with severely.

Mr. Kadir: While I thank the Attorney-General for what he has said, is he aware that some of the people who have been registered as voters in Isiolo are from North-Eastern Province, Rift Valley Province and even Nairobi, and there are some others who are not known where they come from? Can the Attorney-General undertake to see that the names of such people are deleted from the register of voters?

Mr. Njonjo: Mr. Speaker, Sir, in quite a number of areas now the registers of voters are open for hon.

Members of Parliament and members of the public to look at. If the hon. Member notices a name of any person who should not be in the register he should report the matter to the Government. It is vital, Mr. Speaker, that Members of Parliament, especially, should examine these registers because somebody told me that he filled in the necessary forms for registration but when he went to examine the register he did not find his name. I have proved this myself. Once you discover that your name has been excluded from the register you should claim to have it placed there if you show the necessary forms.

Mr. Karungaru: Since such an exercise is a difficult one, would the Attorney-General, as the Director of Public Prosecutions, order that specific investigations be carried out to find out whether the registration of voters was done well? Women, for example, used their thumbs and it will be possible to discover the people who registered themselves many times. In fact, some people registered themselves more than 50 times. Some gave themselves many false Christian names in order to register themselves very many times. Can the Attorney-General carry out proper investigation so as to eliminate this type of malpractice?

Mr. Njonjo: Mr. Speaker, I do not want to give too much information in this House. All I can tell hon. Members is that I have discussed this matter with the President and we have worked out a system under which I can guarantee to the public that no voter—may I repeat, no voter—will be able to vote twice. If he will have to do that, then, I am afraid, he will have to have an amputation first before he can succeed.

Question No. 445

EXPORT/IMPORT OF COTTON

Mr. S. Lugonzo asked the Minister for Commerce and Industry whether he is aware that the cotton grown in Western Kenya is all exported while Kisumu Cotton Mills have to import all the cotton processed in their mills; and if the answer is positive, whether he could elaborate on the reason for this transaction.

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

It is not true to say that all the cotton grown in Western Kenya, or in any part of Kenya, is exported. However, some cotton for which the Cotton Lint and Seed Marketing Board cannot get local buyers is being exported.

While the board receives about 30,000 bales of cotton to sell annually, local millers place orders for only 5,000 bales, leaving a balance of 25,000 bales for which the board must find an export market.

Meanwhile, my Ministry is currently negotiating with the Textile Manufacturers with a view to establishing a cotton textile mill which can make use of most of the cotton produced locally.

Mr. S. Lugonzo: Mr. Speaker, Sir, is the Assistant Minister quite sure of what he is saying since it is the managers of Kisumu Cotton Mills themselves who say that they cannot buy cotton from Busia, and that they buy it from Tanzania and Uganda? They are wondering why this should be the case because if they were allowed

[Mr. S. Lugonzo]

to buy the cotton from Busia it would be economical to do so. The managers are complaining that they are not allowed to buy cotton from Busia.

Mr. Anyieni: Mr. Speaker, Sir, the hon. Member should know that there are different grades of cotton, such as the AR, which is the first grade, and BR, which is second grade. The millers must have a certain amount of each of these grades. There is a certain type of cotton produced in Tanzania which, when mixed with our local cotton produces a very good quality material. There is no reason why Kenya should buy cotton from Tanzania or Uganda when the local cotton can be conveniently utilized to manufacture the textiles that we require. However, there is the question of quality and also of the blending of cotton which is very important. We import some chemicals on top of cotton, not from Tanzania or from Uganda but from overseas in order to be able to produce a good quality textile that can be sold in the market. But, as I said, Mr. Speaker, we are trying to negotiate with the millers to establish a factory which can utilize the BR and AR cotton to produce first-class textile materials. Before this is done, however, the *status quo* must continue.

Mr. S. Lugonzo: Mr. Speaker, Sir, the explanation given by the Assistant Minister is not yet to the point. The complaint of this company is not on quality; they do not buy cotton from Uganda or Tanzania because of the type of fibre or quality. The complaint is that the cotton which is produced in Busia is exported when they want it themselves. They want to manufacture textile materials out of it so that the income which accrues from cotton may remain in the country.

Mr. Anyieni: That information is very new to the Ministry. We will go into it, and if we find that it is true that Kisumu Cotton Mills want to use cotton from Busia but they are not allowed to do so because the Cotton Seed and Lint Marketing Board would rather export it, my Ministry will do something to rectify the situation.

Question No. 443

OPENING HOURS OF KITALE POST OFFICE

Mr. Wabuge asked the Minister for Power and Communications—

- (a) whether he is aware that Kitale Post Office does not open on Sundays and public holidays to serve members of the public;
- (b) whether he is aware that the members of the public are being denied essential services which they used to enjoy on such days; and
- (c) if he would restore the services as it used to be in the past.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

All post offices in East Africa, except head post offices, close on Sundays and public holidays. Kitale is not a head post office, but there are vending machines provided with ten-cents and fifty-cents stamps for use in Kitale Post Office at such times.

Mr. Wabuge: Arising from the Assistant Minister's reply, can he tell the House why Kitale used to open on Sundays and public holidays for one hour, that is from 9 a.m. to 10 a.m., and it does not open on these days from the beginning of this year? Can he tell the House whether it has ceased to be a head office?

Mr. Onamu: Mr. Speaker, Sir, I am not aware that Kitale has been opening on those days. However, I have said that all head post offices open on Sundays.

Mr. Wabuge: Mr. Speaker, Sir, Kitale Post Office has always remained open on Sundays until the beginning of this year. Is he not aware that Kitale has more sub-post offices now than ever before and, therefore, it should continue to open on Sundays and public holidays as it used to in the past?

Mr. Onamu: If this post office used to be opened before this year, Sir, I will look into the matter.

Question No. 473

TELEPHONE CALL-BOX FOR NAKURU SOUTH

Mr. Mwithaga asked the Minister for Power and Communications, since Nakuru South Township has a population of about 15,000 people and in view of the fact that there is no police station in that area, he will arrange to install a telephone call-box as a matter of urgency to enable the people there to call for police or ambulance when there is trouble or someone has fallen sick.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply.

The Posts and Telecommunications Corporation would have no difficulty in installing a telephone call box. The main problem is the promptness at which such equipment is damaged. Sir, perhaps the hon. Member would assist the corporation by urging his constituents to care for such equipment.

Mr. Mwithaga: Arising from that interesting reply from the Minister, how does he expect the hon. Member for Nakuru Town to ask his constituents to care for an equipment which has not been installed?

Mr. Onamu: Well, we intend to install a telephone call box, Mr. Speaker, Sir, and I was merely informing the hon. Member that we have installed call boxes in various places before and all have been damaged promptly.

Mr. Araru: Arising from the Assistant Minister's reply, since a telephone service is, in a way, a commercial enterprise, why should he say that call boxes are not going to be installed when members of the public are prepared to pay for using them?

Mr. Onamu: Mr. Speaker, Sir, when these call boxes are installed near the main post offices, they are never damaged. However, we are being asked to install one in a private place and I am asking the hon. Member to ensure that when it is installed it is not damaged.

Question No. 452

COMMERCIALIZATION OF MEDICAL PROFESSION

Mr. Mulwa asked the Minister for Health whether it is in conformity with the medical professional

[Mr. Mulwa]

ethics for members of the medical profession to form themselves into limited companies, thereby completely commercializing the profession, contrary to the basic requirement of any profession of this kind.

The Assistant Minister for Health (Mr. ole Oloitipiti): Mr. Speaker, Sir, I beg to reply.

In general there is nothing to prevent a group of people, including those who belong to various professions, from establishing themselves into a company, provided that all the relevant procedures in conformity with the Laws of Kenya are complied with.

In all cases, the individual registered medical practitioner is bound to adhere strictly to the ethics of the medical profession in relation to his patient and to the community and there is a legal machinery to ensure this. New legislation has been drafted which will close any loopholes existing at present.

Mr. Mulwa: Mr. Speaker, Sir, doctors, being professional people, are bound by professional ethics so that they cannot form themselves into limited companies due to liability in case something bad happens to their patients. Therefore, can he tell us whether the liability goes to an individual doctor of a limited company of doctors in case something happens to the client of one of the doctors?

Mr. ole Oloitipiti: Mr. Speaker, Sir, the question before me is whether there is any prohibition against people forming a company and I have answered that.

Mr. Mulwa: You will recall, Sir, I raised this matter here some time ago and I was asked to substantiate it. I now have the registration details pertaining to the company in question with me and it is surprising that the Minister says that there is nothing wrong in people forming a company. Can he tell us whether the professional ethics binding doctors not to form themselves into limited companies has been done away with? This is what we want to know.

Mr. ole Oloitipiti: Mr. Speaker, Sir, I said that the Kenya Medical Association's rules are there. In fact, Sir, most of these rules are unworkable. That is why I said that a piece of legislation has been drafted and will be brought before this House so that the existing loopholes can be closed.

Question No. 458

EMPLOYMENT OF FOREST GUARDS

Mr. Lotodo asked the Minister for Natural Resources—

- (i) what is the number of Pokots employed as forest guards; and
- (ii) what are the qualifications required for this.

The Assistant Minister for Natural Resources (Mr. S. M. Kioko): Mr. Speaker, Sir, I beg to reply.

(i) The records of forest guards as well as those of other staff members employed in my Ministry are not kept according to their ethnic origins. The present policy of recruitment of forest guards is to cover as much of the country as possible but no definite figures are based on regional distribution. It is not, therefore,

possible to inform the hon. Member the number of forest guards who come from Pokot.

(ii) The minimum qualification for recruitment to forest guards' cadre is the Certificate of Primary Education with a minimum of 15 points as stipulated in Government regulations. However, in remote areas of the country these minimum requirements may be waived if suitable candidates with the minimum qualifications do not come forward.

Mr. Lotodo: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that his Ministry has discriminated against my people and that is why he finds it fit to say that he does not know the tribal origins of his staff?

Mr. S. M. Kioko: Mr. Speaker, Sir, in my earlier reply I said that we do not keep records of our staff on tribal basis and I still maintain that this is the policy of my Ministry.

Mr. Speaker: We do not have much time now. Let us move on to Question by Private Notice.

QUESTION BY PRIVATE NOTICE

SALARIES FOR STAFF TRANSFERRED TO MINISTRY OF LANDS AND SETTLEMENT

Mr. arap Chumo: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:—

(a) Is the Minister aware that Messrs. Kitur Lang'at, William Kiptonui Rotich, Zakayo Cheruiyot, Kipngeno arap Siele, Kiplonui arap Muge and Nelson arap Mitei, who were transferred from the Ministry of Agriculture to the Ministry of Lands and Settlement with effect from 1st July, 1972 have not received their salaries since March, 1974?

(b) If the answer is in the affirmative, could the Minister tell the House when these people will be paid their salaries?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply.

Yes, I am aware that payment of salaries of the officers mentioned in the question has been outstanding. However, my Ministry has taken action and paid salaries to Messrs. Zakayo Cheruiyot, Kipngeno arap Siele, Kiptonui arap Muge and Nelson arap Mutei. Sir, the pay for Mr. Kitur arap Lang'at for the last four months is now being prepared and the cheque will be sent to him next week.

In the case of Mr. William Kiptonui Rotich, efforts are being made to get his last pay certificate from the Ministry of Agriculture and his pay will, therefore, be made in due course.

In view of the above, the hon. Member should rest assured that efforts will be made to settle this matter as I am also anxious to see that the remaining officer is paid his salary.

Mr. arap Chumo: Arising from the Assistant Minister's reply, would he tell the House what caused the delay in payment of salaries of these employees?

Mr. G. G. Kariuki: I think in my previous reply I indicated that a kind of certificate to prove that every-

[The Assistant Minister for Lands and Settlement]

thing was in order from the Ministry of Agriculture was not available. The officers on whom we had no doubt were paid. It is only one person, whose case is still pending who has not been paid. It is also important that instead of asking a question of this nature in this House the Member should have asked the officer concerned to come and see me and we could have solved the matter very easily. However, to raise the matter through an hon. Member, I think, is seeking nothing but sheer publicity.

Mr. Karungaru: This is how our Government can lose money—it is a shame that an officer employed by Government works for so long without pay; why must they wait until an hon. Member comes to this House to ask for his salary? Is the Minister prepared to go and investigate to ascertain whether or not there are some other officers who, although employed, do not receive their salaries?

Mr. G. G. Kariuki: Mr. Speaker, Sir, there is nothing to investigate because if the officer has been capable of waiting for four months, he can wait until next week when he will get his salary. Therefore, I see no reason why we should panic about this matter.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, I think the Assistant Minister would be getting away with something which is very important and which contravenes some of our Standing Orders here. When he said that the hon. Member was asking this question for sheer publicity—is he in order to say that to the hon. Member, who had asked the question on genuine reasons?

Mr. Speaker: No, he is out of order.

Mr. arap Chumo: Arising from one of the Assistant Minister's replies, where he said that the officer was not receiving any money, let alone travelling allowance where could he get money for transport from Kericho to Nairobi to come and see the Assistant Minister to ask for the salary? If this officer has not been paid his salary for so many months, was he not in order to give me the responsibility to come and ask this question?

Mr. G. G. Kariuki: Mr. Speaker, Sir, there would not have been any problem in paying this officer if we had received all the necessary documents from the Ministry of Agriculture. If the hon. Member feels very strongly about the officer—well, tell the officer to come and see me tomorrow and he will be paid.

COMMITTEE OF SUPPLY

(Order for Committee read being Second Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 23—MINISTRY OF COMMERCE AND INDUSTRY

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair. This is to enable the House to discuss Vote No. 23 which is for the Ministry of Commerce and Industry.

As the hon. Members know, the Ministry of Com-

merce and Industry deals with a wide variety of subjects aimed at bringing closer and closer economic self-reliance and economic independence in this country. Briefly, the Ministry deals with such subjects as the licensing of commercial enterprises, the promotion and approval of industrial projects, research and expansion of export markets for our products, the progressive Africanization of commerce and industry, the provision of credit facilities for businessmen and industrialists through the Industrial and Commercial Development Corporation, the supervision of the quality of our products and the enforcement of Government rules and regulations regarding trade and so forth.

Mr. Speaker, Sir, it may not be possible for me to cover in detail all these and other aspects of the Ministry of Commerce and Industry during the twenty minutes allocated to me. I would, therefore, seek to highlight some of the achievements and some of the problems that are connected with the Ministry and to give hon. Members, as it were, a purview of the future plans and programmes of Government in the field of commerce and industry.

Before I proceed, Mr. Speaker, I know that the House will wish to know what I have done up to now in respect of the Kenya Bureau of Standards whose establishment was approved by this House earlier this year. Perhaps hon. Members will remember that in the 1973/74 Budget we had not included the necessary finance for the operations of the bureau because that budget was approved before this House had debated the Bureau of Standards Act. I am very happy to state that in the current Budget, a sum of £82,796 has been set aside for the operation of the bureau. Accordingly, the bureau will start functioning at the beginning of the new Financial Year, which means that it will be in operation beginning next month. Meanwhile, the present Director of the Weights and Measures Department has been doing all the necessary groundwork for the bureau and we have already invited various citizens to serve on the council of the bureau in accordance with the Act which was approved in this House. As soon as we receive all the acceptances of the people whom we have already invited to serve on the council, their names will be announced so that the bureau can start its work.

Another urgent matter that I feel I must mention to the House at this early stage of my address is the required amendment of the Trade Licensing Act to remove some of the loopholes which have enabled some recalcitrant non-citizens to circumvent or actually defy and frustrate the Government policy of Africanization of trade. These loopholes have been identified by the Government and the appropriate legislation will be introduced very soon in this House for the appropriate amendment of the Trade Licensing Act in order to effectively implement the Government policy of Africanization. In this regard I would like to take this opportunity to thank the various branches of the Kenya National Chamber of Commerce, and our own field officers, for the co-operation they have given my Ministry in identifying these loopholes in the law and also for having brought to our notice cases where some non-citizens have attempted to frustrate Government

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efforts. Members of the Administration in various districts and provinces have also been very co-operative in endeavour to make sure that the implementation of this policy is not sabotaged.

Mr. Speaker, Sir, recently, I issued a circular to the Kenya manufacturers giving them guidelines as to how to appoint Kenya citizens, particularly African businessmen, as distributors of their locally manufactured items. I have requested one of my very senior officers to follow up this matter very strictly and to make sure that these guidelines are adhered to. I am hopeful that full co-operation will be given to the Government by the Kenya Association of Manufacturers and the Kenya National Chamber of Commerce in regard to this matter.

Mr. Speaker, Sir, another matter that has been of great concern to the hon. Members and to my Ministry has been the question of posting trade development officers in the various districts. It is the intention of the Government to provide as many districts as possible with trade development officers so that they can be readily available to guide the businessmen and to stimulate business interest in all parts of Kenya. Sir, in this respect, my Ministry has been particularly concerned about those districts where commercial activities are relatively behind other areas. It is our responsibility in the Ministry to see that the economic benefits of this country are shared as widely as possible. Therefore, in the distribution of trade development officers special emphasis will now be put on those districts where commercial activities are relatively behind other areas. This will be done so that they may have the necessary staff to encourage and to stimulate the activities in those areas. Our field officers are named trade development officers. Accordingly, it is their responsibility to develop trade and not simply sit back and wait for enterprising businessmen to go to them for advice and service. The field officers must develop trade, particularly in those districts to which they have been assigned and where not enough trade has been developed up to now. It is particularly important that effective trade officers be posted there to undertake the development of trade.

Mr. Speaker, Sir, I have been very happy to note the interest shown by the hon. Members in respect to posting trade development officers to their respective districts. I have taken note of this interest and my Ministry will do its best to provide the less developed districts with the necessary staff even if this means depriving other districts of the staff operating there. It is said in the Bible that the doctor must go where there is sickness. Therefore, these trade development officers must, first of all, go and try to help in those districts which have relatively not caught up with the others.

Now, connected with this matter of trade development is the matter of the availability of loans for commercial enterprises, property acquisition and construction and industrial projects. As the hon. Members know, the Government financial assistance in this respect has been channelled through the Industrial and Commercial Development Corporation loans scheme and through the Joint Loans Boards. We have received requests by

many districts that the amount of money available to their Joint Loans Boards are relatively too small and that the maximum of Sh. 10,000 per borrower is beginning to get out of date.

Hon. Members: Hear! Hear! We know now that you are working!

The Minister for Commerce and Industry (Dr. Kiano): I have noted that, and it is our intention to see how we can make the necessary correction in this regard. I should, however, point out that the Industrial and Commercial Development Corporation is not only involved in loans but also in the promotion of industrial activities in the country. It is not only a loan administering agency but it is also one of the major industrial arms of the Kenya Government.

Now, Mr. Speaker, Sir, may I refer to another matter which has kept us very, very busy during the last six months and which is now getting close to fruition. When His Excellency the President addressed the nation on the 12th December, 1973, he announced the intention of the Government to establish a small business development agency, and a credit guarantee scheme to give aid to the many *wananchi* whom the Government is encouraging and assisting in the field of commerce and also in the field of industrial projects. The Industrial and Commercial Development Corporation experts, and officers from my Ministry, have been working diligently on these two programmes because, as his Excellency the President said, these two programmes are absolutely essential for the success of the many new businessmen who are taking over commercial and industrial activities from the non-citizens. This is because, Sir, even if a business person has received a loan from the Government, it is very important there should be a follow-up to guide him, to show him the way, to increase his knowledge and to enable him to reduce the possibilities of failure having entered into a new field. Therefore, the small business development agency is expected to do that: to do the follow-up, to supervise, to guide and to assist the new businessmen. It is the desire and determination of my Ministry, in co-operation with the other economic Ministries of the Government, to get these two schemes on their feet as soon as the final details are worked out. This matter of credit guarantee is not a simple one and it does also require the co-operation of the non-Governmental financial institutions such as the commercial banks. This is because the risk of non-payment of the guaranteed loan must be reduced to the very minimum and the viability of the business activity to enjoy such credit guarantees must be ascertained. However, there can be no question in our minds in this House that a system of credit guarantee must be introduced during this financial year because not every promising businessman in this country has a piece of land to offer as security.

Hon. Members: Hear! Hear! The Minister is right!

The Minister for Commerce and Industry (Dr. Kiano): Also, Mr. Speaker, Sir, many of our people have only one piece of land. Therefore, when that piece of land is mortgaged, let us say, for a loan to build a house, then the person concerned will be unable to raise another loan for business activity. That is the reason why His Excellency the President has directed

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that a scheme of credit guarantee be worked out to assist such promising persons who may not have this one sure security called "land" because if we are to depend purely on that one, then it will mean that we shall be following the old saying that "to those who have, more shall be added, and for those without, even the little they have shall be taken away from them". I do not think that is a very good policy in this respect.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Jesus did not mean "property" by that saying!

The Minister for Commerce and Industry (Dr. Kiano): The hon. Member for Butere is reminding me that perhaps the reference was not to property; but it can also be applied to property if that becomes a guiding thought.

Mr. Speaker, Sir, we now come to another part of the Ministry, and that is the matter of the Industrial Survey and Promotion Centre. I am happy to note that we have increased the amount of money set aside for this purpose from K£6,681 in the 1973/74 Budget to K£26,160 in the 1974/75 Budget. This is a very welcome move because the Industrial Survey and Promotion Centre is expected to do much more work in surveying new areas for industrial projects and in assisting *wananchi* in doing feasibility studies for industrial projects in as many parts of the country as possible. The staff of this centre will now be expected to travel widely in the country-side to assess industrial potentialities so that new industries could be promoted there. Now, if hon. Members find me to be reading too fast, it is because I have seen the warning light that my time is getting short.

It is the intention of the Government to increase training facilities for our traders by organizing more and more seminars for them, not only at the Management Training and Advisory Centre but also in the rural districts and provincial headquarters.

Notable progress has been made during the past year in the effort to accelerate industrialization in this country. While existing industries were expanding at a relatively rapid pace, new industries have been brought into production also, and this is in keeping with our industrial objectives as contained in the current Development Plan. These objectives are:—

- (a) Active and growing participation of Kenya citizens in ownership and management of industrial enterprises.
- (b) Increased processing of local raw materials by progressive introduction of more sophisticated technology in our manufacturing enterprises.
- (c) Substitution of imported goods with locally produced goods.
- (d) Wider geographical dispersions of industrialization, thus avoiding over-concentration in the major urban areas.
- (e) Encouragement of the development of export-oriented industries.

To achieve these goals, the Development Plan has specified that the Government will continue to

review projects submitted both by private, local and foreign investors, and also to promote joint ventures between private and Government investors. We have had cases of extensive expansion of existing industrial projects, and at the same time we have new projects being proposed.

For example, to illustrate the new industries, we have the £18.5 million paper mill at Webuye, which is now under construction, the asbestos cement sheet factory which is to be established at Bamburi, the tannery factory which is to be established at Athi River, the fibre board mill which is to be established at Elburgon, the plywood factory which is to be established at Eldoret, the maize processing factory which is to be established at Eldoret, the cashewnut processing plant which is being established at Kilifi—

An hon. Member: Not at Eldoret?

The Minister for Commerce and Industry (Dr. Kiano): There are only two for Eldoret for the information of the hon. Member for Lurambi South. There is also the recently inaugurated sugar mill at Mumias, and all these are in indication of the dispersion of industries to many parts of the country.

An hon. Member: What about Kitui?

The Minister for Commerce and Industry (Dr. Kiano): Kitui is already very active in the curio industry.

Hon. Members: Hear! Hear!

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, in this regard, we have also done quite a lot to promote small-scale industries through the Industrial Estates Programme. The one in Nairobi has been very successful and the one at Nakuru is also indicating great hope. There are also industrial estates under construction at Kisumu and Mombasa, and more are planned for other parts of the country.

These are some of the objectives that we have in our Ministry regarding the matter of industrialization. In recognizing the size and complexity of the industrial sector, and its growing participation in the development of this country, the Ministry is now busy making sure that industrial potentiality in any part of the country is looked into and feasibility studies carried out to make sure that nothing is neglected in evaluating these projects.

Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I wish to second the Vote of the Ministry of Commerce and Industry; and while doing so, I would like to congratulate the Minister for the manner in which he has presented his Vote.

Mr. Speaker, Sir, this is one of the very important Ministries in Kenya today, in view of the fact that commerce and industry is a new field which must be assisted in order to be put in the hands of the indigenous people. This particular Ministry deserves our whole-hearted congratulations for the efforts it is making.

First of all, Sir, I would like to deal with the work which is done by the Industrial and Commercial

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Development Corporation, which is within the Ministry of Commerce and Industry. This is a very important corporation in the Ministry, which has assisted many Africans who wish to get into business. While it has done so, Mr. Speaker, Sir, I welcome the suggestion which has been made by the Minister today that a method will be found whereby African businessmen who have no tangible securities would be assisted by way of continued credit because this has been a problem in assisting African traders or businessmen. While also dealing with this particular point, Sir, I would like to draw the attention of the hon. Minister to the property loans which are serviced by this corporation. Recently, I think it was in the year 1973, the Industrial and Commercial Development Corporation decided that the maximum loan which should be given for property loans should not exceed Sh. 300,000. Now, Sir, you know that in the country today, properties have increased in value and, in fact, if we wanted to buy these properties which are owned by non-Africans it would be difficult to do so. A lot of properties today cost over Sh. 500,000. Therefore, it would be fair for the Minister to consider lifting that maximum and leave it open so that the Industrial and Commercial Development Corporation will at all times, as it used to be in the past, give, say, 75 per cent of the value of the property as loan because without doing so a lot of properties which at the moment are owned by non-citizens and which they would like to dispose of will not be bought by Africans.

Mr. Speaker, Sir, another point that I would like to support very strongly, and which the Minister has commented on here is the question of looking into the possibilities of the Industrial and Commercial Development Corporation accepting second and third legal mortgages on properties which have already been charged by the corporation for the traders who have already obtained loans and would like to expand their businesses, once they have already given their properties in the first charge. Since the corporation holds the first charge, there should be no problem at all in creating a second and third charge for a businessman who is promising and who is doing well.

I would like him also to explore the possibility of bringing to a halt a number of cases whereby the Industrial and Commercial Development Corporation is auctioning the buildings offered as mortgages by some traders who decided to go into business, but because business is new to Africans, they have not made sufficient profits or they have made a loss. These people are forced to lose their properties, as per agreement of the loan. I think the Ministry should explore ways and means of assisting these type of businessmen. Mr. Speaker, Sir, it is disappointing when looking in the *East African Standard* or the *Daily Nation* to see a list of all the properties which are to be auctioned. We are out to help these people, as a Government, but we would not be helping them if by giving them the money we are making them homeless. So, Mr. Speaker, Sir, we must make sure that this is avoided. I suggest that one of the ways in which we can do this is to give loans on longer periods. Commercial loans are supposed to be

given over a period of three years. His Excellency the President has already indicated that he is prepared to consider loans to be given over a longer period of, for example, five years. I think it should be a little bit more. The Minister should look into this and see how well the repayment of commercial loans can be spread out. I think the minimum period should be seven years, if we are to assist the new African traders who are taking over. Unless we do that a lot of our business people, who have been assisted by the Industrial and Commercial Development Corporation in various townships in the country will, in two or three years time, have disappeared and Asians will come back through the back door. It is our duty to assist these people, and we can only do this if we follow what the Minister has said today and establish a credit system so as to enable these people to benefit from the facilities extended by the Government.

Mr. Speaker, Sir, the Minister for Commerce and Industry made a promise, when he held the same Ministry some years back, to Kisii people about the establishment of a number of factories, including an industrial estate in that area. It is not late to remind the hon. Minister about the definite commitment he made to the Kisii people and which is also mentioned in the present Development Plan. I do hope that he will find ways and means of establishing this industrial estate as soon as possible in Kisii District. He has already mentioned a number of factories going up throughout the country and I was listening very carefully to hear what he was going to say about Kisii. I am rather disappointed that he did not say anything about Kisii. Probably he had something to say about Kisii, but because the time ran short, he did not mention it—I see him nodding his head, which indicates that he is thinking of doing something to the Kisii people. There are a lot of raw materials which could be utilized in establishing a number of factories in that area. The Ministry should assist the Africans in the way of distribution of manufactured goods, and I welcome the decision which the Minister announced in the Press recently. He should be congratulated for having taken the interests of the African traders in this respect. All the agencies for distributing not only the locally manufactured goods but also goods from abroad should be brought into the hands of the Kenyan Africans. This is one of the steps that the Minister has taken towards the right direction and I do welcome it very much.

Mr. Speaker, Sir, one word about the Kenya National Trading Corporation, which was established for the distribution of various merchandise to the African traders. I think with the move we have taken, in placing our people in charge of trade and business in the country, the Kenya National Trading Corporation has now outlived its usefulness. It used to serve as a middle-man and, therefore, absorbed all the profits which should have gone to the traders. I think the Minister is capable of looking into this, as he has done in the past. If his officers in the field will be charged with the responsibility of assisting the local traders in the way of agencies and distribution, I think the work that the Kenya National Trading Corporation does can be taken over by the trade officers throughout the country. This will go a long way to enable the traders to make

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the little profit which is necessary for them in order to survive the competition which our people are experiencing at the moment.

With these few remarks, Mr. Speaker, Sir, I wish to second, and also congratulate the Minister for the effort he is making to put the economy of this country in the hands of Africans.

(Question proposed)

Mr. Munyasia: Mr. Speaker, Sir, I stand to congratulate the Minister for Commerce and Industry for the manner in which he has moved his Vote. I think this is the second time the present Minister for Commerce and Industry has held the same Ministry. The first time he held this Ministry he did something little but now, in my opinion, he has done wonders. The Minister has moved his Vote very capably and I think we shall pass the Vote without any delay.

However, there are a few points I would like the Minister to take into consideration. One of these points is with regard to the distribution agencies to the businessmen. I think if the Ministry wants to establish an agency in a certain area, this agency should be fully advertised so that many people can come forward to be considered for it. This should not be a private matter. You may find that some non-citizens have been given quit notices but when you go to inquire about the possibility of taking over such businesses you cannot be told anything about them. This is a serious matter and the Minister should look into it. I think every Kenyan is entitled to try his hand in business and, therefore, if somebody goes to the Ministry to inquire about the non-citizens who have been served with quit notices he should be given the information he requires. The Minister should make sure that these businesses are open for inspection by all the people of this country.

I would now like to touch on the distribution agencies allocated by the Kenya National Trading Corporation. I think there are anomalies in the system in which these distributions are given. You will find, for example, that one agency in a district has been given so many items to distribute and this becomes a monopoly. This is wrong. Distribution of these agencies should be made equitably so that the traders in a given district can share the fruits of *Uhuru*. You will find, for example, one distributor having 15 items to distribute while others have nothing. If, for example, you give Munyasia a distribution agency for paraffin oil, Kimbo and Unga, then you should give other items to hon. Shikuku. Munyasia is not the only person who can distribute items in a given district. Therefore, I am asking the Minister to look into this.

My third point is with regard to the district joint loans boards. I think the loans given by these boards are far too small. The Minister should find ways and means of raising the maximum of these loans from Sh. 10,000 to about Sh. 20,000. We are here, as the Minister has said, to make sure that our people run business ably. When you give a businessman Sh. 2,000, for instance, what can he do with this money? This is too little, taking the present inflation into account. If the Minister does not have money to allocate to these

loans boards so that they are able to give more than Sh. 10,000, then these bodies should be abolished and traders should be advised to be going to the Industrial and Commercial Development Corporation for bigger loans to enable them to run their businesses properly. This amount should be increased to about Sh. 20,000. Those who need more than this figure can then run to the Industrial and Commercial Development Corporation for bigger loans.

The other point, Mr. Speaker, Sir, I would like to make is on the buying of buildings. The time has come when the Ministry of Commerce and Industry should be involved in the buying of buildings because some of the buildings were built early in 1931 or 1906 and today they are being sold at ten times the original cost because of the principle of "willing-buyer willing-seller". We are buying these houses from non-citizens. If one would count the years since 1931 to date, he will see that it is about 43 years and, therefore, these non-citizens have milked us much more than necessary. Therefore, the Government must put this to an end so that a Government valuer comes in before any building is sold so that he can value the building.

Mr. Speaker, Sir, when these businesses are advertised for sale, you will find that when an African negotiates for a building, let us say, at Sh. 200,000, another African passes through the back door and says that he will pay K.Sh. 300,000 just because he is a tycoon. The Government must make sure that it eliminates these tycoons. If corruption is to be done away with, a Government valuer must be involved.

I am asking the Minister to voice the requests of *wananchi*, when he goes to the Cabinet. It is not fair for the Minister to tell us in this House that His Excellency the President has dictated or ruled on anything. The Minister is capable of doing a lot of things and that is why His Excellency the President appointed him as Minister for Commerce and Industry. He should make sure that he dictates where there is justification. If he was not capable, His Excellency the President could not have appointed him a Minister. I know that he is capable and that he knows his work and, therefore, he should make sure that he stands firm when he makes a ruling. If he does this there will be no more delegations going to see His Excellency the President. I was not happy with the manner in which two Ministers were involved in leading delegations to Gatundu as a result of which His Excellency the President asked the Minister for Commerce and Industry to extend the loan-repayment period to five years. How did the businessmen feel knowing that the Ministry is charged with the promotion of business in this country?

The Minister for Commerce and Industry (Dr. Kiano): On a point of order, Mr. Speaker, Sir, I did not lead the delegation but it was good that I was there when the Chamber of Commerce came to see His Excellency the President.

Mr. Munyasia: Mr. Speaker, Sir, I will withdraw my remark because I thought that the Minister led the delegation. If he had done so, then it would have been very wrong. He has now noted that point because it would be very wrong.

With these few remarks, I beg to support the vote.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I wholeheartedly support what I think is a glowing and successful record of the Ministry of Commerce and Industry. I personally know nothing about business and I have no business, but I hope the House will allow me to express my views, the views of a person who sees all this competition in which hon. Members of Parliament and Ministers are involved.

Mr. Speaker, Sir, I would like to congratulate the Minister for his effort in encouraging our people to go into commerce.

An hon. Member: Do you have any business?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, an hon. Member is asking me whether I have any business. I would like to tell him that I have none, and if he wants he can check for himself.

Mr. Speaker, Sir, I am talking about butcheries and small shops in Nairobi or Kisumu.

An hon. Member: What about the big businesses?

The Attorney-General (Mr. Njonjo): I am coming to that and this is why I chose to speak. I think the efforts of the Minister for Commerce and Industry would be nullified if we, who can, perhaps, do larger or bigger businesses are going to compete with ordinary persons like my driver or cook in getting butcheries in Nairobi or the small shops in Bazaar Street or Burma Market. I feel that hon. Member of Parliament should not be competing with the ordinary people in the small shops where the latter are capable of raising the small amount of money which is required for a stall in the City Council Market, say, Sh. 70. Why should an hon. Member of Parliament pay Sh. 70 when there are other ordinary people who are not employed who are in a position to pay that Sh. 70?

Mr. Speaker, Sir, Members of Parliament or senior civil servants should engage themselves in the super markets or in bigger businesses which will require bigger capital because they are in a position to raise money from the bank. I think we should take this as an important point and refrain from running for these small businesses so that there is a fair distribution and so that the advantages of these shops which have been given up, as a result of quit notices, by Asians or other people are occupied by ordinary people. We should not compete with them.

Mr. Speaker, Sir, I know what I am talking about because there are Members of Parliament who are owning butcheries or shops selling salt, Kimbo or *posho*. Why should hon. Members be involved in such businesses? Let us leave these type of businesses to other people so that there is a fair distribution.

Mr. Speaker, Sir, we have been told about Industrial and Commercial Development Corporation and the Kenya National Trading Corporation. We know that these two bodies give loans to members of the public to run their businesses. We also know that these two organizations have lost a lot of money. We know that there are many people who are in a position to pay but still owe these Corporations money. Let us pay back what we have got from them so that the money can rotate and help other people. When these people are taken to court they say they can only afford to pay about Sh. 500.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir. Is the Attorney-General not out of order to discuss the Kenya National Trading Corporation as a lending organization when it is not? It used to do that sometimes back but it does not do so today.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, it is well known that a lot of senior people in this country, who are in a position to pay their debts to the Kenya National Trading Corporation, owe a lot of money to this corporation. Some of these people were even given a lot of sugar by the corporation, but up to this day, they have not paid. I think when we condemn foreigners, we should also try to search our own house. I am saying this because the people we are now talking about are not Asians or Europeans, they are Africans like ourselves. Therefore, they should pay back what they owe the Kenya National Trading Corporation so that this money can be loaned to other people.

An hon. Member: Who are these people?

The Attorney-General (Mr. Njonjo): Oh! I think Members of Parliament are notorious about this borrowing issue; in fact, I think they are worse than anybody else.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. I believe I am a Member of Parliament. Could the Attorney-General tell the House whether or not I owe any money to the Kenya National Trading Corporation? If not, could he tell us who are these Members of Parliament who owe money to this corporation?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I did not say that the Member for Butere owes the Kenya National Trading Corporation any money. However, I am sure the hon. Member will agree with me that some hon. Members in this House owe the Kenya National Trading Corporation some money.

Hon. Members: Tell us who they are!

The Attorney-General (Mr. Njonjo): All right, if all that hon. Members want to be produced are figures against some names, I am sure the Minister concerned is in a position to do that. However, Mr. Speaker, I personally do not—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. For the sake of record, and also for the sake of exonerating some hon. Members from this type of generalization, where the Attorney-General says that some Members of Parliament are notorious in not paying the money they borrow from the Kenya National Trading Corporation, would he tell us who these Members of Parliament are? Whoever these people are we should have their names laid on the Table of this House so that we may be exonerated from this type of generalization because some of us are innocent.

Mr. Speaker: Order! It was only yesterday that hon. Members doubted the wisdom of dragging people's names into matters like this in this Chamber. It is a well known fact that hon. Members do engage themselves in business, in fact, it is a self-evident fact. That hon. Members must borrow money from somewhere is also self-evident and, therefore, I do not think it is advisable to

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drag people's names here just for the sake of it. We know that people in business must owe some money somewhere; in fact, this is common knowledge.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. I take this matter very seriously because the hon. Attorney-General categorically said that some hon. Members owe money to the Kenya National Trading Corporation. I do not owe any money to anybody, and when the Attorney-General goes to the extent of using the word "notorious" in describing some of these Members of Parliament, I feel we should be told who they are. My English is not all that good, but at least I think I understand the meaning of the word "notorious". Could he, therefore, enlighten us as to who these notorious Members of Parliament are?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am not going to be dragged into giving people's names in this House. Mr. Speaker, Sir, if what I have said is not common knowledge, then I must say that perhaps I have made a mistake. However, this matter is always being talked about and I am not the first to mention it. I know what the hon. Member is aiming at, but I would like to inform him that I am always very careful in such matters and I am not going to do things in the way he wants me to do them. In any case, Mr. Speaker, let me finish by saying this: this other company which we have been told about—the Kenya Industrial Development—

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir. I think we are in a very difficult position here. I am a businessman and I am not refusing to accept that, but I do not owe this corporation any money at all. Arising from what the Attorney-General has said, it follows that when any of the Back-benchers makes a serious allegation and challenged to substantiate, he should just say that he is not prepared to drag the names of other people in the Chamber. I am saying this because we, as hon. Members, would like to have our records clean because some of us are businessmen and we owe this corporation nothing. I do not want anybody outside this House to suspect that I owe this corporation any money just because I happen to be a Member of Parliament. Do you not think, Mr. Speaker, that this is a most unfair statement from the Attorney-General. He should give us the names so as to clear some of us from this matter.

Mr. Speaker: It is not a question of Back-benchers being the only Members of Parliament who are asked to substantiate what they say in this House. The issue arose here yesterday when Mr. Komen was speaking. It was obvious that the House was not happy about this business of dragging in people's names here when, as a matter of fact, there is no absolute reason whatsoever. Why hon. Members should think that owing some money is something that must be made an issue in this House, I do not understand. I am saying this because I am absolutely sure that there must be hon. Members in this House who know other hon. Members who owe this corporation some money. All that I know is that some hon. Members just want to hear the names of other hon. Members being mentioned here. How-

ever, the question is: is this really of any value to this House? Nobody has said that So-and-so owes anybody any money and therefore, whoever does not owe anybody any money does not fall into that category. If you want to make this House a place for washing your dirty linen in public you can do so.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, Mr. Speaker, Sir. I think this issue is very serious indeed. I am saying this because I have been a victim, in this House, of being forced to give names. The situation in which we are now leaves a lot of doubts as to whether it is fair or not for the Attorney-General to withdraw his statement to the effect that some hon. Members are notorious for not paying what they owe to the Kenya National Trading Corporation, otherwise, we are going to have the same situation like the one we had yesterday when the hon. Vice-President made a serious statement but was not asked to substantiate like the rest of us.

The Minister for Commerce and Industry (Dr. Kiano): On a point of order, Mr. Speaker, Sir, I entirely agree with you—

Hon. Members: No! No!

Mr. Speaker: Order! Order! The Chair can allow any hon. Member to speak on a point of order. This is provided for in our Standing Orders.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, it is a fact that when you engage in business you have to borrow money. It is also a fact, Mr. Speaker, that the advocates of this organization have sent communications to people who have been late in paying their monthly instalments. It is also a fact that some of these people who have received the lawyers' letters reminding them to repay their instalments are Members of this House. However, what the Attorney-General said is that some of these people have received such letters three or four times and this is what he calls notorious. However, why should something which has been communicated in confidence by a lawyer to a client be dragged here. When the lawyers fail to persuade a person to repay this money, then the matter will go to court. However, the fact is that many people, including Members of Parliament, owe the corporation some money. It is also a fact that some of the hon. Members have received letters but they have not paid their debts. However, I agree with you, Mr. Speaker, that we cannot drag their names here because we are dealing with them through the lawyers.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. I think we are now faced with a very hard time in that some Members of Parliament who have been described by the Attorney-General as being very notorious are owing the Kenya National Trading Corporation some money and they have not paid these debts. Mr. Speaker, Sir, I think the Attorney-General should withdraw his statement and apologize to the House because he has refused to name these hon. Members who owe the Kenya National Trading Corporation some money. If he does not do this, other Members will seek refuge in this same phrase "some hon. Members", and refuse to substantiate or withdraw such allegations. This is because I know that some of us do not owe the Kenya National Trading Corporation any money.

Mr. Speaker: Order, Mr. Wabuge! Your suggestion is improper, Mr. Wabuge. What you are trying to suggest is that the Chair is taking sides, which is not only out of order but very outrageous. The objection which was raised about dragging in names here was raised by the Members themselves here. Something has happened today, a day after Members had complained about this matter. I got up and tried to point out to the same Members that it was only yesterday when they objected to this kind of thing. Now, do not confuse two issues. If there was another issue, as somebody mentioned something to do with the Vice-President and so on, this is not relevant to this matter because I was referring to what Members said when I had to make a ruling. This was when Mr. Komen mentioned that he was going to produce a list of 50 people and so on. I have a duty to point out to the Members to make sure that what they themselves say is of interest to them, and this is what the hon. Members said yesterday. They said that they did not want people's names being dragged into debate here. Having reminded—

Mr. Karungaru: They were wrong!

Mr. Speaker: Whether they were wrong or not you know that you are not supposed to interrupt me, Mr. Karungaru. If the Members were wrong then it is their fault, but I have a duty to remind them of such things. That is what they did not want to see happen here. But there is no question of a Member, be he a Back-bencher or a Minister, being protected. That is completely out of the question. It is well known that I have asked senior Ministers to substantiate certain things which I thought were worth to be substantiated. I have also a duty in this House to point out to them what I believe they are doing which can damage this House without doing it any good at all. This is exactly what I am doing now. If the Members, as I said, wish to come and wash their dirty linen here in public, they can do it well knowing the kind of consequences to expect.

Mr. Njonjo have you got anything to say?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I was very careful in what I said. I did not say that all hon. Members in this House owe this body some money. I said that some of them owe it some money. But there is some mischief here because some hon. Members would like me to name those "some people". Mr. Speaker, Sir, because of what was said yesterday I am not prepared to give those names.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Is it not time we invoked one of our Standing Orders, I think it is Standing Order No. 45, which deals with privileges? I think it is a question of privileges—the hon. Member who has made this allegation and then said that this does not concern all of but some of us has either to withdraw the allegation or we censure him.

Mr. Speaker: Well what I see now is that some hon. Members do know the Members who are being referred to by the Attorney-General. It is clearly indicated in the hon. Members' reactions and it is obvious that they would like these names to be mentioned. It is up to the Attorney-General to decide whether he is going to

name these people or just to withdraw his statement.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, it is quite clear that there are two things here. It is quite clear that either Kenya is being told, or the public of Kenya are being told, that Members of the Parliament of Kenya never owe money.

Hon. Members: No! No!

The Attorney-General (Mr. Njonjo): Yes, this is the position. Secondly, Mr. Speaker, Sir, because I can see the mischief in this matter, rather than drag names of people and perhaps elevate the matter, I would like to withdraw the statement which I made.

Hon. Members: Hear! Hear!

Mr. Speaker: Order! Order!

Mr. Ayah.

Mr. Ayah: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to say something about this vote. If the Attorney-General would lend me his ears I will not try to drag his name into what I am going to say.

First of all, Mr. Speaker, Sir, may I join my other colleagues in congratulating— Mr. Speaker, Sir, can you protect me from the noise which is being made by the hon. Members?

Mr. Speaker: Order! Order! Shall we have silence in the House!

Mr. Ayah: Mr. Speaker, Sir, first of all, may I congratulate the Minister for Commerce and Industry for an excellent speech which he has made, but more particularly for the kind of work he has done since he went back to the Ministry. I feel that the House and the country in general owe him a great deal. All the same, I would like to say that there is still a great deal to be done. I was glad to hear from his statements that he looks forward to the future with a lot of planning and a lot of projects in mind which are intended to move further into the development in such a way that the commerce of this country is going to move more and more into the hands of the Africans of this country.

Mr. Speaker, Sir, one specific point which I would like to raise is the question which was touched by one hon. Member on the Industrial and Commercial Development Corporation's loans for property buying. Mr. Speaker, Sir, I would not like to speak on the ceiling part of it since it has been mentioned by the Minister of Works, but let me say that the Industrial and Commercial Development Corporation's loans for property purchase has got one weakness. They have led to inflation of the asking prices by the landlords. If the Industrial and Commercial Development Corporation will insist on certain proportions which they must lend to the Africans, then the Minister must sit with his other friends in the Cabinet to find a way by which the vendors do not have the last word in this transaction. There are very many cases, particularly in Kisumu, where people have been given money by the Industrial and Commercial Development Corporation but they have not been able to purchase buildings because the Asians or vendors just turn round and say, "If you cannot raise that money, I am sorry I am not going to sell the house to you". This is mainly because the Industrial and Commercial Development Corporation will send a valuer to

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Kisumu or somewhere else who will look at the property and say it is not worth what the seller is asking. Consequently, the Asian says: "I am sorry, if the Industrial and Commercial Development Corporation does not think so, I am not going to sell it to you and that is all there is to it". I have had a personal experience on this matter where I had to return money to the Industrial and Commercial Development Corporation because I had nothing to buy with it.

I would also like to emphasize my thanks to the Minister on the side of Africanization in business especially with regard to Kisumu. I wish my hon. colleague behind me, the hon. and gracious lady, will allow me to repeat what I have said here before, that we in Kisumu are crying and crying very loud that there is a very huge bottleneck in our progress because of the concentration of Asians in that town. The Minister must know that there are some queer arrangements whereby 90 per cent of the Asians in Kisumu are citizens. I checked this but I do not know how it came about. There has been very unnatural selection where we had had a concentration of Asians in Kisumu and this has really made it difficult for the Africans in Kisumu to go into business. I would like to suggest to the Minister that while we appreciate what he has done, particularly in this finishing year, in trying to hand over the business to the Africans, we feel that there is still a great deal to be done. But let me give a warning, and one which the Minister will appreciate a great deal, that we are having difficulties with our fellow Africans. I know for a fact that in Kisumu, as in other towns, Africans have applied for businesses at the time of take-over only to have their names used by the very Asians whose businesses have been taken over. Mr. Speaker, Sir, for your attention, the hon. Member for Embakasi is making a lot of noise, as he normally does!

There is no reason why businesses should be given to such people like senior civil servants, Members of Parliament and other big shots in the country simply because they are not able to run them efficiently. This is one of the ways of retarding progress in the country. That is one of the reasons why it will take a long time before Kisumu is transformed from "Bombay" of Kenya to an African town.

The other thing I would like to mention is in connection with what we have been complaining about for a long time—very many people have complained that Asian traders are very dishonest in their dealings with Africans. However, I am surprised to learn that the African traders are becoming as dishonest as the Asian traders. I do not know where the Africans have got this habit. For the information of the House, today there are some African traders who are not ashamed to cheat their fellow Africans. This practice has no tribal limit. In fact, I am surprised to learn that some of the African traders are even worse than the Asian traders as far as cheating is concerned. However, I would like to appeal to the African traders to be honest in their dealings with their fellow Africans. First of all, they should not forget that the reasons why we are Africanizing businesses in this country is because we would like the economy of this country to be in the

hands of *wananchi*. Some of the African traders are taking the advantage of the illiteracy of *wananchi* to cheat them. There is no reason why we should condemn traders of other origin for being dishonest bearing in mind that our fellow African traders are even worse in this case.

The other thing I would like to talk about is in connection with districts joint loans boards. I am happy to see that the Minister is doing his best to normalize these boards. However, I still feel that there is something wrong with them. In the first place the rate these applications for these loans are processed is very slow. For instance, in my constituency there are people who applied for these loans way back in 1968 or 1969 but up to this date their applications have not been processed. In fact, these people do not know whether or not they are going to get these loans. The first thing the Minister should remember is that whenever a trader or a person applies for a loan he needs that money as soon as possible. However, when his application is delayed unnecessarily, then when the loan is given it will be useless. The Government should remember that whenever a person is applying for a loan he spends a lot of money in hiring transport from his home to the district headquarters. If the delay in processing the applications for loans is due to shortage of members of staff at district trade offices, then there is no reason why the Minister should not consider the question of adding more staff so that loan applications are processed as soon as they are received. If that is not possible, then there is no reason why the Ministry should not open a trade office at the divisional level. Although it might not be possible to have a trade officer in every division in the country, there is no reason why the Government should not open a small office in every division. If this is done, it will be possible for the Government to develop every part of this country.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, having said that I would like now to talk about the Kenya National Trading Corporation. I personally feel that the Kenya National Trading Corporation should start phasing itself out. If the reason why this corporation was formed is to facilitate and quicken the process of handing over businesses from non-citizens to Africans realizing that this corporation has failed dismally time has come when it started phasing itself out. The African traders can only make profits in their businesses if the Kenya National Trading Corporation winds up immediately.

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

Mr. Gatuguta: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Vote.

While supporting this Vote, I would like to make a few observations on this Vote. Everybody knows that industries are required all over the Republic. In fact, industries play a very big role in the development of this country. It is very unfortunate to note that industries in this country are being concentrated in one

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or two areas. There is no reason why we should emphasize the development of the rural areas when the Government is only encouraging the concentration of industries in such areas like Nairobi, Mombasa, Kisumu and Thika. It is high time the Minister for Commerce and Industry started encouraging investors to build industries in the rural areas so that people there can get employment. This is one of the ways we can solve problem of unemployment in Kenya. I fail to see the reason why the Minister is directed by the investors where they should build industries. Since this is our country and we are the only people who understand our problems better the investors should not dictate to us. Personally, I feel that time has come when we started building industries in all parts of the Republic. For instance, on a number of occasions I have appealed to the Minister to ask some investors to build some industries in Kikuyu Township which has all the facilities needed in an industry. For instance, there is plenty of water and there is a good supply of electricity. In Kikuyu there also is good means of communications. However, despite all those factors there is not even a single industry in Kikuyu.

The Minister for Commerce and Industry (Dr. Kiano): On a point of information, Mr. Deputy Speaker, Sir, has the hon. Member forgotten that there is a steel industry in Kikuyu Township?

Mr. Gatuguta: Mr. Deputy Speaker, Sir, this is a very small industry. However, we would like big industries to be built in Kikuyu Township.

Having said that, Mr. Deputy Speaker, Sir, I would like to talk about property ownership in Nairobi. Today it is very difficult for an ordinary man to buy a building in Nairobi because the prices of houses and buildings have gone very high. When one goes to the Industrial and Commercial Development Corporation to ask them to evaluate the value of the buildings the owners of such buildings do not accept the findings of the Industrial and Commercial Development Corporation. Most of those people who own buildings in Nairobi like to sell them behind doors. For instance, if the Industrial and Commercial Development Corporation fixes the price of a building at £50,000, the owner of the building will ignore the advice of the Industrial and Commercial Development Corporation and instead will finally sell his building at £70,000. This means that only the rich people in this country can afford to buy houses in Nairobi. I hope that the Minister is going to do something about it. The Minister should make it an order that no building can be sold unless the valuation is done by the Industrial and Commercial Development Corporation. In fact, there should be a body to control the prices of buildings and houses in Nairobi.

The other thing I would like to talk about is the question of the non-citizens who are owning businesses in the country. Every hon. Member who has spoken on this Vote has asked the Government to transfer the economy of this country to Africans. We have to give credit where it is due. I know very well that the Ministry has done a great deal towards this direction. In Nairobi there are some areas in which only Asians owned businesses, but these days many African business-

men also own shops there. This is a very good thing. However, we would like to see more and more Asians removed from the City and other towns. The main problem we have in this exercise is that you will find an Asian trader, who has been removed from Bazaar Street, running another business at River Road or somewhere else. Why can these people not be told to board the next plane or ship to their countries once they have been given quit notices? The Ministry should look into the Trade Licensing Act and make it stronger than what it is now. Of course, the President made a statement some time back and said that those Asians or any other non-citizens who have been given quit notices should leave this country and go away. So long as they are there we, I am quite sure, are not going to achieve much.

Coming to the question of businesses owned by our own people, I would like to say that it is not correct for anybody to try to grab everything. This is wrong! Why should one man, merely because he is in an influential position, own three big shops in Nairobi when many applicants who apply for one of these shops cannot get it? We have to be fair and share the fruits of *Uhuru* fairly. I know it is difficult to do this because human beings would like to have as much of something as they can. However, they must be controlled. Unless this is done the ordinary man will revolt. Once he does that those who are amassing wealth will be in trouble. They will even lose everything. So, let us not try to grab everything. It is not correct that one person should own a big Bata Shoes shop here, a butchery there and another type of business elsewhere.

The other point is that the Industrial and Commercial Development Corporation and the Kenya National Trading Corporation are doing a very good work. I differ with the Minister for Works when he says that the Kenya National Trading Corporation has outlived its usefulness. In fact, today we are short of matches, rice and other things because these goods are being exported by some people whom the manufacturers have appointed as distributors. If they would be distributed by the Kenya National Trading Corporation we would not have these shortages, but this Corporation has been weakened. I do not know why that has been done. All goods should be distributed by the Kenya National Trading Corporation so that even small businessmen can be able to obtain them to sell. The problem now is that one person can buy very many cartons of matches and sell them to Uganda or to any other foreign country where he can fetch high prices for them. If they would be distributed by the Kenya National Trading Corporation in small quantities to small businessmen, we would not be having these shortages.

When it comes to rice and cement, you will find that the Kenya National Trading Corporation, which is supposed to be the distributor, does not get them because it is not strong enough to force the manufacturers to bring these items to its stores. I know the cement manufacturers in Mombasa are exporting most of the cement which they produce because they get more money in so doing. This means that either the Ministry or the Kenya National Trading Corporation does not have enough powers to require that all cement be given to the Kenya National Trading Corporation, and that

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cement can only be exported with the permission of Government. Of course, I know there is an agreement that no cement can be exported unless there is a surplus, but instead they export everything leaving the country without cement.

With these few remarks, I beg to support.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, I have been impressed by the Minister for Commerce and Industry in the policy that he has exposed today. It seems to have a lot to do with the rural areas, which we represent, and we hope that what he has said will be implemented. The development which is going to be made in the next ten years should be centred in rural areas. During the last ten years Government did quite a lot for urban dwellers and workers. So, when we hear a Minister saying that some money is going to develop the rural areas, the shop keepers and so on, we feel very happy. We hope that the next ten years will improve the population. In fact, we can go ahead and say that the Ministry which was proposed by the House to deal with water should include rural development so that there may be a Minister whose eyes will be focused on rural population, and who will prepare projects for the development of rural areas so that in the next ten years we may have developed rural areas, just as we have developed the City of Nairobi.

I would like to go further and suggest that under the Ministry of Commerce and Industry we need a new bank. As everybody knows, most of the banks which we have today are directed by foreigners. The Kenya Commercial Bank and the National Bank of Kenya are more or less indigenous although they have a lot of foreign influence in that they have some foreigners working in them. I feel that we need a bank, to be known as the Development Bank, or the Rural Development Bank. The reason for saying that is that the existing banks do not give loans to the people in rural areas. I do not know of a trader at Khayega Market, Shinyalu or Malinya Markets who has been given a loan by the Standard Bank at Kakamega. Banks do not give loans to our people in rural areas because they say that its assets will be treated as part of Government should establish a bank for rural development. This bank would be generous to the rural businessmen and other people, and it would be owned by Government so that its assets will be treated as part of Government assets. So, in this way, they will be prepared to bear some risk in the loans they will give in order to develop businessmen and farmers in the rural areas. We know that Ministers go out hunting for long term loans all over the world, and we would like them to obtain loans to establish a rural development bank. In fact, the money they borrow, Sir, the Government does not begin repayments until after ten or even 20 years. This is the kind of money we want to see being invested in the rural development bank. With such a bank, Sir, small traders in rural areas can be given a moratorium of three years and after that period, they can be able to repay their loans with, say, six years. However, the present colonial banks will never improve the people in rural areas because they think that our people there have no money; they feel that money in rural areas is not secure. So, the Government can only overcome

this problem by forming a new bank to help traders and farmers in rural areas.

Mr. Deputy Speaker, Sir, it is my view that industrial development in rural areas should be planned. It is not good enough to assume that people should merely come to this country and invest wherever they want on their own will. If this were allowed, then we shall never have industries in rural areas. Here, Sir, I am thinking of industries such as the Mumias Sugar Factory. This is a well planned industry and I am sure that the sugar industry at Mumias will be unrivalled in the near future. We should have a similar co-ordination between the Ministry of Agriculture and the Ministry of Commerce and Industry. I believe that is why this House feels that a Minister for Rural Development will be essential. A Minister for Rural Development will be able to think of developing certain rural areas with a lot of potential. If say, he can see that there are potentialities in Garissa, he can ask the rural development bank to give money for certain production of raw materials. In the case of Garissa, he will be able to give money for ranching schemes. He will also think of an abattoir in that area. This is the kind of co-ordination. Similarly, Sir, he will think of my division which has a lot of rain and fertile soil and say that my area will be a passion fruit growing area. He will provide money to buy the seeds, labour force and fencing wires for the fruit farms. In this way he will attract even more than 20,000 farmers to grow the crop. When the passion fruit crop has been planted, he will go to the rural industrial bank and ask for funds to enable a passion fruit factory to be constructed there. In the same way he will go to another area such as Uplands which is suitable for vegetables and start a scheme for vegetables. At the same time, Sir, he will be thinking of a factory to process vegetables at Uplands. I am sure that in the same Ministry the Minister would have a department to look for markets where these things can be sold. Mr. Deputy Speaker, Sir, this is the kind of programme we expect Government to do for our people.

We are not saying that Government has done nothing. What, in fact, we are saying is that this progress has been apparent in particular areas especially in urban areas. In the next decade, we would like to see more concentration of development projects in rural areas. I hope that the Minister will take the proposal of a rural development bank seriously with a view to pumping money in rural areas for commercial and agricultural development. The small *duka* owners require much bigger loans than what they are getting now from the joint loans' boards. We can only do this if we have a bank that is prepared to risk some of its money in rural areas. However, the present colonial banks will never develop our rural areas.

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

Mrs. Gecaga: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to join my colleagues in congratulating the Minister for Commerce and Industry. I would also like to congratulate the staff of

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the Ministry for the good work they have been doing in the Ministry of Commerce and Industry.

Mr. Deputy Speaker, Sir, the Minister and his staff have been trying to put businesses owned by foreigners into African hands. Although they are blamed by many people, Sir, I think they have done a lot. The work of the Kenya National Trading Corporation, although it is also blamed by some people in this country, has benefited many African businessmen and I do not think that if such an organization was not established, Africans could have achieved what they have so far. I think time has come when the Kenya National Trading Corporation helped Africans more than ever before. In fact, Sir, it should assist African traders to engage in import and export businesses.

Of late, Sir, we have been hearing a lot of statements and speeches from the staff of the Ministry and the Minister himself regarding the Africanization of distributive trade. However, I think the progress has been very slow since we are now in the 11th year of our Independence. As a free people in an independent country, we should be able to achieve complete economic freedom so that we can stop depending on foreigners. The other day, Sir, the Minister announced that local manufacturers should appoint Africans as their distribution agents. However, there has been a lot of confusion because some traders who are Kenya citizens but of Asian origin have cashed in on this announcement. I think a clear directive is necessary from the Ministry in order to clear the existing confusion amongst traders. When we say that local manufacturers should appoint Kenya citizens, there are many Asians who manufacture products locally and at the same time we have Kenya citizens of Asian origin. These people have been in business for many years and as a result local manufacturers of Asian origin are giving their distributive business to their fellow Asians who are Kenya citizens. This is the problem African traders are experiencing at the moment. As a matter of fact, Sir, there are very few African manufacturers indeed and therefore Asian manufacturers will appoint Kenya citizens of Asian origin. In this case, Sir, no Africans are going to be appointed as distributive agents. Mr. Deputy Speaker, Sir, if this is open for these communities to appoint the citizens, we will never get into distributive business. Therefore, we need the Minister to come out and make a statement to this effect. He should send some circulars to the manufacturers and state clearly that they should appoint African distributors and traders. If he does that, the people will know that he is working for us; otherwise, it seems that there is a confusion.

The other point I have is that the Minister has said time and again that manufacturers should be encouraged to manufacture things locally so that we may have some people working for them so that we can save some foreign currency. I know of some manufacturers who have done it. However, in the last few months, somewhere in the Ministry they have relaxed and they have given licences for importation of items that are locally manufactured. I would like to state here that I know

some of the items which have been "paralysed" because of the licences which have been given for the importation of items which are also locally manufactured. The imported goods are then sold very cheaply because they are of very poor quality. I know for the next coming six months there are some goods which are manufactured locally but are going to be "paralysed" by imported goods. This is very disappointing because when the other manufacturers learn of what is happening, they will not actually come forward and start to manufacture goods here, because they will suffer. If this happens, our people will not have jobs to do; and in turn they shall not support Government policy of encouraging manufacturers to come to Kenya.

The other point I have to discuss is on traders who have been blamed that when they get goods direct from the manufacturers they sell them outside the country. Mr. Deputy Speaker, Sir, I do not think this is quite right because of the shortage of food that has been experienced in the country. Some of the blame should be attributed to the Kenya National Trading Corporation. Sometimes whenever businessmen try to distribute what they have they find they do not have enough goods. It is for this reason that the blame should not go to the traders. The blame should go slightly higher.

Sir, I would again like to speak about industries. We know that when you want to develop a country industries should be distributed to many parts of it. However, there is one thing that I do not understand, and I would like the Minister to explain. For example, if the investors come to Nairobi and go to the Ministry and say that they want to establish an industry here, what does the Ministry do to encourage them to go and establish such industries outside urban areas? They might think that if they go outside urban areas, probably the facilities are not good and yet they are going to be taxed equally as somebody for example, in Nairobi, with all the facilities. What does the Ministry do to encourage these people to establish their industries outside an urban area? Unless something is done to encourage them then why should an investor want to establish his industry in a place like West Pokot where he will not get facilities as he would otherwise get here? Therefore, I think the Minister should consider encouraging these people in one way so that when they go to such places they will not feel that they will lose, but do some good job on their side.

I would also like to say something about the Industrial and Commercial Development Corporation. We know that this institution has been doing a lot in that they have been taking a lot of interest in many businesses in Kenya. However, I wonder how they will manage the administration of all these interests they have been taking. This is because as the time goes by, these businesses will have to grow. Therefore, what plans has the Industrial and Commercial Development Corporation to manage the expanding businesses they have taken? The beginning is very good but unless there is a plan to expand its administration by training people who could manage the businesses they have invested in, then the Industrial and Commercial Development Corporation has no future. Although I support the idea of taking these businesses, there must be a future

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plan to train people and make sure that after every year, they take more businesses.

Mr. Deputy Speaker, Sir, I beg to support the Vote.

Mr. D. M. Kioko: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak on this Vote. I would like to join my colleagues to support the Minister for Commerce and Industry—who happens to be doing very well—on his Vote. I also support that he has very brilliant officers in his office who have a long experience in the trade we are speaking about. Therefore, I hope that at the moment the Ministry will be running smoothly towards the uplifting of the common man of this country.

However, Mr. Deputy Speaker, Sir, there are a few things that we need to pinpoint. One is the training of the African traders. One wonders what this training means, because the upcoming local businessman needs a lot of education on commerce. What is happening is that we only give lectures to people who do not know what is business. Lectures to people who do not know what is business is really not enough. If we mean to train the upcoming businessmen we should have a thorough training. We are being questioned about banking, accounts and all those things therefore, by merely having a lecture, I do not think that a local man can be able to understand how to go into commerce. We need to use another method or technique which would make these people understand how to run their businesses independently.

I would also thank the Minister for the venture he is taking to see that we can have small industries in every corner of this country. It is said that small industries in Nairobi and Nakuru are functioning very well. We also have new small industrial estates coming up in Mombasa and Kisumu. However, there is one thing which I would like to mention to the Minister. When we have all these industries coming up in the country, we do not want to have duplication of owners of industries. Mr. Deputy Speaker, Sir, the people who are owning industries in Nairobi have tasted the sweetness of such industries and they have experience. Therefore, when you put up advertisement for people who would like to go to these industries elsewhere, the same people apply. I hope that the theme of having these industries in every town in the country is to enable the local people in those areas to participate in the same industries. We get these duplications when the same people who own industries in Nairobi use different names and get other different industries, say, in Mombasa. For example, if one has a glass industry in Mombasa he will have a bicycle industry in Kisumu. This will not help this country. Therefore, I hope that the Ministry will look into this matter and see that we do not have duplication of work. This would be defeating the aims of the Government. The Government aim has been that we need the participation of African traders in our industries.

Mr. Deputy Speaker, Sir, the other thing I would like to talk about is the standard of quality of the goods which are manufactured locally. I know that we are

trying to protect the goods which are made locally. We have passed a Bill here—The Standards Bill—to check on the standard of the things which are manufactured locally. However, as I went round the town today looking for a pair of shoes, I bought one for Sh. 83. I know it is the monopoly of the Bata Shoe Company not to allow another company to deal in shoes. However, I disputed right away after paying for the shoe whether the quality was all that good. I do not think that that shoe was worth Sh. 83. Therefore, Sir, now that some of the companies are so highly protected by the Bill which we passed here sometime then, they should not start cashing in from the local people simply because they have a monopoly in this country. I hope that this new Bill—The Standards Bill—is going to check on this. I hope that the experts who are given that duty will do their best to ensure that the standard and quality of the locally manufactured goods is maintained.

Mr. Deputy Speaker, Sir, the other point which I would like to talk about is the question of purchasing and acquiring properties. If it were for me and also due to the allegations and rumours going round the country, if I had powers to say, first of all, I would direct to check and investigate all the properties which have been bought through loans given by the Industrial and Commercial Development Corporation. It has been alleged and I think it is also true that many of the properties bought through loans given by the Industrial and Commercial Development Corporation were overvalued so that the buyers of those properties got 100 per cent loans without paying the initial deposit of 25 per cent. This means that the 25 per cent was overvalued above the actual cost of the property. This means that the buyer of that property did not pay even a single penny from his pockets so that he could acquire that property. I am sure that those people who are in the “good books” can get 100 per cent loan while they have not paid anything like a deposit and yet we are just left like that without anything. I understand what these people do is they go to the landlord or to the owner of the property and then ask him to sign a paper saying that he has been paid the 25 per cent which is supposed to be the deposit for the loan. Now, when the valuer goes to check on that property he still charges the 25 per cent above the value of the property. Therefore, the man who is buying that property goes to the Industrial and Commercial Development Corporation and he is given 100 per cent loan because it is less than 25 per cent of the value. He automatically becomes the owner of a big building worth so many thousand pounds and yet he has not paid even a single penny to own it! Does this not mean that those who are poor and faithful will never own any property in this country? I am sure that this is the case. That is the reason why I am saying that if the Government is going to help us then, it must send out teams of officers to go out and overhaul and investigate on all the properties which have been bought through loans given by the Industrial and Commercial Development Corporation. They should check on all these properties and see whether they have been overvalued. It is very unfortunate because this is going to minimize the efforts made by the

[Mr. Kioko]

Government. Therefore, I hope that the Minister for Commerce and Industry is going to take this matter very seriously and take action.

Mr. Deputy Speaker, Sir, whereas there are some people who are struggling very hard to raise the 25 per cent deposit to enable them to get a loan, there are some other people who are getting these loans free. They have got their own methods. I do not know whether they corrupt the officers or the valuers so that they may overvalue the property, I do not know what they do. But, the fact is that they get these properties without paying anything. This is very bad, Sir.

Mr. Deputy Speaker, Sir, I am very serious on this matter. I have heard the rumour myself and, therefore, I want the Minister, if he is courageous enough, to go out and review all the properties which are bought through loans given by the Industrial and Commercial Development Corporation. This includes also the properties which were bought even last year. I am sure that all these properties were not worth the prices which were quoted. I hope that the Minister has taken note of that.

The other thing, Mr. Deputy Speaker, Sir, is also very serious. I think it is a very serious matter. Therefore, to be more serious, Mr. Deputy Speaker, Sir, I would like to say that it is being rumoured throughout the country now, or rumour has it, that we have already got what we call "Kenya Mafia Group" in the racket of business.

An hon. Member: So what?

Mr. D. M. Kioko: But they are supposed to have a chain of business; business after business. Now, Sir, if these people are going to—

Mr. Deputy Speaker: Your time is over, Mr. Kioko!

An hon. Member: That is just too bad. You will finish next time.

Mr. Mbori: Thank you very much, Mr. Deputy Speaker, Sir. I am going to be very brief on this Motion.

Mr. Deputy Speaker, Sir, I would also like to join my colleagues in thanking the Minister for Commerce and Industry for the way he moved his Vote. However, I wish to begin by saying that the Ministry of Commerce and Industry is very important and particularly in the promotion of the country's economy. This is as important as the Ministry of Agriculture. The Ministry of Commerce and Industry is mainly concerned with manufacturing and industrial development of the whole country. I agree that business is extremely new to Africans. However, I am sure that they can be able to do it if they are guided well. Now, this responsibility has been put under the Ministry of Commerce and Industry.

Mr. Deputy Speaker, Sir, I wish to point out that the officers who are supposed to help the businessmen and particularly in the rural areas should go into the field. This includes district as well as provincial trade officers who are concerned with trade development. They must go into the field. In fact, I do not wish to take them out of their office work, but they should time themselves in such a way that part of their time is spent in

the office and a greater portion of their time is spent in trying to guide the businessmen and more so in the rural areas where knowledge of business, commerce as such, is limited as compared to the businessmen who are in the urban areas. I wish to lay more emphasis on this point because the rural areas are areas which contain more than 90 per cent of our population; and who are also the greatest contributors of our revenue. Therefore, these people should not be neglected. If these district and provincial trade officers find that they do not have enough time to cover all the areas each at a time then, they must plan to cover at least each region at a time, and pass on the knowledge of commerce to our people in the rural areas because it is new to them. This is very important to them if we want them to develop as their counterparts in the urban areas. This is because businessmen in the urban areas have different media by which they can learn how to develop their trade. However, our friends in the rural areas do not have such facilities. For instance, the radio, the television and what-have-you. They do not have such mass media facilities like the radio and television. Therefore, I would like to appeal to the Minister that district as well as provincial trade officers should make it their business to go out and help the businessmen in the remote rural areas.

Having said that, Sir, I wish to point out that the establishment of industries has been over-stated here, that it should be evenly distributed, and that much more of it should be taken to the rural areas. I wish to point out to the Minister that way back in 1972 and 1973, South Nyanza District made an appeal through its Members here that a white sugar industry should be established there. Mr. Deputy Speaker, this particular district is very large, but unfortunately, it is the only one without any kind of industry. May I humbly appeal to my hon. colleague, the Minister for Commerce and Industry to go into this matter much more seriously, so that the establishment of a white sugar industry in South Nyanza will not be a story, but a living reality. Now that we are getting into a new stage of development, the Minister should take it as a serious matter that South Nyanza wishes to see it on the ground—the establishment of a white sugar industry. This is very important because if we do that, not only shall we be helping the people of South Nyanza, but also the people of this country in boosting the production of white sugar which we require so much for our daily use.

Furthermore, Mr. Deputy Speaker, Sir, regarding the issue of trade licences, I wish again to concentrate on South Nyanza. There are areas where there are no single access roads, and businessmen who are in remote areas suffer quite a lot at the hands of the police, when they check on whether licences have been issued or not. I wonder the Minister would make it in such a way that, at divisional level, we would be able to get trade representatives to issue these licences so that businessmen do not have to travel great distances to a remote district headquarters to get trade licences. This is quite important, Mr. Deputy Speaker, because a district like South Nyanza has people in far-flung corners of the district, where movement is barred by lack of means of communications. Therefore, the Ministry of Commerce

[Mr. Mbori]

and Industry should have its officers on site, plus means of communication, for instance, vehicles, which could be used to assist traders to obtain their licences which they need in order to enable them to operate easily and quickly without any inconvenience.

Mr. Deputy Speaker, Sir, I understand that the Ministry of Commerce and Industry has put it in such a way that district loan boards get a square sum of Sh. 60,000 for traders to be given on a small scale. Now, I would like to tell the Minister that the following factors should be taken into account. First of all, the size of every district should be taken into account. Secondly, the density in population should also be taken into account, and thirdly, the number of traders in that particular district. In this regard, Sir, I wish to point out that if the Minister has already made it a square sum, a level sum of Sh. 60,000 for a whole district should not apply to a large district like South Nyanza, whose size warrants it to be split into three separate districts. However, if Sh. 60,000 is the only sum a district will get, you will agree with me, Sir, that the smaller district will benefit much more than large ones like South Nyanza. Therefore, this sum of money should be proportional to the size of the district, size of the population alongside with the number of people who have engaged themselves in business enterprises. Mr. Deputy Speaker, Sir, this is quite important because larger districts are going to suffer, I believe, at the expense of the smaller ones. Therefore, this proportion should be increased.

Furthermore, Mr. Deputy Speaker, Sir, district loans boards used to grant up to Sh. 10,000. Now, Sir, bearing in mind the price increases, sales tax and other increases which have affected the entire life of the country, the Minister should consider increasing the amount that a person should get from these boards. He should double the amount of money that a person can now get. There are many factors now that go against the small amount of money that has been given to people in the past. This should include even industrial developments, such as power mills so that in their area, traders will be able to develop alongside with other people, especially those who happen to be in urban areas. Mr. Deputy Speaker, Sir, the point I want to make here is that the people in the rural areas should not be placed at a disadvantage; they should not be the people to suffer at the expense of our friends who live in urban areas. They should be considered on a much better level because of the fact that when we began development after our independence, definitely, we inherited a colonial mentality of improving urban areas, rather than rural areas. Therefore, I appeal to the Minister that the sum of money to be given to the district loans boards for traders in the rural areas should be such that the maximum is more than Sh. 10,000, which has been the maximum in the past.

Along with it, Mr. Deputy Speaker, Sir, the word "security" frightens most of the people in the rural areas. At the moment, very few people obtain loans from the Industrial and Commercial Development Corporation in Nairobi, simply because there is too much stress on security. I do not mean to say that the Minister

should issue loans without any security, but it should be exercised in such a way that the security question is flexible enough to allow poor Kenyans, for which this House is actually struggling, to get economic independence.

Mr. Deputy Speaker, Sir, lastly, I wish to appeal to the Minister that after the approval of the Budget, he should make a visit to South Nyanza, and see the traders there on site, and see how they are doing their work.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Deputy Speaker: Mr. Mwendwa, you have only four minutes to speak.

The Minister for Labour (Mr. Mwendwa): Mr. Deputy Speaker, Sir, I will not be long in my speech. However, thank you very much for allowing me to say the few words I want to say here.

Mr. Deputy Speaker, Sir, I have a few observations to make about the loans which the Ministry of Commerce and Industry has been giving to traders through the Industrial and Commercial Development Corporation. I would first of all like to congratulate the Minister and his officers for the way they have tried to help African traders so far, because African traders have done quite well.

Now, Sir, I understand that the joint loans boards give a maximum of Sh. 10,000. However, with the present inflation, Sir, Sh. 10,000 is very little money now; in fact, after the African traders receive this money, they realize it is not enough at all. I would like to suggest, Sir, that the maximum loan that should be given to the African trader by the district joint loans board should be raised to something like Sh. 30,000 because of the present internal and external inflation.

Mr. Deputy Speaker, Sir, the other point I would like to make is that I would like to join some of my colleagues who said that the Kenya National Trading Corporation has outlived itself. I also have that impression, Mr. Deputy Speaker. I think the Kenya National Trading Corporation should now engage itself with imports and exports, as well as forwarding and clearing business which the African cannot do at the moment. Then the corporation would leave the African businessmen to do the ordinary wholesale business, which it is now doing. I think are now charging the African money for nothing; in fact, they make it too expensive for the African because I understand that they get about 5 to 10 per cent profit. Therefore, Mr. Deputy Speaker, Sir, I am suggesting to the Minister that our people, the Africans, should also engage themselves in import and export business; clearing and forwarding agencies. These businesses are presently held by non-citizens and I would like them to change hands to the Africans.

Another thing which I want to go on record here is with regard to something that I believe has gone wrong somewhere and must be corrected. If anybody is in a position of correcting this, I believe it is this House. Something has gone wrong somewhere. There is no other country, from Cairo to Asia, that has allowed its civil servants to engage themselves in trade. There is no other country in the world, except Kenya, that has

[The Minister for Labour]

allowed its civil servants to trade. I have checked with other countries and I have found none. This is an anomaly that must be corrected if we want to save this country. In Kenya, for example, if a Mr. X, who is an ordinary trader, applies for a licence to sell beer and the district commissioner, who is the chairman of the liquor licensing board also applies for a licence, whom do you think will get the licence?

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir. I think I am entitled to a point of order here. Time and again we are disturbed here. The Ministers, who are also Members of this House, are in a position to make suggestions to the Cabinet and give directives in their respective offices. However, today we have a Minister shedding crocodile tears here about the same problem we have been raising and nothing has so far been done. Do you think this is correct?

The Minister for Labour (Mr. Mwendwa): Mr. Deputy Speaker, Sir, I have said here that I have raised this matter elsewhere and I want to say it here again for record purposes.

An hon. Member: You are not a Minister.

The Minister for Labour (Mr. Mwendwa): Who said I am not a Minister? I am free to talk.

Mr. Deputy Speaker: I think your time is over. It is time for the Minister to reply.

Mr. Mwigigi: On a point of order, Mr. Deputy Speaker, Sir, the previous speaker was bringing a point of disagreement here. He was bringing in a matter that had a better forum elsewhere, and that is the Cabinet. May we know from him whether before he brought the issue here he had discussed it in the Cabinet and failed?

An hon. Member: Your point has gone on record, never mind.

The Minister for Commerce and Industry (Dr. Kiano): First of all, Mr. Deputy Speaker, Sir, I want to say how very happy I am and I am sure my officers, those present in this House this afternoon are also very happy, for the very encouraging remarks that have been made by the hon. Members.

Mr. Deputy Speaker, Sir, can I be protected from a lot of noise in the House?

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order, Mr. Deputy Speaker, Sir, do you not think there is a lot of talking in the House, especially on the Front Bench here?

Mr. Deputy Speaker: I agree with you there is a lot of noise. Could we hear the Minister in silence?

The Minister for Commerce and Industry (Dr. Kiano): Thank you very much, Mr. Deputy Speaker, and I would also like to thank the hon. Member for Kajiado South for his point of order. As I was saying, I am very happy and so are my officers who are in this House today, and also my colleagues the Assistant Ministers, for the very warm and encouraging comments that have been made by the hon. Members regarding this Vote.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. ole Oloitipiti to go on talking as though he was in his *manyatta*?

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order, Mr. Deputy Speaker, Sir, a *manyatta* is a home of one, I, being a Member of Parliament, is this not my *manyatta*?

Mr. Deputy Speaker: No, this is not your *manyatta*. This is a Parliament.

The Minister for Commerce and Industry (Dr. Kiano): As you can see, Mr. Deputy Speaker, the hon. Members are in a very happy mood this afternoon. We have had a very good debate and a very constructive one.

I would like to refer, as quickly as I can, to the various points made by the hon. Members and if time permits, I would refer to the other part of my speech which was cut short due to the red light.

A number of hon. Members, like the hon. Minister for Works, expressed concern on the question of the purchases of properties using the Industrial and Commercial Development Corporation loans. I would say here that I have made similar observations myself. In fact, I do know quite a number of non-citizen property owners who have said that they are willing to sell their properties if the particular buyer did not refer the matter to the Industrial and Commercial Development Corporation for valuation. They believe that a valuer approved by the Government would, perhaps, give a figure which would be far below their expectation. I think that another hon. Member stated that there is an element of exploitation taking place in the matter of property transaction. I think this is because there are so many of our people who wish to buy properties and the sellers of the properties are exploiting the situation. However, we have no way of stating what the proper valuation is. I have seen cases, which I could cite here, where different valuers differed so much that one begins to wonder what factors are taken into consideration when it comes to valuation. With regard to the State Agent, the commission that goes to the Government depends on the value at which the building has been sold. The amount of the commission would be quite a factor affecting the value declared to be the correct one. This is a matter that we have noted and it is one that I will take into consideration with my colleagues to see what can be done to avoid this element of exploitation.

I have also noted the proposal made to me by the Member for Nakuru Town and the hon. Member for Butere, that perhaps, a form of property control board, similar to that of land might be the answer. I have taken note of the suggestion because we are all worried. We believe in fair deals and we do not believe in exploitation of any kind.

The Attorney-General also made a very good point whereby he stated that as Members of Parliament and as leaders of our own people, we should avoid grabbing the small business, and as hon. Shikuku said, at

[The Minister for Commerce and Industry] the Burma Market. It was a bit of an advice and I think it was noted.

Mr. Deputy Speaker, Sir, the question of joint loan board was referred to and I know that the hon. Minister for Labour was going to make a suggestion but the time ran out. He was stressing what had been said by other hon. Members that Sh. 10,000 being the maximum that can be given to the rural districts by the Joint Loans Boards is too small. The Minister for Labour was going to suggest Sh. 30,000. I say that because he whispered to me that figure on his way out.

Mr. Deputy Speaker, Sir, may I come to some very disturbing comments which were made by the hon. Member for some part of Mombasa. I was shocked because I have never heard of the body he allegedly called the Kenya Mafia Group. It will be a tragedy in this country if we allow, not only the economy of this country, but the fabric of our society to be penetrated by anything that is reminiscent of the Mafia type of behaviour or Mafia type of organization. I think that the entire society must not tolerate this. I am sure that there is nobody here who wants to be the god-father of such an organization or the chief adviser because it will be a tragedy for Kenya. We have such a wonderful society and I was really worried to hear an hon. Member making that statement and the fact that nobody challenged him. That means that there was substance in what the hon. Member alleged.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, if at all he heard what he is now talking about, unfortunately, I did not hear the allegations because, if I did, I would have asked the hon. Member to substantiate. I am now seeking your guidance whether this should go unchallenged when it is going to damage the name of the country and by mentioning it without knowing who these people are?

Mr. Deputy Speaker: It is a very difficult thing because if you know the nature of Mafia in any country, then, you know that it is impossible to give the nature or the names of the members of the Mafia. I know that there is a piece of paper being circulated somewhere. Hon. Ahmed knows about that paper also. This is common knowledge that there is an organization calling itself Mafia.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, since you are aware of it and the hon. Minister has not heard about the document, could I take the opportunity to give him this document after the rising of this House because I have a copy of that document?

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, since we do not know the author and since this country is going to be left in confusion, should we have the letter laid on the Table. According to our Standing Orders we are allowed to ask an hon. Member to lay a document on the Table.

Mr. Deputy Speaker: If you have the document, hon. Shikuku, please lay it on the Table.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy

Speaker, Sir, since you know about the document and I happen to be one of those who were given the document, I do not have it with me here, but tomorrow this document will be the breakfast for the Minister for Commerce and Industry.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, I think we must go further than that. I think the hon. Member for Embakasi stated that the document should be laid on the Table tomorrow. I think that one of the best ways to fight evils of that kind is to expose it so that everybody can be vigilant. I am glad that the hon. Member for Embakasi pursued that point so that if anybody thought it was a joke to use the phrase "Mafia" he should be exposed in this House so that everybody is vigilant about it and so that we do not allow it to even germinate in this society.

Therefore, I am sure that the hon. Member for Butere will lay the document on the Table tomorrow morning for the entire House to read.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, the point I was trying to make here is with regard to this particular document. I think we should be very clear at what we are talking about. The hon. Minister referred to a document of which I have a copy. This document has not been signed and it is just a mere document whereby certain people are named. Therefore, Sir, you cannot obtain much from the document itself. I still have the document and even the envelope in which it was sent to me. Unfortunately, it is a Government of Kenya envelope and I undertake to bring both the letter and the envelope to the House tomorrow morning.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, I would like to thank the hon. Member for Butere for his information—

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, I have heard the hon. D. M. Kioko saying that he has this particular document with him here. Would I therefore be in order to ask the hon. Member to lay the document on the Table instead of waiting until tomorrow.

The Deputy Speaker: Do you have the document, Mr. D. M. Kioko?

Mr. D. M. Kioko: Mr. Deputy Speaker, Sir, I do not want the hon. Member to put words into my mouth. I did not say that I have this document with me, all that I said is that there exists a Kenya Mafia group who are importing and exporting all the goods restricted by our Government without anybody's knowledge. I did not say that I have the document.

Mr. Deputy Speaker: All right, we shall get it from Mr. Shikuku tomorrow.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, you can see what has happened to my time of replying. However, what I was trying to say when the last point of order was raised is that it is particularly fortunate that the person who will lay this document on the Table is the Member for Butere who is also in the Ministry of Home Affairs. I hope they will do their best to investigate the sources

[The Minister for Commerce and Industry]

of that document. Although we have agreed that the document is unsigned, I am sure there is adequate machinery in the Ministry to enable them to do a through investigation of the document.

Having said that, I would like to say that we have shown our deep concern about this question of distribution of industries as widely as possible. I am glad hon. Members supported me on this particular matter. I am not intending to give an additional list of the industries that we have in mind, but we are following up the idea of wider and wider distribution. For example, we are thinking of yet another textile industry somewhere near Nanyuki. At the same time, we are thinking of establishing a caustic soda plant and a sheet glass plant to serve the whole country. We are also thinking in terms of establishing a fertilizer factory. At the same time, we have already been negotiating about the assembling of motor vehicles and we do not intend to concentrate these industries in any one area.

Mr. Deputy Speaker, Sir, the Member for Nakuru Town is very eager to be given an assurance about the textile industry which has been planned for Nakuru since 1969. However, I have a feeling based on the internal knowledge of my Ministry that before the end of this year an announcement will be made regarding this particular industry in Nakuru.

Mr. Deputy Speaker, Sir, there was a question about the Kenya National Trading Corporation. It is true that we must re-evaluate the whole of the Kenya National Trading Corporation as the hon. Gracious Lady stated. It is not for us to blame the Kenya National Trading Corporation to recognize what they did at the time when we had to have them in order to get trade out of the hands of the non-citizens. At present there are enough African businessmen standing on their own feet and doing the kind of thing that the Kenya National Trading Corporation was doing before. As a Ministry we accept the challenge that the whole of the Kenya National Trading Corporation should be re-evaluated and to do more of the servicing of the international trade importing—because most of our people do not know about it—clearing and forwarding. I must admit that up to now the African businessmen have not done very much in the field of exports. In that field we have done very little indeed.

The Gracious Lady also made another very penetrating point to the effect that when two citizens compete and one citizen happens to have been in business for 35 years and the other one is just coming up now, that to leave them alone without some sort of guidance could mean that the newcomer will always be knocked down in the contest. I think that was a very shrewd observation and it is one which will be taken deeply in our considerations when we talk of the Africanization of trade. It was a very, very shrewd point indeed and I congratulate her for it.

I would like to point out that hon. Members were worried about the likelihood of our own people emerging—not all of them but a good number of local people—in a manner that would make them to exploit their fellow men. It was said that there are quite a number of businessmen who may be learning the tactics

of cheating or the tactics of exploiting the lack of information of their customers. All I can do is to join my colleague who put forward that remark and we have given a warning to the effect that exploitation is wrong whether it is by an Asian, a European or an African. This exercise should not be a pattern in our society and particularly in our trading systems.

An hon. Member complained particularly with regard to the speed in issuing loans. It was stated, I believe it was by the hon. Member for Kisumu Rural, Mr. Ndolo Ayah, that the period is a bit too long. All I can say is to take note of that and to try our best not to delay the loan applications but also to note that you do require some time to do the mortgaging of the security on the property offered in terms of those loans. It is a determination of the Ministry to see that we do not unduly delay the loan applications.

Mr. Deputy Speaker, Sir, hon. Ndolo Ayah complained about Kisumu and he said that although things are moving forward nevertheless the penetration of Africans into the commercial sector Kisumu Municipality is still far below what he would like. If that is the case then we must examine to find out what is wrong with Kisumu.

Mr. Mwithaga: The Indians!

The Minister for Commerce and Industry (Dr. Kiano): The hon. Member for Nakuru Town is very good at conducting debates from where he is sitting. However, I have taken note of what the hon. Ayah said.

Mr. Deputy Speaker, Sir, turning to Mr. Mbori with regard to South Nyanza he did say that I should visit that area to see what is going on there. I would like to assure him that I have accepted the invitation to visit South Nyanza on 8th and 9th August this year. During that time I do hope that the hon. Member will enable me to meet some of the people he has in mind. Mr. Deputy Speaker, Sir, I think I do not have enough time to go through all the points which were raised by hon. Members. Some hon. Members talked about the decentralization of industries in Kenya. Some other hon. Members talked about the Joint Loans Board. They felt that these loans should be made available to *wananchi* on a wider scale. They also felt that the Government should look into the question of security which is asked by the commercial banks and other financial institutions before one can get a loan. The Government is going to look into these points soon.

Therefore, Mr. Deputy Speaker, Sir, with those few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

VOTE 23—MINISTRY OF COMMERCE AND INDUSTRY

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, Sir, I beg to move:—

THAT, a sum not exceeding K£1,782,328 be issued from the Consolidated Fund to complete the sum

[The Minister for Commerce and Industry]
necessary to meet expenditure during the year ending 30th June, 1975 in respect of:—

VOTE 23—MINISTRY OF COMMERCE AND INDUSTRY
(Question proposed)

Head 230—General Administration and Planning
Item 110—Travelling and Accommodation Expenses

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Under this head there is a sharp increase of £150. Will the Minister explain why there is such a sharp increase? I would also like the Minister to explain why his Ministry is going to spend more on leave and passages expenses. In fact, according to the Estimates the Ministry is going to spend double the amount of money which was spent during the last Financial Year on passages and leave purposes. Will the Minister explain why there is such a sharp rise in the Estimates?

The Minister for Commerce and Industry (Dr. Kiano): I am sure that the hon. Member will realize that apart from myself, a number of senior officers of my Ministry have made several trips overseas to participate in a number of negotiations. In fact, there are at the moment some negotiations which so far are waiting to be concluded. Therefore, it will be necessary for a number of my officers to fly overseas for that purpose. We definitely anticipate more travelling during the next Financial Year. Even during this year we shall have to follow up the General Agreement on Tariff and Trade Conference which started in Japan, and which is not yet finalized. As you are aware, the cost of travelling has also gone up. That is one of the reasons why we have this increase.

The other increase has come about because of the Rent Tribunal, which is part of my Ministry, and whose members travel widely within the country. Without even increasing its membership there had to be this increase because the price of petrol was increased. As one of the hon. Members said, we need to travel more so that we may get in contact with our people instead of expecting them to come to us.

With regard to the increase in the expenditure on Passages and Leave from £150,000 to £300,000, this has come about mainly because of a change in the organization of finance allocation in Government, that is, commercial attachés in the various Kenya embassies abroad were financed by the Ministry of Foreign Affairs until this Financial Year. From 1st July, 1974, financing of these officers, just like financing of education attachés and tourist officers will be in the hands of the parent Ministry.

Mr. Chairman: There is a correction, Dr. Kiano. The correct figures with regard to Passages and Leave Expenses are £150 and £300. That is the expenses have risen from £150 to £300, and not from £150,000 to £300,000 as you have just said.

The Minister for Commerce and Industry (Dr. Kiano): Thank you for that correction.

Mr. Wabuge: Mr. Chairman, Sir, I am also on the same page, item 120. Last year expenditure on this

item was £2,850 and now he wants £3,500, an increase of £650. Can the Minister explain why there is such an increase? Is it because telephone expenses have gone up due to the fact that some people use telephones to contact their business associates and others telephone their girlfriends?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, the hon. Member is one of my officers working for the Rent Control Tribunal. He knows very well that expenditure in connexion with telephone calls to girlfriends is minimal, and he will bear me out as a member of my Ministry. So, this question of girlfriends and so on does not help to clarify the issue. We have a very tough Controller and Auditor-General who deals with this matter effectively.

Since we shall have direct communications with the commercial attachés instead of going through the Ministry of Foreign Affairs right here in Nairobi, the increase has not been made necessary because of telephoning girlfriends but rather because we shall have to communicate with our officers abroad at times.

Mr. Mwangale: Mr. Chairman, Sir, I would like to seek an assurance from the Minister on the question of general administration planning. There is a practice now in the public sector, especially where some imposed executive chairmen are being imposed on certain companies through the influence of—I do not know whether it is from the Ministry of Commerce and Industry or from other political circles, but this is being done to the extent that you have a person from one group as leader of Mackenzie Dalgety and more other people from the same group as leaders of other companies. This goes on to the extent that only a certain group benefits from the appointments of executive chairmen and directors. I would like to seek an assurance from the Minister that the imbalance being created in the appointments in the private sector will stop. It is only in this way that we, as Kenyans, shall all be assured of a chance to be appointed as executive chairmen or directors.

Mr. de Marima: On a point of order, Mr. Chairman, Sir, has the point being raised by hon. Mwangale of any relevance to this debate.

Mr. Chairman: Mr. Mwangale, are you not really talking on Head 741?

Mr. Mwangale: I am dealing with Head 740 which bears personal emoluments. The Minister has to make the decision of these executive appointments that are being made now. I want an assurance from the Minister that if anything at all he will try to ensure that there is proper distribution in executive appointments.

Mr. Chairman: Mr. Mwangale, you must quote the item that you are referring to. We do not talk on general outlines in the Committee.

Mr. Mwangale: Mr. Chairman, Sir, I am referring to sub-head 240 on page 249.

The Minister for Commerce and Industry (Dr. Kiano): On a point of order, Mr. Chairman, Sir, are you not satisfied that the hon. Member, perhaps, did not get a chance to speak and therefore he is trying to draw my attention to a general point?

[The Minister for Commerce and Industry]

What he is saying has nothing to do either with personal emoluments or my duties as a Minister. I am not even consulted when these companies choose to appoint the hon. Member to their board of directors.

Mr. Chairman: Order! I think it is necessary for me to direct the attention of the Committee to the fact that we can only deal with specific items one after the other. We are now dealing with sub-vote 230, General Administration and Planning. Therefore, hon. Members can choose where they want to quiz the Minister as to what is happening. However, please do not make general statements.

Mr. Karungaru: I have not got a satisfactory reply from the Minister regarding this item. I would like to pursue it further by asking the Minister why it is very difficult to get to Jogoo House on telephone? Sir, to get to Jogoo House is as difficult as getting to London. We fail to understand why there is inefficiency on part of telephone operators. Why should expenses on telephone services go very high while the efficiency is declining? Why?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, Sir, I think there has been an increase of activities as I outlined in my speech.

I would like to sympathize with the hon. Member for Embakasi because the telephone number 28411 covers the old Jogoo House and also the new Jogoo House. There are nearly 10 Ministries in the same premises and it is always jammed. I can understand the frustration of the hon. Member and many other people that when you have one number covering the Ministries of Labour, Local Government, Commercial and Industry, Co-operatives and Social Services, Home Affairs, Education, Lands and Settlement, Tourism and Wildlife, and Natural Resources, then you can expect a lot of staff using the telephone service. I think this is a matter we can take up with the Minister for Power and Communications for considering adding more numbers so that we can spread out the telephone service at Jogoo House. Therefore, Sir, I agree that there is a case for consideration as regards telephone services at our Ministry's Headquarters.

Mr. Chairman: The operators do not pick up the telephone, is that your argument?

Hon. Members: They do not!

Mr. Karungaru: They even put the receiver down, they do not care.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman I was not aware; apparently every time I called, mine was picked up.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, we are still on sub-vote 230—General Administration and Planning, but I am drawing your attention to page 243 under Head 745—Provincial Trade Section. In order to elaborate on that under Head 741, Item 000—Personal Emoluments, the amount has declined. This is on page 243. Looking on page 243 under Item 000—Personal Emoluments, you will find that last year it was £95,463 and this time the required amount is £92,297;

this is less than the previous year. Am I to believe that the officers are not going to have their yearly increments? If so, why? Or am I to believe that their duties have been sliced in view of the fact that it appears that the provincial commissioners, these days are the ones to deal with all sorts of things. If you want, for example, a trade licence or if you want to buy a business you must go and lick the boots of either a district commissioner or a provincial commissioner before you can get anything. I would like to know why we should spend this money paying people who do not do the job and whose jobs are done by the provincial commissioners, district commissioners, district officers, chiefs and assistant-chiefs? I think it is time the Minister told his provincial heads that they are not the youth-wingers of the provincial commissioners or the district commissioners because they are not doing their job?

The Minister for Commerce and Industry (Dr. Kiano): I am not able to quite follow the logic of the hon. Member because my officers in the field are Government officers; they are not "youth-wingers" of anybody. Therefore, to argue that we have less work because some of them have taken themselves as "youth-wingers" of district commissioners and provincial commissioners is a bit unfair to my officers. These officers deal with trade. The reason for the reductions—

Mr. Chairman: His question is on Personal Emoluments.

The Minister for Commerce and Industry (Dr. Kiano): —on the question of feasibility studies is mainly because much of this work—as I indicated in my main speech—is being done by the Industrial Survey and Promotion Centre. This is under Head 741, Item 000. Much of the feasibility studies is being done by that body whose vote has been increased, as I indicated earlier on.

On the question of the Provincial Trade Section, this is mainly because the Industrial and Commercial Development Corporation itself did put people in the field who do not come directly within this Budget because they are paid by the institution. These officers are called "Industrial and Commercial Development Corporation field officers". These people have reduced the need for some of the officers. Therefore, the total expenditure of the Ministry is still large but in terms of who pays which officer, we have done some changing over. This has nothing to do with the "youth-wingers".

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, the point has not been replied to. Is it not true—and I want him to deny this—that if you want a business in Nairobi, Kakamega or any other place, you have to go through the provincial commissioners? Of course, Shikuku the Member for Butere does not say things he does not know! Is it not true that in Nairobi if you want business— How many times have you read in the Press that anybody who wants to take over any shops left by expatriates must get in touch with the Provincial Commissioner, Nairobi, Mr. Mburu? The question I am trying to ask is that, are the trade officers whom the Minister is talking about really doing their

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

job which is being done by the provincial commissioners?

Mr. Mboja: On a point of order, Mr. Chairman, Sir, I would like to stress on that point and say that even in Mombasa, the District Commissioner has the final say when a person has applied for a shop premises but the trade officer does not have the final say. For instance, I have a case which affected me personally. Therefore, is the hon. Minister in order to deny this allegation?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, Sir, I explained the question as to why the figure was reduced. There seems to be a difference of opinion between the hon. Member for Butere and supported by the hon. Member for Kilifi South as to the actual role of the administration officers, *vis-a-vis* other officers from other Ministries and not just from the Ministry of Commerce and Industry. It is the opinion of the hon. Member for Butere that the co-ordinating work expected of the administration is going beyond its proper limit. Therefore, all that I can say is that I was fighting against the idea that trade officers are youth-wingers. However, the question of relationship between the administrative heads and other functional officers in an area, is a matter which is more subject of a debate rather than the question of how much you can afford to pay. However, I do take note of the point raised by the hon. Member.

Mr. Nthenge: Mr. Chairman, Sir, on page 243—

Mr. Karungaru: But we have not finished with the first one!

Mr. Nthenge: Mr. Chairman, Sir, can you protect me from that hon. Member? He says that we have not finished that point. However, I had some other points which we had left behind but which I wanted to query about. So, how are we going to carry on the debate? Does each one of us not have the right to speak on whatever problem he has or on whatever item he wants to speak about?

Mr. Chairman: Carry on!

Mr. Nthenge: Thank you very much, Mr. Chairman. Now, my first question is on "Transport Operating Expenses". I can see that this has doubled. However, this is not a new Ministry. It has always been there before. Therefore, why should there be such an increase?

An hon. Member: New cars have been bought?

Mr. Nthenge: No! It is not even replacement of the old cars because there is an item for replacement of the old cars. That is the reason why I am asking the Minister why transport operating expenses have gone up so high?

And also, Mr. Chairman, Sir, I would also like the Minister to explain—

An hon. Member: No, one at a time!

Mr. Nthenge: Okay, let him explain that first.

The Minister for Commerce and Industry (Dr. Kiano): Quite frankly, Mr. Chairman, Sir, I am surprised to find that the increase is so moderate!

Hon. Members: But it is double!

The Minister for Commerce and Industry (Dr. Kiano): Yes! Because, things like vehicles we have to buy for the Commercial Attachés— I mean not only to buy them vehicles but also to operate or to maintain those vehicles for them. That is the reason why I am surprised to find that it is this little amount because I really expected a much bigger figure! I think we are really going to have difficulties operating on this amount.

Mr. Nthenge: Mr. Chairman, I think the Minister did not clear this. Now, when something has been happening and it gets to double that, there must be a drastic change somehow, but I think I will leave him on that one.

Mr. Nthenge: Mr. Chairman, Sir, what sort of cars are these which are going to cost £3,000? The Minister is also going to replace another car on the next page. Now, why should the Ministry buy very expensive cars instead of going for cheap ones? We have to try and economize whenever it is necessary.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, Sir, my hon. friend over there being a businessman, I am surprised that he is asking this question because if we are only going to spend £3,246 for— Is he talking about Item 210 instead of Head 745?

An hon. Member: He is talking about item 200 actually!

The Minister for Commerce and Industry (Dr. Kiano): We have indicated nothing on Item Sub-head 200. It is Item 210 which talks of additional transport.

Mr. Chairman: That is the one he meant.

The Minister for Commerce and Industry (Dr. Kiano): Well, I think this is a very moderate figure. I do not think that this is even worth one car.

Mr. Chairman: No, his argument was that it was an expensive car. He says that you intended to buy one car, and where he gets that information, I do not know. Mr. Nthenge, where do you get the impression that the money shown here will be used to buy just one car?

Mr. Nthenge: Mr. Chairman, my complaint here is that we always seem to be going out for the senior type of cars, instead of just looking for the medium cars.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Chairman, the hon. Member is making an allegation that the Ministry is going in for very expensive cars. Now, could the hon. Member substantiate that because in our Ministry, we use the small Datsun cars, and in fact, he knows very well that the prices of cars have more or less doubled. I do not know whether the hon. Member can say which expensive car the Ministry is going to buy?

Mr. Nthenge: Mr. Chairman, I am being led by the figure given here. Now, if the replacement of a vehicle is going to cost £6,000, the impression I get is that this car may be a Peugeot 504.

Mr. Chairman: This is a replacement transport which could be one or two or even three cars.

An hon. Member: It could even be the replacement of a bicycle!

Mr. Nthenge: I had asked this before, but the Minister did not answer. Now, I am entitled, as a Member of this National Assembly, to be told how many cars we are buying with this amount of money. Now, as I had said earlier on, this same figure is shown again on pages 242 and 243 under Item 210, and that is additional transport.

An hon. Member: Why are we not going by points?

Mr. Nthenge: Mr. Chairman, I think you had better protect us from some of these Members who do not seem to know how we do these things.

Mr. Chairman: Order, Mr. Nthenge! In page 242, under Item 210, it says, additional transport, but there is no money asked for. Am I right?

Mr. Nthenge: Mr. Chairman, on page 240, on the left-hand side, under Item 210, a sum of £3,000 is asked for to meet additional transport.

Hon. Members: Oh, no! It is blank!

Mr. Nthenge: Is it blank?

Hon. Members: Yes!

The Minister for Commerce and Industry (Dr. Kiano): On a point of order, Mr. Chairman, I think I had better clarify this point for the hon. Member.

Hon. Members: Yes!

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, Sir, I think I should answer the hon. Member for Iveti South. What the—

Mr. Nthenge: Mr. Chairman, Sir, I apologize for misleading the Minister.

The Minister for Commerce and Industry (Dr. Kiano): Now that he has apologized I do not have to speak.

Mr. Mwithaga: On a point of order, Mr. Chairman, Sir, I can see that we are going to dwell on this particular issue unnecessarily. All the hon. Members realize that all these increases have come about as a result of the current inflation in the country. So, I was suggesting that we report progress.

Mr. Chairman: I think we shall go on now.

Sub-Vote 231

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On this item, Personal Emolument, I am drawing your attention to page 244, Item 000. You will find that last year, the amount required was £28,744 and this time we require £40,920. Can the Minister explain how the increase has come about?

Mr. Chairman, Sir, would you bring that hon. Masai to order?

Mr. ole Marima: Mr. Chairman, Sir, is the hon. fellow for Butere in order to call me "hon. Masai" while he knows my name is "ole Marima". If there is any dispute and he addresses me in that way, I will fix him.

Mr. Chairman: I think that is uncalled for, Mr. ole Marima.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I will leave the wild people to be wilder. However, I will go on with what I want to say here. It would be very shameful to fix somebody in the House.

Mr. Mwithaga: Mr. Chairman, Sir, with all due respect to the hon. Member who has just sat down, is he in order to use the phrase "wild people to be wilder"? Can he tell us who are the wild people in this House?

Mr. Chairman: I think we should be much more serious. Mr. Shikuku, would you avoid using such language.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): That is not an abusive language but these people do not understand humour. In any case I will leave them alone.

Mr. Chairman, Sir, I am trying to find out why this increase is there and could the Minister also explain Item 050, House Allowances, which has also gone up very much? Is this Personal Emolument payable to people—I do not want to imagine—can I be told why this figure has gone so high?

The Minister for Commerce and Industry (Dr. Kiano): In the first place, we have had additional posts created and approved by the Directorate of Personnel, in terms of our Management Instructors. We have also had extra personnel approved because we want to expand our training programme. So, that is the main reason why this figure is higher than what it was last year.

Mr. Mwamunga: Mr. Chairman, Sir, has the time available been allocated between Development and Recurrent Votes or we discuss them at the same time?

Mr. Chairman: They go together.

(Sub-Votes 230, 231, 232, 233 and 234 agreed to)

(Vote 23 agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

VOTE 23—MINISTRY OF COMMERCE AND INDUSTRY

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding £1,782,328 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1975 in respect of Vote 23—Ministry of Commerce and Industry and has approved the same without amendment.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Local Government (Mr. Osogo): seconded.

(Question proposed)
(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: That concludes the business on

the Order Paper. The House is therefore adjourned until tomorrow, Friday, 28th June, at 9 a.m.

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

Friday, 28th June, 1974

The House met at Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

APPROVAL OF 1974 LEGAL NOTICES ON LOCAL
GOVERNMENT ELECTION RULES

The Assistant Minister of State, President's Office Minister for Local Government, I beg to give notice of Minister for Local Government, I beg to give notice of the following Motion:—

THAT this House approves the Legal Notices on: The Local Government Regulations, 1963; Legal Notice of 1974—The Local Government Elections (Amendment) Rules, 1974; and Legal Notice of 1974—The Local Government Elections (Postal Voting) Rules, 1974 which were laid on the Table of this House on 13th June, 1974.

ORAL ANSWERS TO QUESTIONS

Question No. 459

CHIEFS' GRADES IN WEST POKOT

Mr. Lotodo asked the Minister of State, President's Office the number of chiefs of grades I, II and III in West Pokot, District.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

Sir, there is one Grade I chief, five Grade II chiefs and ten Grade III chiefs in West Pokot District.

Mr. Lotodo: Arising from the Assistant Minister's reply, what criterion is used to determine chief Grade I, II, and III?

Mr. Munyi: One of the criterion, Sir, is the availability of the posts. I would like to add that West Pokot is one of the few lucky districts in Kenya to have had a post of Grade I chief.

Mr. Araru: Arising from the Assistant Minister's reply where he says that there is only one Grade I chief, is it not true that chiefs are civil servants and as such they are entitled to promotions to higher grades? Therefore why should there be only one Grade I chief in the whole district?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member is aware that according to our establishment, there is a specific number of Grade I chiefs throughout the country. If, however, in a given district we find that there are a number of chiefs who have reached the state of becoming Grade I, we create extra posts for those individuals.

Dr. Munene: Arising from the Assistant Minister's reply, would he tell this House whether the major criterion is either the creation of new posts or the capability of a given chief?

Mr. Munyi: Mr. Speaker, Sir, both factors are equally important. In considering a chief for promotion, Sir, we look at his capability and also the availability of posts.

Question No. 466

INVESTMENT OF PROFITS MADE BY SUGAR COMPANIES

Mr. Onyulo asked the Minister for Agriculture how much money, from the profits made out of the sugar-cane grown in Miwani/Muhoroni areas, has been ploughed back into the areas for improvement since 1970 to date.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

I am not in a position to state in specific terms how much moneys derived from profits have been reinvested by the Miwani and Muhoroni Sugar Factories. I should however point out that the two factories have generally been faced with a shortage of sugar-cane mainly due to serious droughts in 1970/71 and 1973 coupled with widespread sugar-cane burning which also affected the profitability of these factories. The chances are that the factories may have made no profits which could be ploughed back for further expansion. Let me however assure the hon. Member that the Government is committed to the improvement and expansion of the sugar industry in the country and the two factories as well as others are now spending considerable sums of money not only to improve their capacities but also to cope with the increasing cane availability in their respective zones.

Mr. Onyulo: Arising from the Assistant Minister's reply, can he tell this House the amount of money Government is making out of sugar produced in the country? Why should the Assistant Minister say that there are no profits?

Mr. Khaoya: There are two aspects to this Question, Mr. Speaker, Sir. Firstly, these are private companies and as usual, Government does not interfere with the working of any private organization. However, we have information—indeed we do speak to them from time to time—that Miwani and Muhoroni Sugar Factories have programmes envisaging the expansion of the present crushing cane capacities. Sir, Muhoroni has a programme to increase their capacity from 1,200 tons a day to 2,000 tons a day. Similarly, Miwani will increase its capacity from 1,600 tons a day to 2,000 tons a day.

Secondly, Sir, as a Government, we do not want to make any profit from sugar that is produced and sold in this country. All I can say is that whatever these companies get they are expected to use to expand their businesses. I am sure that the hon. Member is aware that these two factories have their own nucleus estates. This means that the money they use to improve their nucleus estates comes from their own resources.

Mr. Araru: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that these two companies are private and therefore the Government has no say in whatever they do when we know that they are agents of the Kenya National Trading Corporation which is a Government corporation? Is he in order to say that the Government does not know what these companies do?

Mr. Khaoya: Mr. Speaker, Sir, as far as I am concerned that is not a point of order, but ignorance on the part of the hon. Member.

Mr. Speaker: That remark was uncalled for, Mr. Khaoya. We do not use that kind of language in this House. However, I believe that Mr. Araru has a point in what he is saying. Mr. Araru is wondering how you can say that you do not know what is happening in these companies when we know that the Ministry of Agriculture is in many ways, involved in the sugar industry. Therefore, since the Government is involved this matter cannot be treated as a private affair.

Mr. Khaoya: Mr. Speaker, Sir, the truth is that these companies are private. All that the Government can do is to control the buying of sugar-cane by the companies. However, the expenses incurred by the companies are their sole responsibility. Therefore, it is up to the two companies to determine whether or not they have made a profit or loss in a given year. However, according to the general information made available to us, we are able to determine what the companies are doing.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply by the Assistant Minister how can his Ministry control something it has no knowledge of? Is the Assistant Minister not trying to mislead the House deliberately?

Mr. Khaoya: Mr. Speaker, Sir, for instance the Government is responsible for controlling the price of grains in the country. That means that any trader who sells grains in Kenya has to sell them at a controlled price. However, the Government does not know whether such traders make profit or loss in such transactions. It is not the responsibility of my Ministry to audit the books of accounts belonging to any trader in Kenya.

Mr. Araru: Mr. Speaker, Sir, for the information of the House I am a businessman in Kenya and I know what the Assistant Minister is saying is not true. For instance, the Government fixed the price of grains after taking into consideration the cost of transportation and related expenses of such grains. Is he in order to mislead the House by bringing in issues which are quite irrelevant?

Mr. Khaoya: Mr. Speaker, Sir, I think there is a deliberate misunderstanding in this matter. My Ministry is capable of controlling the price of a given commodity without interfering with the affairs of a given organization. For instance, my Ministry is in a position to fix the price of sugar or how much money sugar-cane growers should be given for the sugar-cane they sell although we might not be in a position to know how such transactions are conducted. If, for instance, the Government meddles in the affairs of these companies that will be a breach of the Companies Act. However, it is not our intention to do that.

Mr. Wabuge: Mr. Speaker, Sir, arising from that reply by the Assistant Minister does he not agree with me that before his Ministry fixes the price of a given commodity, they have to know how much profit a trader can make after selling such a commodity? Why is he trying to mislead the House by pretending that the Government does not know what the companies in Kenya are doing, when we know that is not true?

Mr. Khaoya: Mr. Speaker, Sir, that is one of the factors we have to consider before we can fix the price

of a given commodity. For instance, we have to consider the position of the consumer of such a given commodity. However, this is a small aspect, because there are other main factors we have to take into consideration?

Mr. Seroney: Mr. Speaker, Sir, will the Assistant Minister agree with me that once a bag of sugar is sold the Government is supposed to get something from that? This means that the Government knows how much sugar the companies sell in a given period. Therefore, is he in order to mislead the House by saying that the Government does not know what these companies are doing?

Mr. Khaoya: Mr. Speaker, Sir, it is not the responsibility of my Ministry to know how much these companies spend to produce one bag of sugar. That is not our concern at all.

Mr. Seroney: Mr. Speaker, Sir, it is not true that the Government has imposed tax on every bag of sugar sold by these companies? This means that the Government knows exactly what these companies make from the sale of sugar.

Mr. Khaoya: Mr. Speaker, Sir, although it is possible to determine how much money these companies get from the sale of sugar it is not possible for us to calculate their margin of profit because we do not know how much these companies spend in paying salaries to their members of staff or how much money they spend in paying the electricity bills. Any private company is entirely free to do whatever it wants.

Question No. 363

WIDENING OF ROADS IN KEIYO DIVISION

Mr. Kurgat asked the Minister for Works if he will widen the road between Kaptarakwa and Chepkorio and also the road between Chororget centre and Kipsaina School in South Keiyo Division.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

My Ministry is aware of the importance of the road from Iten to Chepkorio, via Kaptarakwa.

Work to widen this road has started and is partially completed. As soon as the 1974/75 Financial Year starts and funds are available, work on the remaining section of Kaptarakwa/Chepkorio will be started.

The road between Chororget centre and Kipsaina School in South Keiyo Division is unclassified and therefore, it is not maintained by my Ministry.

Mr. Kurgat: Mr. Speaker, Sir, arising from the reply by the Assistant Minister that the road between Chororget Centre and Kipsaina School in South Keiyo is unclassified and therefore cannot be maintained by his Ministry, will he tell the House who is responsible for maintaining this road bearing in mind the fact that road maintenance was taken over by the Central Government from local authorities?

Mr. Kuguru: Mr. Speaker, Sir, I think I answered that question when I said that this portion of the road is not maintained by my Ministry. However, I did not say that the portion in question cannot be maintained

[The Assistant Minister for Works]

and for this reason, I would like to advise the hon. Member to take up this matter with the district development committee so that through their recommendation, this road may be included in our Development Plan. They should convince our provincial engineer on the importance of this road so that my Ministry can maintain it. There is already a portion of this road which is maintained by my Ministry and therefore, I am sure if the hon. Member takes the matter to the district development committee, this road would be maintained.

Mr. Kurgat: Mr. Speaker, Sir, since this portion of the road in question, that is from Chororget centre to Kipsaina School, connects the two places and it is a very important road to Kerio Valley via Nyaru, and also due to the fact that it is a "milk" road, would the Assistant Minister undertake to classify this road? In fact, this particular road used to be classified by the county council.

Mr. Kuguru: Mr. Speaker, Sir, with all fairness, I think this road should be maintained. However, I have been advised by the provincial engineer that this part of the road is not being maintained by the Ministry and I have in turn advised the hon. Member to take the matter to the development committee and our provincial engineer. He could invite my Ministry to go and see the road and we will perhaps give some recommendation that this road should be maintained. Mr. Speaker, Sir, I do not think we could be more fair than that.

Mr. Speaker: Next Question, Mr. Lugonzo.

Question No. 446

CONSTRUCTION OF BRIDGE—LUANDA SCHOOL/SENYENDE ROAD

Mr. S. Lugonzo asked the Minister for Works if he could inform the House when a bridge will be built to connect Luanda School and Senyende so that the tea collecting vehicles would collect tea harvested in Senyende area.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply.

The bridge on the track connecting Luanda School and Senyende, has not been included in the World Bank financed Tea Roads Phase III Programme which is nearing completion in Kakamega District. However, it is hoped that the bridge will be considered along with others in Kakamega District when funds become available for the implementation of the Rural Access Roads Programme.

Mr. Lugonzo: Mr. Speaker, Sir, noting that this area is a tea-producing area and that the Government has set aside some money for the tea-roads, would the Assistant Minister take the necessary steps to provide this area with a bridge so that the tea grown in this area can be collected with less inconvenience from the growers?

Mr. Kuguru: Mr. Speaker, Sir, I have already indicated in my reply that it is necessary to construct this bridge because a road without a bridge is useless. I have indicated also that it is hoped that the bridge will be

considered along with other bridges in that area to enable the tea growers to transport their tea leaves after harvesting. The road has already been constructed, but unfortunately, it was left out in this World Bank Development Programme. However, I have indicated that this bridge is going to be considered and the hon. Member should follow up the matter to make sure that this is done. I think by giving such an undertaking, I am being very generous.

Mr. S. Lugonzo: Mr. Speaker, Sir, the answer given by the Assistant Minister is slightly different because my question attaches a lot of urgency to this bridge, but the Assistant Minister seems to be including it in the general development programme. I am saying that this is an urgent matter because there is tea growing in this area and since other tea growers in several areas have been provided with access roads to the factories, would the Assistant Minister consider this to be an urgent affair and provide money for the construction of this bridge so that these people can have normal services which the Tea Authorities are giving to other tea growers?

Mr. Kuguru: Mr. Speaker, Sir, I think with all fairness, this question should be singled out from other similar questions and for this reason, I would like to invite the hon. Member to my Ministry so that we can look into the question. Since the road has already been properly constructed and all that now remains is the construction of the bridge, and as a result the tea growers in this area are suffering because they cannot move their tea, I feel that this bridge should be constructed. However, Mr. Speaker, Sir, I hate making promises which cannot be fulfilled. I am saying this because I am not the only deciding authority on these matters and there are many things which have to be considered before I can give an undertaking that this is going to be done. However, I would sincerely like to invite the hon. Member to the Ministry so that we can discuss this matter with my Minister and the provincial engineer who is responsible for funds.

Question No. 457

KENYA NATIONAL TRADING CORPORATION MARAGUA DEPOT

Dr. Munene asked the Minister for Commerce and Industry—

(a) in view of the fact that the Kenya Farmers Association intends to take over their depot at Maragua Urban Centre, currently occupied by the Kenya National Trading Corporation, what the Minister is doing to acquire a plot for a Kenya National Trading Corporation depot; and

(b) whether he is aware that traders from Mugoiri, Nginda, Muthithi, Makuyu and Kangari areas will be terribly inconvenienced if the Kenya National Trading Corporation Depot closes.

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

(a) When the Kenya National Trading Corporation was informed by the Kenya Farmers Association that

[The Assistant Minister for Commerce and Industry] they had to vacate the depot, they applied for a plot from the Commissioner of Lands so that they could construct their own depot at Maragua.

(b) I am aware that traders from Mugoiri, Nginda, Muthithi, Makuyu and Kangari will be inconvenienced if the depot closes and that is why the Kenya National Trading Corporation has taken action to acquire a plot.

Dr. Munene: Mr. Speaker, Sir, arising from that good reply from the Assistant Minister that the Kenya National Trading Corporation has applied for a plot from the Commissioner of Lands, is he aware that such plots are allocated by the Murang'a County Council and all that the Ministry of Commerce and Industry will have to do is to apply for this plot so that they can start construction of the depot tomorrow.

Mr. Anyieni: Mr. Speaker, Sir, I would like to inform the hon. Member that my Ministry has already done this, but the Ministry of Lands and Settlement has not given us the green light. However, meanwhile the Kenya National Trading Corporation has already moved from the old depot to Murang'a Town. This is not exceptional because in most districts, the Kenya National Trading Corporation depots are at the district headquarters.

Mr. Wanjagi: Mr. Speaker, Sir, the stores which used to belong to the Kenya National Trading Corporation were formerly owned by the Kenya Farmers Association but, unfortunately, the Kenya Farmers Association was removed by the Kenya National Trading Corporation. Would the Assistant Minister tell us what justification there is in giving back the stores to the Kenya Farmers Association before the Kenya National Trading Corporation can put up their own depot in a different place?

Mr. Anyieni: Mr. Speaker, Sir, this was done through mutual agreement and when the right time came to require the premises, the Kenya Farmers Association wanted their stores to be given back to them and according to the agreement the Kenya National Trading Corporation had no right to keep out the Kenya Farmers Association from their premises. However, as I said before, I am grateful to be informed by the hon. Member, Dr. Munene that the local council has already granted the Kenya National Trading Corporation a plot. The matter now remains with the Ministry of Lands and Settlement and when that is cleared, a depot will be built. But what I was wondering is that when we were debating the Vote on the Ministry of Commerce and Industry yesterday, it was very widely voiced that the Kenya National Trading Corporation should be wound up; I am wondering if those points were to be taken seriously by the Ministry so that the role of the institution was changed; and whether it would be necessary to build such depots?

Mr. D. M. Kioko: The Assistant Minister has just mentioned that there was an agreement of a lease; if this is so, then there must have been a period of that agreement to be in force. If this is true, then we need to know the agreement period and secondly, why was it not possible for the agreement to be extended until these people had their own godown?

Mr. Anyieni: We did not even think that this was necessary. After all, the Kenya National Trading Corporation have their depot at Murang'a and practically all over the Republic.

Dr. Munene: Indeed, the Assistant Minister is misleading the House by saying that the Kenya National Trading Corporation has a depot at Murang'a; the institution is currently occupying temporary houses at Murang'a. They are still waiting for Maragua depot to be built.

Mr. Anyieni: I am very surprised with what hon. Dr. Munene is saying, that I am "deceiving" the House. He has only confirmed what I have said.

Mr. Speaker: Are the Kenya National Trading Corporation not operating at Murang'a?

Mr. Anyieni: They are operating there!

Mr. Speaker: So they have a depot but on temporary arrangements?

Mr. Anyieni: Yes.

Mr. Speaker: The Minister is not "deceiving" the House. The word "deceiving" is not allowed to be used in that way here.

Mr. D. M. Kioko: Mr. Speaker, Sir, my supplementary question has not been replied to and, therefore, I would like to repeat it. We understand that the Kenya National Trading Corporation had no alternative other than to go either on the street or occupy the "shanties" in which they are now—

An hon. Member: They are not occupying "shanties"!

Mr. D. M. Kioko: Yes, they are in temporary buildings in Murang'a. The Assistant Minister said here categorically that there was an agreement between the Kenya Farmers Association—who were the owners of these buildings—and the Kenya National Trading Corporation. Could we be given the terms of that agreement? Why was the agreement not extended to suit the period in which the Kenya National Trading Corporation would have their own depot?

Mr. Anyieni: The Kenya National Trading Corporation is not short-sighted as the hon. Member is trying to say. As I have said earlier on, the Kenya National Trading Corporation applied for a plot to build its own depot at Maragua. As a matter of fact, this is now going on and the hon. Member who asked this question has confirmed that the local authority has already granted the plot. It only remains to clear the matter with the Commissioner of Lands. When that has been done, a depot is going to be built; this will not take long. Meanwhile, the Kenya National Trading Corporation is not closed! It is having a temporary arrangements and not "shanties".

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, did you notice what the Assistant Minister for Lands and Settlement, Mr. S. M. Amin did, when he crossed the Floor of the House? He just stood from here and went across as if he was going around in his kitchen?

Mr. Speaker: Hon. Members must go to the Bar and bow to the Chair before crossing the Floor of the House.

Mr. Anyieni: I was saying that the arrangements which the Kenya National Trading Corporation has for its depot at Murang'a are not "shanties" as the hon. Member said. These are temporary arrangements while they are still waiting for completion of their depot at Maragua.

Dr. Munene: Arising from one of the answers by the Assistant Minister to the effect that in yesterday's debate some hon. Members gave an indication that the Kenya National Trading Corporation should be done away with, I think, this was misunderstood because we said that small businesses should not be handled by the Kenya National Trading Corporation, only the big businesses should be run by the institution. Would the Assistant Minister now tell us whether there is money available when this plot is allocated so that the depot would be built immediately in Maragua?

Mr. Anyieni: The Kenya National Trading Corporation has plenty of money. Therefore, there is no question of it not having money to build a depot.

Question No. 474

NAIROBI/KISUMU PASSENGER TRAIN SERVICES

Mrs. Onyango asked the Minister for Power and Communications—

(a) when the Ministry is going to send two trains to Kisumu in a day, especially at the end of the month and also when children are going to and from holidays; and

(b) whether he is aware that one dining coach in the train is not enough to cater for travellers in 1st and 2nd classes.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, on behalf of the Minister for Power and Communications, I beg to reply.

An hon. Member: He has come.

The Assistant Minister for Works (Mr. Kuguru): Oh! he has come. Can you reply to this question?

The Assistant Minister for Power and Communications (Mr. Onamu): Go ahead.

The Assistant Minister for Works (Mr. Kuguru): Okay, I will do it.

The Minister is not aware of any delay in the execution of the programmed work for Mwimbi and Kiringaine water projects.

Hon. Members: That is a different question.

Mr. Araru: On a point of order, Mr. Speaker, Sir, with all due respect to the Assistant Minister, can you see Government Ministers sitting here as though they have just come from bed and therefore, do not know what is happening in this House? They are "chasing" each other here collecting papers and they do not know what questions they are supposed to answer. In fact, there are three "Ministers" in one Ministry of Power and Communications. Is this in order?

Mr. Speaker: You have made your point, Mr. Araru.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I have the answer here. I am sorry for coming late.

I beg to reply.

(a) The East African Railways Corporation has not got the rolling stock; that is: in the form of carriages to provide the services required.

(b) At peak periods, extra facilities are provided.

Mrs. Onyango: Arising from the answer given by the Assistant Minister—maybe he did not read his answer properly—is he aware that due to the rising cost of oil which made the bus-fares go up, many people travel by train which is cheaper? Is he aware that when people go to the railway station in order to travel by train, many of them stay there for even two days before they can catch a train? Could he give Kisumu line two trains a day in order to alleviate this problem?

Mr. Onamu: If conditions permit and if we have more passengers that can be considered.

Mrs. Onyango: Arising from the Assistant Minister's reply, is he not aware that many people wait at the railway station holding tickets for even two days because there is no room in the train and it is for this reason that we would like to have two trains going to Kisumu a day?

Mr. Onamu: I am not aware but we will have to look into that.

Mr. Ayah: Arising from the Assistant Minister's reply in relation to part (b) of the Question, is he aware that because of the congestion in trains going to Kisumu the dining car is normally used as sleeping accommodation after dinner; and that when people go for breakfast they find blankets being cleared off? I have personally experienced this sort of thing. Is this the kind of condition the Assistant Minister is talking about?

Mr. Onamu: I am not aware of that.

Mr. Karungaru: Mr. Speaker, Sir, since we know that very soon, many of us who own cars are not going to be using them, due to the prevailing condition of oil crisis, would it not be fair for the Assistant Minister to convey the message to the corporation, that there is need for more passenger trains to be placed on that line and elsewhere on railway routes in this country?

Mr. Onamu: Mr. Speaker, Sir, I am grateful for the information and I will look into the matter.

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, would I be in order to request the Assistant Minister to look into the question of the railway engine that goes all the way from Nakuru to Kisumu to collect the passenger train, and this causes a lot of delay?

Mr. Speaker: That is not a point of order.

Question No. 453

BAN ON "BOOGIES"

Mr. Nthenge on behalf of Mr. Mulwa, asked the Minister for Co-operatives and Social Services, since

[Mr. Nthenge]

in the absence of the "boogies" the youngsters are now resulting into visiting night clubs where they are open to the temptations of taking alcohol and other vices, whether the Minister would re-open these "boogies" but ensure that "sugar-daddies" are not allowed in.

The Assistant Minister for Co-operative and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply.

Boogies were banned by the Government because they were becoming a social menace and there was an out-cry from parents that their children were turning into criminals as a result of the bad habits and training they acquired from the boogies. Therefore, because of these reasons the Government has no intention of lifting the ban on the boogies.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister tell the House which is more harmful, to have boogies attended by youngsters or to have the youngsters going to the night clubs?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, here is a definite allegation to the effect that the sugar-daddies were the cause for banning boogies. Could the Assistant Minister substantiate that sugar-daddies go to these boogies and who are these sugar-daddies?

Mr. Speaker: No, you are reading into the question something which is not there. He could have used any example to object to this and, perhaps, this just happened to be one thing he had in mind, which he thinks if it is removed then there would be no objection to boogies going on. However, he does not say that they used to go there. He only says that if they are kept out, everything would be all right.

Dr. Munene: On a point of order, Mr. Speaker, Sir, you have ruled very well that the hon. Member was giving an example of some people, who have been termed as sugar-daddies. Could the hon. Questioner enlighten this House on who these sugar-daddies are?

Mr. Speaker: Order, I hope you are not asking him to name any? Do you want to be told the meaning of the word "sugar-daddy"?

Dr. Munene: I want to know, either from the Chair or the questioner who know who sugar-daddies are

Mr. Nthenge: Mr. Speaker, Sir, I believe that the hon. Member would know who sugar-daddies are sugar-daddies are men who have reached the age of maturity like the hon. Member or myself, but fool around with young girls. Those who see them with young ladies think they are their daughters when they are actually their girl friends.

Question No. 475

MWIMBE AND KARINGANI WATER PROJECTS

Mr. Mutua asked the Minister for Agriculture:—

- (a) whether he is aware that work on the already started Mwimbe and Karingani water projects has been held up; and
- (b) state what is causing this delay and when the work was going to be resumed.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply.

The Minister is not aware of any delay in the execution of the programmed work for Mwimbe and Karingani Water Projects. It was planned that preliminary investigations and survey works be completed in 1973 after which preliminary designs would be produced. This has been done and my Ministry is now undertaking detailed design work for the first phase of the projects after which the construction work will start. The hon. Member may have seen the preliminary investigations and survey teams and made the erroneous conclusions about continuation of the work for the projects. The question of resuming the work does not, therefore, arise.

Mr. Mutua: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is he not aware that the survey work was completed very early last year and so far nothing has ever been done as a follow up?

Mr. Wanjigi: Mr. Speaker, Sir, it takes more than the hon. Member thinks to design a project of this magnitude.

QUESTIONS BY PRIVATE NOTICE

ALLOCATION OF HOUSES IN HARAMBEE ESTATE

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

- (a) What has caused the delay in the allocation of houses at Harambee Estate built on tenant-purchase basis?
- (b) Is it true that the City Council has defied the Ministry's directives on balloting during the allocation of the said houses?

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

As the hon. Member might have known, the question is already out of date and the houses were balloted some time back.

Mr. Karungaru: Is the Minister not aware that these houses have not been allocated up to now due to the conditions that I have mentioned and that he should look into the matter personally, instead of waiting to be told what is happening?

Mr. Osogo: Mr. Speaker, Sir, I know that the houses have been allocated.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the reply by the Minister, would he tell the House why he has suspended balloting for certain applicants and subjected other applicants to this balloting system? Does that not amount to discrimination against some citizens of this country?

Mr. Osogo: Mr. Speaker, Sir, the policy of the Government is that all the people who want to be allocated plots have to go through the ballot system. It is only the Minister concerned that can waive this system directly. This order was directed to the Minister for Commerce and Industry; the Minister for Housing; and the Minister for Local Government early this year. In the case of phase II of Harambee Estate, I, as the

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Minister for Local Government, waived some houses to be allocated without this system. This appeared in the local Press and if the hon. Members are interested I can give the names of those I waived for. The remaining Houses should have been balloted against the applicants that were successful. This did not happen and was irregular. I have therefore nullified all those I did not waive and they will have to be re-balloted.

Mr. Karungaru: Mr. Speaker, Sir, since the estate in question is in my constituency and I know these houses have not been occupied and I know how the City Council operates, whereby people go to a bank and get a loan to pay for the deposit, and they are charged interest on this loan at the rate of 9½ per cent, and when the applicants are not successful, they do not get any interest from the City Council, does the Minister not consider this system inconvenient to the *wananchi* who do not get these houses?

Mr. Osogo: Mr. Speaker, Sir, I agree with the hon. Member's sentiments. However, this particular project was very unfortunate. In fact, it was nearly closed down. After the tender had been awarded to the present contractor, prices of raw materials shot up and he nearly gave it up. Secondly, he could not get the raw materials for roofing from overseas and, therefore, the designers had to change the design of the houses. I am sure that if this estate is in the hon. Member's constituency, he will go and find out that only two houses so far have been roofed with specifications that had been specified by the architect. The rest of the houses have been roofed by products of Brollo Kenya Limited in Mombasa and these materials had not been specified by the architect. So, actually this particular estate was very unfortunate in that it ran into a lot of difficulties. My directives to the Nairobi City Council and any other council is that in future they should not collect money from tenants before the houses are ready for occupation.

Mr. Araru: Mr. Speaker, Sir, arising from the supplementary answer by the Minister that there were ten names of people for whom he waived the ballot system, I do not know whether I am in order to query this matter because although we have read it in the newspapers, we do not believe in what the newspapers say provided we get correct replies from this House. Is the Minister prepared to read out those names of the people who he waived the ballot system and the reasons why he favoured them?

Mr. Osogo: Mr. Speaker, Sir, the exemptions made in this particular case were correctly reported in the *Daily Nation* yesterday. However, as I have already said, I have nullified all the others. As the hon. Members will remember, there were 15 houses allocated to our Kenya diplomats and Armed Forces people and others to councillors—about 23 councillors and their wives had allocated themselves with houses—three officers and two wives of officers had been allocated with houses. Now, Mr. Speaker, Sir, I have nullified all those and they will go to ballot box together with the others. I mean every house will go to ballot.

Now, Mr. Speaker, Sir, those cases which were exempted were scrutinized and I had a special request

from the people concerned. However, I have nothing to hide about them. One of them was a cripple who has been representing Kenya in the Olympic Games. He was allocated a house at the request of the Nairobi City Council by a representation. I accepted the request and allocated him with a house. Another one was the unfortunate *mzee* Kung'u Karumba, an ex-freedom fighter of this country who requested and applied to me for a house. I accepted his request and waived the ballot system for him. Another one was Mr. Wallace Muasya who applied to me through the Commissioner of Police and for reasons specified in the letter that I received, I accepted the request. Another one was Mr. Stanley Nyaga, who is a Deputy Secretary in my Ministry and also for reasons given to me by him, I accepted his request. Another one was Mr. G. S. K. Boit and for reasons given to me in writing, I accepted to waive the ballot to him. Another one was Mr. Gabriel Kihumbu, Deputy Comptroller of State House, and also for reasons given to me in writing, I accepted to waive the ballot. Another one was Miss Mary Koinange who applied to me and also for reasons given to me, I accepted to allocate her with a house. Another person was Mr. Lucas Balera and for reasons given to me, I considered his request and decided to allocate him with a house.

Mr. Speaker, Sir, those are the names of the people who I waived from the ballot system and I have no shame in what I did.

Mr. Karungaru: Mr. Speaker, Sir, now you have heard whatever has been going on in the City Council and since we, as residents of Nairobi, have become victims of the present system of allocating houses because you will even find that the City Council employees do not get houses but the senior officers and councillors get houses without even the question of balloting or anything. Where is justice in this case? Would the Minister not consider using another different method and make sure all those houses do not go to all the councillors and senior officers of the City Council by virtue of their offices because we are all tax-payers and, therefore, we should be given a fair share in all matters?

Mr. Osogo: Mr. Speaker, Sir, I agree with the hon. Member in what he has said.

An hon. Member: You did not mention one lady who was allocated with a house!

Mr. Osogo: Yes, I forgot, in fact, to mention the name of one ex-freedom fighter—Field-Marshal Muthoni—who also was allocated a house. She is an ex-freedom fighter and an elderly lady. She is also among the ten people.

Hon. Members: We have no quarrel with that one!

Mr. Osogo: However, I entirely agree with the hon. Member in what he is saying because the proceedings of the committee that allocated these houses went very fast. It had some atmosphere of election around it and so they were doing it so quickly. Because of that, I have nullified what they did and, therefore, a fresh re-allocation of those houses is going to be done. I am sure that if they are lucky, they will get back the houses but, if they are not then, they will not get them. Unfortunately, for them, they will not be there again because the ballot system is going to be done after

[The Minister for Local Government]

30th of June, 1974 and the Council will not be in existence. So, the officers together with an officer from my Office will go and witness the balloting.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply and now that this allocation has come on the week when the City Council had a lot of complaints from the papers, what prompted the Minister to allow this committee to allocate these houses knowing very well that it is the same committee which is being accused all over the country as being selfish and giving houses to the same people? Therefore, will the Minister not only nullify those few houses he think were allocated to the senior officers and councillors but all the 141 houses which he did not allocate himself so that the whole ballot system is repeated for all the houses?

Mr. Osogo: Mr. Speaker, Sir, I said and I thought I was clear in that all the 141 houses apart from ten houses which I allocated myself to some people will be balloted. Now, if the House wants to remove the powers I have, in all fairness, then, I am prepared to relinquish them.

Hon. Members: No! No! No!

Mr. Osogo: Mr. Speaker, Sir, I know that some hon. Members might have requested for houses and they did not get them. For instance, I know there are two hon. Members here who had requested to be given houses. However, the reasons given did not satisfy me and, therefore, they did not get the houses.

Hon. Members: Who are they? Name them?

Mr. Osogo: I am honest in what I am saying, Mr. Speaker, Sir.

However, apart from the ten houses, Mr. Speaker, Sir, the rest will be balloted with all applicants in one ballot box. The hon. Member for Kigumo has queried me why the ballot system delayed, but I have been appealing to the City Council right from the beginning of this year to allocate these houses in a different manner. However, for reasons unknown to me, the councillors were not able to allocate these houses in an acceptable manner. If the speech which I made in a meeting of the Association of Local Government Authorities of Kenya, in which I advised the Nairobi City Council to have the ballot system, was followed we would not be receiving the correspondences which are now flowing in about the allocation of these houses. This was done a number of weeks back, but the Council decided to allocate these houses recently in the way they liked. There is nothing I could do about it, but, it is unfortunate that they allocated them in the manner they did, and it is also unfortunate that the allocation is going to be nullified. However, the question raised by the hon. Member is anticipating another Question by Private Notice which will be asked on Tuesday by hon. Karungaru. I will answer that when I will reply to hon. Karungaru's Question.

INTAKE OF KALENJIN STUDENTS—NAIROBI
MEDICAL TRAINING CENTRE

Mr. Seroney: Mr. Speaker, Sir, I would like to ask the Minister for Health the following Question by Private Notice:—

(a) Will the Minister give a district breakdown of next year's (1974/75) intake of Kalenjin students into the Medical Training Centre, Nairobi?

(b) Will the Minister also give a district breakdown of Kalenjin inservice trainees to be taken in next year?

The Minister for Health (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply.

(a) Interviews for 1974/75 intake of students to the Medical Training Centre are still going on and will not be completed until the end of next month.

Normally, the Ministry does not keep records of the intake of students in accordance with districts, but, after careful examination of the records the information available indicates that so far 27 Kalenjin students have been selected, 11 of them from Kericho District, 6 from Nandi District, 3 from Elgeyo-Marakwet, 2 from Uasin Gishu, 2 from Baringo and 3 from West Pokot.

(b) So far the selection for the intake to inservice courses, except for one, has not yet taken place. That is to say, we have done selection for clinical officers' course only. The other selections are still going on. With regard to clinical officers, we have already had two students from Kericho District.

Mr. Seroney: Mr. Speaker, the Minister has said that recruitment for next year is still taking place. Can he tell us the method he uses to recruit these students, and how anyone interested is made aware of the existence of opportunities at the Medical Training Centre?

Dr. Onyonka: Mr. Speaker, normally there are career forms which are filled in by students just before they take their examinations. At the same time there is information available at district level regarding junior courses.

Coming to the question of criteria for selection, there is first the question of academic background. Different courses required certain subjects as a background. For example, anybody interested in training as a medical assistant has to have Biology, Chemistry or Physical Science, that is Chemistry, Physics and Health Science. There are different subjects for different course, Mr. Speaker, and these are too long for me to elaborate here.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply, could he tell this House whether the students who are being recruited now are those who sat their examinations last year? If so, does he not think he is going to recruit low-quality students since bright students could not have waited for all this time to be recruited?

Mr. Onyonka: I am sorry, Mr. Speaker, I have missed that point.

Dr. Munene: My question is: students are interviewed for most courses in January, February and March. The Minister has just told us that the recruitment for medical training is not yet completed. How does he expect to recruit bright students at this late time of the year?

Dr. Onyonka: Mr. Speaker, Sir, it is not yet late. I would like to inform the hon. Member that we have so many applicants that even if we started in December

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we would still find far more applicants of the right quality than we would absorb. As a matter of fact, even out of the list of last year, we were not able to absorb most of the applicants. The hon. Member may be interested to know that, with particular reference to Central Province, for example, we tend to get almost Division I students only.

Mr. Seroney: The Minister has said that intake from certain districts is 27. Could he tell the total number of students he intends to take in next year? Could he also confirm what he said here last year that his Ministry would be guided by the need to have a quota system, both for clinical and medical assistant as well as nurses?

Dr. Onyonka: There are certain special considerations that have to be taken into account in the selection. Obviously, as the situation stands, we are faced with a very difficult problem of diversity in background. As I have just stated, for Central Province, for example, we tend to fill in our quota when we select Division I students. In other areas there are mainly Division II students. In other cases we even take Division III students. I would like to tell the hon. Member that if we go down so low that, in the medical assistants' course and take holders of the Kenya Junior Secondary Examination certificates the problem is that they cannot follow up their lessons at all because their colleagues are of very high calibre. What we have done is to see to it that the lower cadre of trainees— Of course, we pay attention to the question of quotas, but we cannot be very rigid about this. If you look at the recent intake of the Nakuru Medical Centre you will find that most of the neighbouring districts, and other provinces, including Nyanza and Western provinces, did have representation of a very small number of students. About 25 students were taken from these places. There is a limit to which we can go, but it is our hope in the Ministry that the starting of the rural medical training centres in various parts of the country—the Kalenjins have one at Eldoret—will facilitate an intake of a much larger number of students from local areas. However, Mr. Speaker, the solution does not lie in standing still, but parents should be encouraged to ensure that their children go to school and acquire the sort of background education that is necessary for them to compete equally with other Kenyans.

There was also a question as to what would be the total number of intake of students to the Medical Training Centre. I cannot tell exactly the number of students which we shall take at the moment because in certain courses, if we do not get the right calibre of students, we do not simply take any students for the sake of it.

MINISTERIAL STATEMENT**CIVIL SERVANTS' PARTICIPATION IN ELECTIONS**

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to make a Ministerial Statement arising from a number of questions which several Members have been asking concerning Government stand on civil servants who intend to contest during the coming Local and Parliamentary Elections. I would like to make the following statement, Mr. Speaker.

In Personnel Circular No. 5 of 5th June, 1974, the Head of Civil Service, who is also the Permanent Secretary, Office of the President, Mr. G. K. Kariithi, issued a circular which read:—

"It has been reported that some civil servants intending to stand for Elections as Members of National Assembly, have engaged themselves in political activities, and have used their official positions in the Civil Service to campaign for support of their candidature.

"Such an action constitutes a breach of discipline in violation of the provision of the Regulation 13 referred to above. It is imperative that the rules governing discipline in the Civil Service are strictly observed at all times. Therefore, every civil servant who intends to stand for election as a Member of the National Assembly is advised to resign his appointment forthwith."

In order to ensure that the above directive is properly enforced, it has been decided that any civil servant who wishes to stand for National Assembly election must resign his appointment in the Civil Service by 30th June, 1974, that is in two days' time.

It is notified that any civil servant who does not comply with this requirement and resigns after the stipulated time, will not qualify for nomination as a Kanu candidate. Permanent Secretaries have been requested to bring the contents of the circular to the attention of all officers. It should be noted also that these instructions apply to employees of statutory boards and similar quasi-Government bodies, who should be advised to abide by these requirements.

Thank you Mr. Speaker.

Mr. Seroney: While I have no objection to the limit to civil servants to resign by a particular day, is the Assistant Minister correct in attributing to Kanu any decisions of the Office of the President?

Mr. Munyi: Mr. Speaker, Sir, that was the circular and what the hon. Members really wanted to know. Now, the hon. Member for Nyandarua South did even accuse one of the officers and he, in fact, laid on the Table of this House a letter which had been written by that particular officer appealing to his friends to assist him with finances, so that he could be able to carry on his election campaign. Now, as a result of this, the Government took action, as I had promised the House.

Mr. Speaker: I think Mr. Seroney is questioning the part which refers to Kanu. He is not actually objecting to the circular as such.

Mr. Munyi: Mr. Speaker, Sir, Kanu as the ruling party was consulted because nobody can actually stand for any election before Kanu as a party is consulted. I would like to inform the hon. Member that there will be a Kanu Executive Committee meeting on 4th July, 1974, which will be chaired by His Excellency the President. On Tuesday, 2nd July, Mr. Speaker, His Excellency the President, in his capacity as the chairman of the Kanu Parliamentary Group meeting, of which all hon. Members here are members, will chair a meeting of the Group here in Parliament buildings.

Mr. Seroney: On a point of order, Mr. Speaker, my question here is how does the Head of the Civil Service know what Kanu will or will not do?

Mr. Munyi: Mr. Speaker, Sir, as I have already stated, that was contained in the circular which was, in fact, a Government circular. Mr. Speaker, Sir, I gave you a copy of that circular, and what I have said here is exactly what was contained in the circular.

The Assistant Minister for Information and Broadcasting (Mr. Makone): Mr. Speaker, Sir, could we get clarification from the Assistant Minister as regards teachers, who come under the Teachers Service Commission, and who are governed by the Code of Regulations of the Teachers Service Commission.

Mr. Munyi: Mr. Speaker, Sir, I am going to repeat what I had said, and I do not want anybody to misquote me. Permanent Secretaries have been requested to bring the contents of the circular to the attention of all officers. It should be noted that these instructions apply to employees of statutory boards and similar quasi-Government bodies, who should be advised to abide by these requirements.

Mrs. Gecaga: Mr. Speaker, Sir, would the Assistant Minister clarify the position of the civil servants who are supposed to resign in two day's time. Now, if they resign to contest the elections and they fail to come to this House, will they automatically go back to their posts in the Government?

Hon. Members: Hear, hear!

Mr. Munyi: Mr. Speaker, Sir, I would like to make it very clear. If a civil servant resigns from his job, it does not matter what position he holds, he loses his pension benefits as well as several other benefits. Now, if he fails to get elected to this House, he will not go back to his post. However, if he wants to work with the Government again, he will have to apply for a job like any other citizen, Mr. Speaker.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, we would like to get some clarification here because it is quite important. Would the Assistant Minister clarify the position where a civil servant or an employee of a quasi-Government body loses an election; will that person get another employment with the Government, let alone going back to the same job?

Mr. Munyi: Mr. Speaker, Sir, that will depend on how a particular individual will apply for a job.

Mr. Araru: On a point of order, Mr. Speaker, arising from the answer the Assistant Minister has just given in reply to the question asked by the Gracious Lady, there is a rumour that some of the civil servants who are going to contest the elections have been given promises by way of letters, that if they lose in the elections, they will be allowed to come back to their jobs. Would he tell us whether there is any truth in this rumour?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member has said that this is only a rumour, and I would like to tell him that no one in the Government has any right of assuring a civil servant who has resigned to contest the elections that if he loses, he will go back to his job. That is contrary to Government regulations, and it cannot be allowed.

Hon. Members: On a point of order, Mr. Speaker!

Mr. Speaker: Order! We are taking too long on this. We must move on now.

Mr. Jilo: On a point of order, Mr. Speaker!

Mr. Speaker: All right, but you do not have to shout so much.

Hon. Members: Hear, hear!

An hon. Member: I can bet it is not a point of order!

Hon. Members: Hear, hear!

Mr. Jilo: My point of order is this: if Permanent Secretaries have been advised to tell civil servants and employees of quasi-Government bodies to resign by that date, why can the same Government not order that those who will lose in the elections should not be reinstated?

An hon. Member: What was your point of order!

Hon. Members: On a point of order Mr. Speaker!

Mr. Speaker: No, we must go on now.

MINISTERIAL STATEMENT

ALLEGATION ON MISAPPROPRIATIONS OF SOLOLO CATTLE DIP FUND

The Assistant Minister for Co-operatives and Social services (Mr. Ngureti): Mr. Speaker, Sir, I would like to give the following report to this hon. House in connexion with Question No. 142 raised by hon. Araru regarding the collection and misappropriation of project funds of Sololo Cattle Dip.

First of all, I wish to thank the hon. Member who raised this matter in this House at the appropriate time to enable me and my officers to make full investigation in this connexion.

Sir, I beg to state that the accounts of Sololo Cattle Dip have been checked by my officers and found to be in order and no misappropriation of fund has been detected. The necessary documents are available for inspection by interested persons. If the hon. Member still doubts these accounts he should rightly assist the committee members to investigate further and sue whoever might have misappropriated the funds.

Mr. Speaker, Sir, the project application which was submitted to the Government has been approved. This application requests the Government to raise or to grant Sh. 13,250. This money shall be paid in the next Financial Year. I would also like to request the hon. Member to urge his people to contribute more towards the project to ensure its early completion. Sir, I am pleased to note that in the year 1973 the public raised Sh. 4,099 and not Sh. 499 as previously reported by me. This was a good thing because there was famine and drought.

Finally, Sir, I wish to point out that the Co-operation and devotion shown by the hon. Member in promoting this particular Harambee project and many others is noted.

PERSONAL STATEMENTS

SUBSTANTIATION OF ALLEGATION ON EXISTENCE OF A MAFIA GROUP IN KENYA

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, yesterday in the course of the debate on the Vote of the Ministry of Commerce and Industry hon. D. M. Kioko referred to what he called Mafia Group in Kenya and the Deputy Speaker who was in the Chair at that time informed the House that he is aware of a circular going round showing who are the Mafia Group. People have received these documents and I am one of those who have received them and I offered to bring one this morning. However, I must correct one thing here. The report in the *Daily Nation* to the effect that I got this document from the Mafia Group is not true. The facts are that somebody who is aware of the Mafia Group in Kenya took the pains to write these circulars and posted one of them to me but he never signed it. This circular states, and I quote:—

"The Kenya group leaders and members No. 1 and 2 are importing bad sugar or exporting ivory, skins *marijuana*, charcoal, gold and mention any other things. Arabs are not represented by these self-styled Arab leaders. Please investigate, for the good of the country the biggest smugglers in Kenya. They are Colobus monkey skins, specialists, cars from Uganda, maize to nearby countries, sugar import, fish import and export".

Mr. Speaker, Sir, that is what this gentleman wrote and made some cuttings showing the No. 1 and No. 2 leaders of the Mafia Group. I do not want to go into mentioning any names but if you—I will lay this document on the Table which is normal, for Members to see who is leader No. 1 and No. 2 of the Mafia Group.

(*Hon Shikuku laid the document on the Table*)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, could the hon. Member who appears to know quite a lot of this Mafia Group tell us what is Mafia and who are Mafia?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I think that is a very, very unfair remark. The question of Mafia was not raised by the Member now speaking. It was raised by hon. D. M. Kioko and then the Deputy Speaker who was in the Chair said that he was aware that something like what I have just laid on the Table has been circulating. I only offered as a good citizen of this country that I have got this document which I should lay on the Table. Therefore, I am not going to be held responsible to explain what Mafia is.

Mr. Speaker: Order! Order! Shall we have that document given to the Clerk.

Mr. Karungaru: Mr. Speaker, Sir, in that document there is a photograph and it is also has names of No. 1 No. 2 and No. 3 leaders of the Mafia Group. Now, would we get a Government clarification on this matter? If in this country we have a group known as Mafia which is responsible for what was said in this House, things which are very sensitive and which are affecting *wananchi* in general, namely that the essential commodities are being smuggled out of the country by the said Mafia Group for their own benefit and perhaps this same Mafia Group does not pay taxes, would we

not now ask the Government to go into details of investigating this matter and then report back to this House?

Mr. Speaker: No, Mr. Shikuku was only substantiating what he was asked to do. So what you are asking now is far removed from his intentions.

Mr. Mwithaga: Mr. Speaker, Sir, since the Assistant Minister has substantiated and that document is now the property of this House and it is definite that any image can portray the person connected with it; and in view of the fact that the situation is very grave because it affects very many things that this House has been concerned with, would we not be in order to examine this particular document under Standing Order No. 20, debate the whole issue for the sake of clearing the minds of people and avoiding further questions on rice and other commodities which have been mentioned in this House time and again? Can we not debate this document under that Standing Order?

Mr. Speaker: No, you cannot do that, Mr. Mwithaga. It is not necessary. It is not the first time that Members have received documents of this kind. I am sure they have received many more before. By debating it you give the impression that you actually know what it is all about instead of letting those responsible for investigations do their work. It would serve no useful purpose at all.

Mr. Lugonzo you had something to say?

CORRECTION OF NEWSPAPER REPORT ON MEMBER'S SPEECH

Mr. S. Lugonzo: On a point of order, Mr. Speaker, Sir, a number of hon. Members have complained about the Press and I would like to add my feelings to the complaints of the other hon. Members about the Press, especially, the *Daily Nation*. We would like the Press to know that the way the report is extremely—

Mr. Speaker: Order, will you state what it is you are complaining about and just end there instead of making a general complaint?

Mr. S. Lugonzo: Mr. Speaker, Sir, I would like to give an example of what they reported this morning and this is what I think is doing some harm to hon. Members. When a newspaper like the *Daily Nation* gives the version of what I said yesterday wrongly, then, it is very wrong.

Hon. Members: Tell us what is wrong.

Mr. S. Lugonzo: Be patient.

Mr. Speaker: Mr. S. Lugonzo, will you sit down. I am really wondering what to do about your way of going about the business of this House. You will remember that the other day I reminded you that you repeat yourself too much. You do not have to, because the other hon. Members are listening and are intelligent enough to follow what you are saying and therefore, you do not have to repeat yourself too long.

Another point about this kind of statement, as I told you, is that it would have been advisable for you to let me know what it was that you wanted to complain about. You did not do this but I allowed you to do it here in the hope that if there is any need for correction

[Mr. Speaker]

it can be done. Now you are telling us a long story about every hon. Member, but these things are irrelevant to your complaint. You can only raise a complaint about what is written about you and that is all, but you should not be too general.

Mr. S. Lugonzo: Mr. Speaker, Sir, *Taifa* Newspaper reported what I said yesterday but ended by saying *pamba inasafirishwa hadi Uganda na kwingineko kuuzwa*. Mr. Speaker, Sir, this is not what I said and the statement is ridiculous because, I know from Geography—which I used to teach—that Uganda produces more cotton than we do and it is meaningless for people to believe that I said the cotton we produce here is exported to Uganda. This is a misreport. Mr. Speaker, Sir, perhaps this House should do something so that the Press can send people here who can listen and report accurately since some of us dislike being misreported or the Press putting something on paper which hon. Members have not said.

MOTION

ROAD BARRIERS AT OYUGI TRADING CENTRE

That, noting the frequent fatal traffic accidents which occur at Oyugi's Trading Centre and which have increased since 1969, despite the installation of sufficient traffic signs by the Ministry of Works, which some motorists fail to observe around the centre, and since these signs have not helped to reduce the death toll, this House calls upon the Government as a matter of urgency to construct metal barriers or bumps along the highway within Oyugi's in order to reduce the high death rate suffered by the residents of the said centre.

(Mr. Mbori on 21st June, 1974)

(Resumption of Debate interrupted on 21st June, 1974)

Mr. Speaker: It is about time for the Government responder.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I am grateful for the hon. Member for Kasipul Kabondo for having brought this Motion which is extremely important. It is equally the concern of my Ministry that the rate of accidents have increased since the construction of this road. It is most unfortunate that the road happens to be a highway that cuts across this market centre and it was one of the engineering factors that might have been avoided. I think the best thing would have been to avoid the town. We are extremely concerned about the rise of accidents in this particular centre and my Ministry is currently undertaking a study to try and find out the best possible methods of avoiding or reducing the rate of accidents across these market centres.

The construction of bumps, as stipulated by the hon. Member, may not help very much. In fact, several other places where bumps have been erected, the rate of accidents has increased. Therefore, I would not advise the construction of bumps near the centre. However, as I have said my Ministry is currently studying the possibility of either erecting barriers or iron barriers across the main street. Mr. Speaker, Sir, there is very little I can add to that except that when the funds are

available means of trying to reduce the accidents will be constructed.

Mr. Speaker, Sir, my Ministry accepts the Motion and will make sure that we shall not only accept it here but we shall get it implemented as soon as funds are available.

I beg to move.

Mr. Mbori: Mr. Speaker, Sir, I would like to thank my colleagues who contributed to this very important Motion and I would also like to thank the Assistant Minister who has responded to the Motion without amendments. I would request him to take note that this is a matter of life and death and as I stated we cannot afford to lose lives at this high rate. I, therefore, request the Minister that since we are in the new Development Plan period and also approaching the New Financial Year, he should do something so that the rate of deaths in this area is reduced with immediate effect. Since the Assistant Minister has accepted the Motion, I would like to thank him very much.

With these few remarks, I beg to move.

(Question put and agreed to)

MOTION

TRACTOR HIRE SERVICES

Mr. Ogingo: Mr. Speaker, Sir, I beg to move the following Motion:—

That, noting that the Government is fully committed to rural development in terms of agricultural activities, this House calls upon the Government to set up tractor hire services in all the districts with farming potential to facilitate such activities.

Mr. Speaker, Sir, this is a straightforward Motion and I am sure that the entire House will give it the necessary support. I am also sure that the Government will support this Motion.

This Motion is a clear manifestation of the desire of our people to develop the agricultural potential that this country is blessed with. It is a fact that the Government policy is clear on rural development. In order to ensure that our people benefit from independent Kenya every effort must be made to ensure that they have the necessary equipment to develop the potential that the country has.

Mr. Speaker, Sir, it is true that 90 per cent of our people live in rural areas where the land is suitable for agriculture. Sir, many of these areas which are good for agriculture cannot develop fast enough because we do not have the necessary equipment. Mr. Speaker, Sir, the "Back to the land policy" which was initiated by His Excellency the President of this country can only be sustained if it is backed up by the necessary equipment. It is not relevant to talk about this particular matter without Government's backing in ensuring that the necessary equipment such as tractors are made available in all districts with the necessary potential. I am saying this, Mr. Speaker, Sir, because we have certain areas in this country where land tenure is still traditional and where farmers cannot get loans for buying tractors. Therefore, Sir, where land tenure is still traditional, it is not easy to raise loans for the development of Agriculture.

[Mr. Ogingo]

The reason is obvious in that where you do not have land title-deeds, loans cannot be advanced easily. The advances made for Guaranteed Minimum Return meant for increased production of maize is also another difficulty. In fact, Sir, most people in rural areas do not have the minimum requirement of 15 acres in order to be advanced the Guaranteed Minimum Return. So, in the end most of our people who, otherwise, would be committed to agriculture find it difficult to continue farming because on one hand they cannot raise a loan by way of the Guaranteed Minimum Return and on the other hand they do not have the minimum number of acres required in order to get the loan. The Ministry of Agriculture has been asked to reduce the minimum requirement to three acres or five acres which is the requirement by bankers. However, a decision in support of this request has not been forthcoming.

Mr. Speaker, Sir, it is important that all the available fertile land in this country should be put into agricultural use. However, it is difficult for our people to utilize land effectively in the absence of agricultural equipment. It is a pity the Assistant Minister for Agriculture was away from this Chamber when I started my speech. However, now that he has come, I hope he will be able to catch up with what I am saying.

The Attorney-General (Mr. Njonjo): We shall brief him because we have been here.

Mr. Ogingo: Mr. Speaker, Sir, I hear the Attorney-General saying that he will brief the Assistant Minister; he usually claims to be good at briefing others. However, he is in order. I hope that he will not mislead the Assistant Minister for Agriculture, hon. Wanjigi.

The Attorney-General (Mr. Njonjo): What do you mean?

Mr. Ogingo: Mr. Speaker, Sir, I mean exactly what I am saying.

Now, Sir, I would like to urge the Ministry to ensure that in each of the districts where we have farming potential, we have enough units of tractors that our people can hire. The Minister must be made to understand that there is need in these areas to have enough tractor hire units. We would like to see tractor hire units with modern tractors. In the past, Mr. Speaker, farmers in South Nyanza have had very old tractors which were hired out and most of the time they broke down after a farmer has paid for the tractor hire service which he does not get. Worse still, Sir, we have had to deposit money at the headquarters. Having deposited money at the headquarters and given the fact that there are frequent breakdowns on these tractors which I regard as ramshackle, the farmer ends up by losing considerable sums of money. It is therefore imperative for the Ministry of Agriculture to ensure that they buy modern and new tractors for tractor hire units. The reason why we are asking for these new and modern equipment, Sir, is that—I would like to drive this point home to the Assistant Minister for Agriculture—

Mr. Jilo: On a point of order, Mr. Speaker, Sir, it appears that the House does not have a quorum.

Mr. Speaker: Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: We have quorum now. You may continue Mr. Ogingo.

Mr. Ogingo: Mr. Speaker, Sir, when the point of lack of quorum was raised, I was trying to inform the Assistant Minister for Agriculture, who is now present in the Chamber, that apart from having loans available for farmers who might want to have their own personal tractors, it is absolutely necessary to make arrangements whereby tractor hire units are based in districts with farming potential. In this way those people who have the money and do not want to buy their private tractors can go in for tractor hire service. We, in South Nyanza District, Mr. Speaker, Sir, depend on Narok District, which is many miles away. In fact, Sir, when tractors are made available to farmers in South Nyanza, the right time for cultivation is always long past. Therefore, farmers in my district make use of these tractors very late in the year and, as such, they cannot have a good crop when the harvesting season comes.

The other point I would like to draw the Assistant Minister to is that most of these tractors are old and there is a case for having a second look at these machines. In fact, they should all be replaced by new tractors so that farming can be successful. It is important for the Ministry to realize that there is no point in having farm management officers in the district without giving them the necessary challenge. I am sure that farm management cannot be realistic without services such as the ones I am now talking about. Sir, management of farms call for tractors and other agricultural implements. It is important that the Ministry of Agriculture helps farmers because, as we all know, the mainstay of our country is agriculture. The country can only survive if its agricultural potential is fully developed. Mr. Speaker, Sir, given the fact that Guaranteed Minimum Return loans can only be given to farmers with a minimum of 15 acres, and also given the fact that the majority of our people do not have this number of acres, then, obviously, Sir, there is a case for introducing a more aggressive system. The aggressive system I mean is that which will enable the people who cannot buy their own tractors to use the tractor hire unit services based close enough within a given district. It is unthinkable, Sir, that certain tractors can be shared between two or three districts. If the Government can put certain tractors at the disposal of three districts, then this shows that it is not serious in helping the farmers in this country. We would like to ask the Government to ensure that it is more committed to ensure that our people have new and modern tractors which do not break down from time to time.

We have enough land in South Nyanza for sugar production and it is my view that the Government should spend more money on tractors so that most of our people can hire them for use in their land. It is becoming more and more difficult for the farmers to buy tractors due to inflation. The deposits required by some of the companies before a farmer can be given a tractor on hire purchase terms are very high. Therefore, it is necessary for the Government to provide *wananchi* with tractors. In my area there is plenty of land under bush. I would like to appeal to the Government to

[Mr. Ogingo]

see that people in such areas are given the necessary facilities so that they can develop their own agricultural interests.

Mr. Speaker, Sir, since this is a very straightforward Motion and I am sure that the Assistant Minister for Agriculture is going to accept it. I am sure that he is also going to make sure that this Motion is implemented immediately. There is no reason why the Government should accept a Motion which is not going to be implemented. This House is not like the Chamber of Commerce which is always passing resolutions. This is a legislative body which should be taken seriously. I would like to ask the Government, through the Assistant Minister for Agriculture, to make sure that once this Motion is passed by the House steps are taken to implement it.

Mr. Speaker, Sir, in view of the fact that this Motion is straightforward, I beg to move— However, before sitting down, I would like to inform you that, hon. Ogero is going to second the Motion.

Mr. Ogero: Mr. Speaker, Sir, I rise to second this Motion.

Every hon. Member in this House knows very well that Kenya is an agricultural country. This Motion is very important. Our people in the rural areas are given credit facilities, such as Guaranteed Minimum Return loans. These loans are causing a lot of hardships to those people who have received them. For information of the House, these loans are not given to the farmers in form of cash money. For instance, when a farmer hires someone to clear the bush, he has to give such a person an invoice so that he can claim the money from the Government. This causes unnecessary hardships to these people. In the same way, when a farmer hires a tractor, he has to give the owner of the tractor an invoice so that he can claim for his money from the Government. Most of the tractor owners are not willing to give their tractors to the farmers on hire because they find it difficult to claim for money from the Government and as a result, farmers are finding it very difficult to get tractors to plough their *shambas*.

Mr. Speaker, Sir, when the harvesting time comes, a farmer has to hire people to harvest his crop. The farmer is forced to give these people invoices so that they can claim for their money from the Government. Before such invoices can be cleared by the Government it takes quite some time and as a result, people are not willing to be hired to harvest crops simply because they are finding it difficult to get their wages. The only way to solve this problem is for the Government to provide farmers with tractors. If farmers are free to hire tractors from the Government, that will be quite in order. In the first place, when a farmer hires a tractor all that he has to do is give an invoice to the Ministry of Agriculture. Such an invoice will be cleared very easily because it is the same Ministry which is responsible for clearing such invoices.

Mr. Speaker, Sir, the Mover of the Motion informed us that in some parts of the Republic there are some tractors on hire in Government offices. There is no reason why the Government should provide such faci-

lities only in a few areas. For instance, Kisii District is very fertile, but the farmers there find it very difficult to develop their *shambas* simply because they have no tractors. In my opinion the Government should provide tractors in every agricultural district.

Mr. Speaker, Sir, in settlement areas, where people have large farms, it is not possible for such people to till their farms manually. It is also not possible for such farmers to use oxen driven ploughs because that will not be enough. In my opinion the Government should provide such people with tractors so that they can develop their land economically.

With those few remarks, Mr. Speaker, Sir, I beg to second.

(Question proposed)

The Minister for Natural Resources (Mr. Omamo): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Motion.

In the first place I would like to congratulate the hon. Member for Ndhwa for bringing this Motion to this House. This Motion is important in the sense that there are very many parts of the country where agricultural development can only be promoted with the use of tractors. For instance, in South Nyanza there are tsetse flies which cause a lot of hardships to the farmers. This is one of the most dangerous flies. It is also one of the flies which cannot be wiped out easily. Of course, I know that a United Nations Organization and the Kenya Government are doing their best to see that this fly is wiped out completely. The Government tried to spray the whole of the shore of Lake Victoria to try and kill these flies. However, that exercise was not successful. In fact, today, there are very many tsetse flies in South Nyanza. Therefore, they escape the drug and on their return they find excellent breeding ground and they tend to multiply over the week, and we are now facing the danger reinvestation by the tsetse fly in the lake-shore area. I know that the field officers find it difficult to admit this fact, but I know for sure there are areas where raids against the tsetse fly have been completed and yet there still exists a lot of tsetse flies. When I talk of tsetse flies I do not only mean the biting tsetse flies, but I mean the real tsetse flies which carry the human sleeping sickness and the livestock *trypanosomiasis*.

Mr. Speaker, Sir, the other point which I would like to raise is this question of mechanization. If the aim of mechanization is to produce the maximum crop yields, then we must accept that that it must be as complete as possible. Let me take the example of cotton growing. Mr. Speaker, cotton is a crop which is suitable for mechanization and the tractor hire service has always been used for this purpose. However, if we plough say, a 40 acre cotton bloc and then continue harrowing, what is the individual farmer supposed to do to realize the maximum yield from cotton? It is true to say that an ordinary family cannot afford this kind of exercise and, therefore, I would like to appeal to my colleague—the Minister—through you, Mr. Speaker, to see that when mechanization is done through the tractor hire service, the exercise is made as complete as possible. What I would like to see being done in this exercise is

[The Minister for Natural Resources]

that when a tractor is hired, it should be able to carry out the first ploughing, second ploughing, harrowing, and, later, inter-row cultivation should be carried out to help the farmer to do the weeding near the roots of the crop. I am saying this because without proper weeding cotton yield is greatly reduced. This is a problem which has faced many cotton farmers, particularly in Western, Nyanza and Eastern Provinces where cotton blocs have been developed.

Mr. Speaker, Sir, the other point I would like to raise is with regard to the charges on the tractor hire services. I am particularly familiar with the Soil Conservation Unit which is engaged in this business. I think the Ministry should do something to improve on the efficiency of this particular unit. I am saying this because the form of this so-called tractor hire service leaves a lot to be desired. Sometime this charge is based on hours taken by a tractor to plough a piece of land. However, sometimes all that the tractor does is to struggle with a big stamp by going round it all the time making a lot of noise and consuming hours without doing any work at all. At the end of that exercise the farmer has to pay a lot of money while the actual ploughing done is very little. Sometimes, Sir, the tractor is bogged down somewhere due to the condition of the soil, and for hours this thing just goes on tat-tat-tat—and nothing is done. The damn thing just goes round and round—

An hon. Member: How does it then record the time.

The Minister for Natural Resources (Mr. Omamo): The time will be recorded all right because the card is recorded by the shaking of the machine and, therefore, so long as the machine shakes, those hours the tractor takes in going round and round a stamp of trying to pull itself off some mud, are all properly recorded. For this reason, I would like to suggest to the Ministry that at this stage of our development we should only charge on the actual acreage done rather than on the hours covered. I am saying this because this type of exercise should really be a sort of subsidized service.

Mr. Speaker, the other point I would like to make is that the Ministry should do something about our field officers. When I say this, I do not intend to suggest that our field officers are inefficient, but I have noted that the rate of breakages on these tractors is too high. When some breakage occur, these field officers just do nothing about it. For this reason, I would like to suggest that somebody should be helping these field officers in seeing to it that they obtain spare parts whenever they need them. However, at the moment, when a tractor breaks down, it happens that these field officers have to travel all the way to Kisumu to look for spare parts while at the same time the tax-payers money is being wasted in paying salaries and travelling claims for these officers. Therefore, the Ministry should do something to improve on the performance of this particular unit. I hear an hon. Member saying that sometimes there are no spare parts even in Kisumu. If there are no spare parts, these officers can do nothing about the break-down, but I am referring to those cases where spare parts are available elsewhere.

Mr. Speaker, Sir, the final point which I would like to make is that there has been a tendency—and when I say there has been a tendency, I mean there has been a tendency—by some of these field officers to create imaginary hours on their work claims and, as a result, farmers are asked to pay for these imaginary hours. How is this done? This is done through the fault of the field officers themselves who do not insert the cards into the tractors so that as the tractor shakes these cards are recorded. All they do is that when the tractors start work in the morning, in the evening these officers just indicate that they have worked for XY hours. I think this practice should stop and stop immediately.

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

Mr. Owala-Orwa: Mr. Speaker, Sir, in supporting this Motion, I would like to start by congratulating the Ministry for organizing the tractor hire unit. The short-coming which has been mentioned by the previous speaker about the frequent break-downs of these tractors, and thus making the services unnecessarily expensive to farmers, has come about as a result of using very old tractors. I came across one of the units where some of the tractors started working in 1964 and are still working today. As a result, these tractors are often breaking down, and since it is not possible to obtain spare parts locally, they have to remain idle for a long time. This makes a lot of delay in ploughing work. Mr. Speaker, Sir, a certain committee, chaired by Mr. Havelock, recommended that the tractor hire unit be allowed to work for people who have five acres of land. In the rural agricultural areas people are thickly populated and it is very difficult to find many people with more than ten or even five acres. They have something like 15 acres and yet they have oxen and cows; they have got to have pastures on which to feed their cattle in order to get milk. Therefore, to plough all the 15 acres is difficult. That is why the Secorder of the Motion said in Kisii they are not aware of the tractor hire unit. Kisii being so fertile and thickly populated, you find people with only five to six acres. We feel that the recommendation contained in the Havelock Committee should be used in order that more people can benefit.

Mr. Speaker, Sir, it is sad to note that Kenya is short of food. In 1971 the tractor hire unit was tried in South Nyanza and in one part it was successful. If the House may recall, 1970 I raised complaints that the yokes scared our oxen at Agaga. It took me one year to plead with the Ministry to bring the tractors. When the tractors were brought the work was successful that the yield was so heavy that the storage at Homa Bay was inadequate. In fact, it forced the Minister himself—the hon. Nyagah—when he came to the district, to say that people should sell their maize in the markets because the storage could not hold the yield. If this was tried and was found to be successful, what is the reason for not repeating the same thing in order that Kenya may not be short of maize?

Mr. Speaker, Sir, I feel that the planning in the Ministry of Agriculture has some shortcomings. The Minister should find a way of ensuring that we do not feel that maize is lacking or that some crop is lacking. What they tried in 1971 was a clear evidence that Kenya, or parts of Kenya—like South Nyanza—can

[Mr. Owala-Orwa]

produce to an extent that the Ministry cannot find enough storage for the produce. The Minister said that there was a plan to enlarge these stores. If this is so, then I feel that there should also be a plan to repeat tractor hire unit experiment in South Nyanza so that the stores so enlarged may be used. I know the present store is too small for the production of the crop right now. But if there is a plan to enlarge it, we now want to make full use of our fertile land.

There may be a question as to why we cannot find our own tractors. Mr. Speaker, Sir, South Nyanza Land Adjudication maybe too slow or it is done at the last moment. As a result the people in the fertile areas do not have title-deeds to offer to the Agricultural Finance Corporation in order that they may be given loans to enable them to buy tractors. There has all the time been complaints and blame in South Nyanza that the people there do not have title-deeds. This is because the pastoral areas were adjudicated first. The pastoral people do not need to get title-deeds in order to graze their cattle. They graze their cattle anywhere and so long as the rain is constant there will always be grass for their cattle. However, it will take the people in agricultural areas which are now being adjudicated a long time to get title-deeds to enable them to get loans from the Agricultural Finance Corporation to buy tractors. That is why I feel that the tractor hire unit services should be provided in South Nyanza right away.

However, the old tractors that started working back in 1964 should not be brought to the area. This is because South Nyanza is very far from Nairobi and, therefore, when a small part is broken the tractors will remain idle until that spare part is brought from Nairobi. Then, when the tractor is repaired it will work for, say, three days, and then get spoilt again and leave the staff idle for weeks waiting for a small spare part. This would make it very expensive. Mr. Speaker, Sir, they tried it in Kuria in 1971, but mainly because very many people showed interest, whom they had to serve since they had paid for the services, the re-ploughing work was done very late, after most of the plots that had been ploughed before had become very bushy. As a result the work was done very poorly and so the yield was not what was expected. The people there could have had a good yield but because the land had grown bushy because of delay in re-ploughing this was not possible.

I feel that something should be done in the areas where people do not have land title-deeds, and also where there are no feeder roads, where, because of difficulties in communications, farmers cannot sell their produce even in little baskets and, therefore, they cannot get any benefits from their labour. Now, since we want agricultural revolution, we should have agricultural implements. I suggested recently that we should have a plant for agricultural implements in Kenya so that the tractors produced there can be sold cheaply to our people. We would then have no problems because we have plenty of cheap labour in Kenya. Secondly, if this is done, we will have our own type of tractor for which we will not be waiting for spare parts to come from overseas and, as a result, wasting a lot of time before they arrive. Meanwhile, as we wait for these spare parts to come

from overseas, the planting time passes and so we end up not producing the amount of food we expected. Therefore, the establishment of a tractor factory is necessary because it has always been said that Kenya is an agricultural country. Kenya will not utilize its fertile land unless it has the facilities for ploughing this fertile soil. One of the solutions is to make tractors in Kenya in order that we will have all the spare parts and tractors we need to be self-sufficient in feeding our people and at the same time be able to export some of the agricultural commodities that we will be producing. It is not only that, we may even export the tractors that we shall be producing to other African countries.

Mr. Speaker, Sir, I feel that this is a straightforward Motion and, therefore, I beg to support, very strongly.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you very much, Mr. Speaker Sir, for giving me this opportunity. I sympathize with and share the sentiments expressed in this Motion and the way the Mover of the Motion put the case. However, I believe that ultimately the tractor hire service can only supplement the efforts of our own people. In the countries where the Government has tried to do everything for the people the results have not been encouraging. Therefore, it is important that when we are considering this Motion we call on our people to redouble their efforts in trying to produce more grains and other goods for Kenya. This is because if we were to get carried away by this idea of tractor hire service, some of the difficulties which the hon. Member for Bondo, who is also the Minister for Natural Resources, pointed out are far too prevalent. If any district, or the country for that matter, were to rely on this tractor hire service, there would be no food produced in this country. In practice, if you take the Soil Conservation, for example, you will find that Government tractors have a tendency of breaking down any time. Although you may be in time for having your contract done at a given time, invariably you will find that one is two or three months late. Therefore, it is extremely dangerous if we, as a country, were to encourage the idea that Government tractors should be hired throughout the country because for one, Government tractors will not take into account the farmers wish to plant at a given time. They will not deliver the goods. I was glad to hear one hon. Member say that after ploughing the tractors did not appear again until the piece of land had grass grown tall on it again. This is far too common and I would, therefore, caution the House that we can only use the tractor hire services as a supplement. What is required is for the Ministry of Agriculture to arrange with the Agricultural Finance Corporation to give more loans to farmers on more generous terms. If this was done, it would mean that farmers in any part of the country, or co-operative societies, would own these tractors directly. Where the Agricultural Finance Corporation has created difficulties is in the area where they have applied the loan system to a society which is not sophisticated. The loan system has been applied to illiterate people without going to help them on how to maintain the tractors and advise them on how to repay the loans. The consequence has been that the Agricultural Finance Corporation has gone to collect these tractors, auctioned them and even gone to the extent of

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threatening to auction the farmers' plots, on which their entire livelihood depends. I think what the Ministry of Agriculture should do, rather than expand this tractor hire service, which, as far as I am concerned is not practicable anyway—rather than do that, they should give loans at a much lower rate of interest and have an agricultural service where they will have maintenance units going round to the farms helping farmers to service their tractors, repairing them and also advising the farmers on how they can repay these loans. Once our people have acquired that education it will not be difficult to increase our production.

I have said this, Mr. Speaker, because it is important. In socialist countries, where they have tried to do what this Motion actually advocates, the food production has gone down considerably and we would like to avoid that situation arising here.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

As I said, Mr. Deputy Speaker, Sir, I am not opposing the Motion, I am saying that we can only use the tractor hire service in a very limited way. What we want to do in this country is give our people education in agricultural production. We must give them this education so that after a given time they will understand and be able to do things on their own rather than trying to make the Government do everything. It will be a big problem for the Government to have enough tractors to cover the whole Republic. If this is done, it will amount to sending all our people to sleep. May I, therefore, Mr. Deputy Speaker, appeal to our people in areas where we have enough rain, like South Nyanza, to increase their productive capability by doing what I have just outlined. I am not misrepresenting anything or anybody, I am just saying what the problem is in Kenya. We have the soil and, therefore, all what we need are the tools and the effort to produce enough food.

Mr. Deputy Speaker, Sir, I would like to make one last point, because if I speak a language which is different from myself, of course, history will tell whether doing what the Motion says is the more correct thing or whether asking the people to do what I think is right is the correct thing. In conclusion, I would like to say that the way the Guaranteed Minimum Return Programme has been applied is another point that shows the weakness of using the Government machinery, because many farmers who have used Guaranteed Minimum Return loans are finding that it is a liability rather than an asset. The Government's credit system, through the Guaranteed Minimum Return loans, does not come on time for the farmers to plough and plant on time. The Guaranteed Minimum Return system makes the farmers, in fact, pay more to the Government than they get. With this experience I would like to caution the country in getting the Government too much involved in the food production. What we need in this country is for the Government to make it possible for the farmers to get the farming machinery they require so that they can do the work themselves and for the people to know how much they are putting in and how much they are getting. In fact, I would go

ahead and say that the Government should give money to the district banks so that the district branches can give loans to the farmers. With these loans, let the farmers buy whatever machines and fertilizer they need for their farming and then repay these loans directly to the banks rather than having this highly centralized system which has made it impossible for the small farmer to advance. In fact, this system has helped to destroy the small farmer instead of assisting him.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion in that limited way.

Mr. Muturia: Thank you very much, Mr. Deputy Speaker, Sir, for giving me chance to speak in support of this Motion very strongly. I think the Mover of this Motion had experienced some troubles in his area, just as every other hon. Member here has done as far as agriculture is concerned.

Mr. Deputy Speaker, Sir, in my opinion, this is not a century for *panga* but a century for machines. Therefore, I think there is something very wrong with the Ministry of Agriculture. I can assure the hon. Members that this Ministry of Agriculture has a slow puncture somewhere. It is reducing slowly and I do not know what is going to become of it finally!

Mr. Deputy Speaker, Sir, when I say this, I say it from experience and, therefore, I am sure that my friend, the hon. Assistant Minister for Agriculture will agree with me in what I am saying. The whole Ministry has a slow puncture somewhere. Now, if a car has a slow puncture somewhere in one of the tyres, both the driver and the passengers would know what would happen when the pressure is finished, and that is what is likely to happen with the Ministry of Agriculture. There has been a big change in the Ministry of Agriculture for the last four years. When Kenya became independent, the Ministry of Agriculture was a bit faster than it is today. In fact, it was doing very well. Farmers could see that the Government was doing something for them. But today the Ministry of Agriculture does not seem to be doing anything.

Mr. Deputy Speaker, Sir, as I said earlier on, I am speaking from experience, I can assure the hon. Members that—

An hon. Member: What experience do you have?

Mr. Muturia: I have been a member of several committees in the Ministry of Agriculture.

An hon. Member: Is that a practical experience?

Mr. Muturia: Yes, it is.

Mr. Deputy Speaker, Sir, if you look at some of these machines which the hon. Member has suggested in the Motion, you will find that the Ministry of Agriculture has plenty of old machinery which can be used by farmers. The Ministry of Agriculture has several organizations which should be working properly and they should be forced to work hard by the Ministry—for example, the Agricultural Finance Corporation. I agree with the hon. Burudi Nabwera that instead of having these machines going round the country farming these people in the Agricultural Finance Corporation leave them idle simply because they do not care whether a farm is ploughed in time or not. That is the reason

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why I am saying that the Agricultural Finance Corporation must be directed and forced by the Ministry of Agriculture to loan potential farmers in every sub-location at least one tractor. I am sure that this farmer will be able to help other farmers in the area in ploughing their farms. Again, it is very difficult for a farmer to get a tractor from the Agricultural Finance Corporation because they require a half of the payment. For instance, if a tractor costs something like Sh. 100,000, then a farmer is required to pay half of that money, which is Sh. 50,000. Now, where can a poor farmer get Sh. 50,000? This farmer is borrowing money simply because he does not have money to develop his farm and yet he is being asked to pay Sh. 50,000. Again, whoever gets that tractor has a problem of servicing. It is very difficult to get somewhere where a tractor can be serviced in the country-side. For example, if a farmer in Meru owned a tractor, in order to take it from Chuka to Meru for service; he would have to drive it for about 90 miles. So the poor farmer will not be able to take his tractor all that distance for service and, therefore, he will just abandon it and then grass will start growing underneath it and that will be the end of the tractor. However, this same farmer is supposed to pay back the money which he borrowed from the Agricultural Finance Corporation when he was buying the tractor. That is the reason why I am saying that I think there is something wrong with the Ministry of Agriculture.

Mr. Deputy Speaker, Sir, I think the Agricultural Finance Corporation should not be asking the farmers to pay a deposit of half of the cost of the machine but should only be asking them to pay a quarter of the cost. The period of repayment should also be increased. It should not just be a few years. I suggest that they increase the period of repayment to, say, 20 years. These farmers belong to this country and they are going to remain here for the rest of their lives, and these farms are also in this country. So, what are we worried about? What is the hurry for?

Mr. Deputy Speaker, Sir, I can see that the Ministry of Agriculture is not interested in the small-scale farmer. It is only interested the large-scale farmers in the former White Highlands. This is where big tycoons have big farms. This is the "Mafia Group" as it is called. The Ministry of Agriculture is only interested in people with large farms and it has forgotten the *wananchi* who have, say, five to ten acres of land. That is—

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, our Standing Orders strictly forbid us to use terms which one cannot substantiate. Now, the hon. Member speaking has called or referred to the farmers in the former White Highlands as "Mafia Group". Now, can we allow that remark to go unchallenged? I would not believe that we have any farmers in the White Highlands in the "Mafia Group" unless this is proved by substantiation?

Mr. Muturia: Mr. Deputy Speaker, Sir, I can assure you that the Member for Embakasi is only trying to waste my time for nothing because I have not—

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Deputy Speaker: That is out of order, Mr. Muturia!

Mr. Muturia: I am sorry, Mr. Deputy Speaker, Sir, for having used those words. However, the words "Mafia Group" were used here yesterday by another hon. Member and not by myself. At any rate, I beg to withdraw them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I am still convinced that the hon. Member has not substantiated his allegation that some of the large-scale farmers are in the "Mafia Group". Those are the words he used and I am very attentive when I am in this House—

On a point of order, Sir. Is it in order for the hon. Member to be on his little feet while I am on a point of order?

An hon. Member: That is also out of order! He is on his "big feet"!

Mr. Deputy Speaker: I do not think the hon. Member knows what the "Mafia Group" is!

Mr. Muturia: Mr. Deputy Speaker, Sir, quite frankly, I do not know!

Sir, going back to our farm produce, for instance, this country has potential areas for growing maize and beans. The price of maize and beans is quite high now. For instance, a bag of beans now costs about Sh. 160. Therefore, people in those areas suited for growing beans could benefit a lot if the Ministry helped them, say, by providing them with farming machinery. That is the reason why I said that the Ministry is only assisting those people who are already well-up and has forgotten all about the people in the rural areas who have no money and no support. Therefore, the Ministry should look for ways and methods of helping those people because some of them have land with agricultural potential but it has not yet been demarcated.

Therefore, I think the Ministry of Agriculture should use its machinery to provide methods of helping such people in the rural areas because they have no other way of earning their daily bread. The production of maize and other foodstuffs is slow because farmers have no machinery to help them. For instance, the cotton industry in Meru District is not doing very well because people are still using *jembe* and *panga* to till the land.

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

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, I would like to deal with this Motion in two parts: first of all, I would like to refute some of the statements which have been made here which, unfortunately, bear no basis to realities. I would like to deal with the points raised by hon. Muturia. If he wants to know where the allegation "Mafia Group" might be, he will not find them in the former scheduled areas. All he needs to do is to get hold of a paper which was laid on the Table by my good friend, hon.

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Shikuku, so that he may brief himself as to where the Mafia Group would be.

Mr. Deputy Speaker, the allegation that the Government is not interested in the development of the small-scale farming areas is very unfounded indeed. If anything, Mr. Deputy Speaker, the ten years of our independence have seen a complete revolutionization of agriculture in small-scale farming areas. Therefore, for him to allege that his own area in particular, Meru, and other areas have not benefited from guidance and financial support from Government is indeed a distortion of the truth.

Mr. Muturia: On a point of order, Mr. Deputy Speaker. I did not say that the Government has not done anything but that the Ministry of Agriculture is not doing what it is supposed to do.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, you can now see who has a slow puncture. If, in fact, you attack the Ministry of Agriculture, which is one of the largest Ministries in Government, are you not attacking the Government? I think this is one of the fraudulent points of order which are based on emotions rather than reason.

I would like to say emphatically that the greatest priority is given to development in small-scale farming areas, and we shall continue to give it mainly because that is where the majority of our people live and we also expect the greatest productivity of our country from there. Therefore, to suggest that we are not interested in the development of these areas is misleading to those people whom we are supposed to be representing in this House.

I would also like to refute the suggestion by hon. Nabwera that the Quaranteed Minimum Return credit is a liability. First and foremost, if it is a liability, I would like to say that it is not imposed on anybody. Of course, we know there are some shortcomings in the administration of this programme, but we are all the same impressed by the demand of farmers for the Quaranteed Minimum Returns. If any person is able to support his farming without this facility, he should be encouraged to go ahead. However, as far as we are aware, there is a growing demand for Quaranteed Minimum Return loans. We are looking into alternative ways of administering this facility, but to suggest that it is a liability is another serious distortion of facts, which can only mislead those people who cannot be able to read between the lines on these statements.

The third statement which has been made is that our tractors are always breaking down. This comes as if it is a surprise. Which machinery does not break down, particularly so if it is handled by more than one hand? Each one of us owns a car and we know only too well how often they break down despite the fact that we maintain them reasonably well. Breakages of these tractors should not occur as a surprise to Members of Parliament. In fact, any Member who has had anything to do with the tractor hire services is expected to understand that these tractors are operated by many hands on very rough and uneven conditions. This is not a surprise to us, and we accept it as a necessary condi-

tion. In fact, this type of exercise does not earn us any money, leave alone the suggestion that we have Tractor Hire Service unit in every district. I wish we could do that, but it is impossible to do that. Of course, we accept the sentiments of the Motion, and also the feeling that the tractor hire services has made a valuable contribution to the opening up of areas of land which would otherwise have taken longer to develop. However, at the outset I would like to say that it is not going to be possible to develop agriculture through a Government-supported and operated machinery programme. The crux of the exercise is that the best form of mechanization can be done through a co-operative society, a company or an individual farmer. When a tractor is owned and operated by the owner it is the most satisfactory piece of equipment. The moment you have too many people handling a tractor you get into trouble. Therefore, while we would like to have the tractor hire services in a limited manner in the country, we would like to urge the farming community to look forward to the day when we shall have enough tractors operated by individuals to support the farming community in this country. It is not going to be possible. In fact, Mr. Deputy Speaker, I do not know of any experiment that has been done by Government to provide tractors for hire around the country and succeeded. The only reason why we thought of starting this exercise in a limited manner was to help develop the wheat schemes in the Masailand, which have large tracts of land, and also arising from the fact that wheat is a crop that requires mechanization of total operation. These tractors would also be made available to handle some work in Meru—despite what hon. Muturia is saying—and also in Nyanza and the Coast. As a matter of fact, we were quite aware from the beginning that it was not going to be possible to operate tractors on five-acre plots all over the country. This can only be done on large-scale farms such as the wheat farms in Masailand, Taita-Taveta and on some black cotton soil in Nyanza.

Having said that, Mr. Deputy Speaker, I would like to add that with the experience which we have had, even in the Masailand, we would like to encourage groups of people and companies to come forward to the Agricultural Finance Corporation to seek help to purchase the necessary machinery. We will not be able to give the moratorium—nor shall we give long payment periods, such as 20 years—which was suggested by some hon. Members. This is quite unthinkable. You cannot mortgage a tractor for 20 years. If anybody knows anything about tractors, he would know that the life of a tractor is five years at most. I think nobody wants us to lose Government property just because you have to go 20 years over which to mortgage a tractor. However, we are committed to supporting the development of mechanization as a necessary and fundamental in-put in agriculture, and we will continue to do so, particularly if we can get the support of the leaders in various areas. All too often, we have had a lot of trouble, particularly in Nyanza, and I want to address myself to the hon. Ogingo here. When we went around supporting cultivating cotton blocks in Nyanza, we lost a lot of money partly because these blocks were not

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followed up even for weeding. This is quite an embarrassment because as far as we are aware there are a lot of people in Nyanza wanting development in Nyanza. Therefore, for us to see cotton being over-grown by weeds just because people cannot be organized on Harambee basis to go weeding after our initial cultivation, it was a great embarrassment. As hon. Nabwera is saying, they perhaps expected the Government to come and weed for them.

Mr. Deputy Speaker, Sir, I would like to suggest, quite seriously, that blocks of cotton will not work unless people can follow behind, do the necessary weeding, and also do the necessary picking. If we lost cotton on the plants because there were not enough pickers around the area, to me it is a great embarrassment to the leadership in Nyanza. I would like to suggest, Sir, that if we are serious in what we are asking the Government to do, we must also—

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, The hon. Assistant Minister is still saying that cotton blocks in Nyanza could not succeed because Nyanza people did not organize themselves to do the weeding. Can he, Mr. Deputy Speaker, substantiate that?

The Assistant Minister for Agriculture (Mr. Wanjigi): Surely, Sir, my hon. friend here from Muhoroni knows very well that many of these blocks are not weeded. Now, even the hon. Omalo, when he was speaking here, referred to the same question of over-grown cotton. The only reason why it would be over-grown, Sir, is that it was not weeded at the time it should have been weeded. Therefore, if he asks me to substantiate this, I can bring a whole list here of blocks which went uncultivated. In fact, the cotton was not even picked, let alone being weeded. I would have thought that at least somebody would think seriously of picking the cotton that was on the plants. However, it went unpicked, Mr. Deputy Speaker, which can only be a reflection of lack of interest, laziness or both. Therefore, Sir, I would like to say that this is not only in cotton, but it is also reflected in sugar-cane which is grown in his own area. Sugar-cane, Mr. Deputy Speaker, is not weeded in Muhoroni. Now, why is it so? It is not because there are no people.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker. The hon. Assistant Minister who has stood to reply to the Motion is trying to use his time to attack cotton and sugar-cane growers, and when I ask him to substantiate, he cannot. Let him substantiate this; I come from that area and I know that sugar-cane is weeded.

Mr. Deputy Speaker: He has reports from the Ministry, which are better than yours.

Mr. Ogalo: Where are these reports?!

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, that is not a point of order; it is a point of argument. He is saying that sugar-cane and cotton are weeded, but he knows that this is not the case. When I visited his area, when he was also present, one of the major complaints there was that there are absentee landlords who do not weed, and that there are people who are employed by these absentee landlords, who are also not there because they are

very busy doing some other things. I would like, Mr. Deputy Speaker, instead of—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. I hate to take the time of the hon. Assistant Minister, but is the hon. Ogalo in order to continue asking the Assistant Minister to substantiate when he recalls that in a debate here, last week, hon. Omalo discussed the same issue and accused the people in that area of burning sugar-cane instead of weeding and cutting it for processing?

Mr. Ogalo: On a point of order, Mr. Deputy Speaker—

Mr. Deputy Speaker: Order! There is a Motion here which the hon. Assistant Minister must reply to, and his time is being spent on matters that are not strictly relevant to this Motion. Therefore, I will not allow more points of order on that.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, if hon. Tom Ogalo insists on provoking me, I know enough about the area; and I can defend myself at any time.

However, Sir, let me continue with the substantive aspect of the Motion, and say that we should try, as Government, to assist in the development of mechanization through tractor hire service or through other means.

Mr. Deputy Speaker, I did express the sympathy on this Motion as far as we are concerned. I was also suggesting that we need the support of the local leadership in these areas so that when a tractor hire service operates, when we plough an area or a cotton block, it is weeded later on. However, it is unacceptable that when we plough an area, it is then left unweeded just because the local farmers are not organized to do that. Let them organize the farmers on a Harambee basis; let them organize them in a manner that weeding can be done so that the work of the Government does not seem to be wasted. If hon. Tom Ogalo wants to argue on that— Well, I do not know what he wants.

Now, Sir, I also want to suggest that the use of the old proven instrument, that is the ox-plough, must be re-activated. A lot of areas that would not lend themselves to tractor cultivation are very good for ox-ploughing. A lot of the Western Province areas in Bungoma and Kakamega, are still using ox-ploughing, and doing very well. We have seen a lot of areas ploughed using the ox-plough, and maize planted there, and it is the kind of implement that I would like to commend once again for re-activation, particularly in Nyanza and also in the Coast Province. We know that there are certain areas which have tsetse-fly, where cattle would have problems, but even there we would like to seriously suggest the use of this system of ploughing. We ourselves, as Government, Sir, are doing all we can to re-activate utilization of ox-ploughing because we feel that the expectation of having tractors scattered all over the country will not result in as quick or as rapid a development as we would have liked. Therefore, I would like to commend ox-ploughing very much, as we carry on looking for possible ways of assisting in the other fields.

[The Assistant Minister for Agriculture]

Now, Sir, I do not want to say much more on this Motion, and I want to end my comments by referring to the training that we are trying to support, and that is training for the maintenance of these tractors and for the operators of these tractors. I want to emphasize that we are spending a lot of money, particularly at the Eldoret Farmers Training Centre, to train operators of these tractors. I would hope that those people who want to take advantage of the facilities that we have in Eldoret can do so, and they would be most welcome, not only once but as often as they would like to come.

Mr. Deputy Speaker, Sir, with these few words, I would like to express my sympathy to the Motion, and I would like to suggest also that this one should not be used as a Motion to castigate us or to pour cold water on what the Government has done, either in mechanization, credit or any other programme. Thank you, Mr. Deputy Speaker.

Mr. Ogingo: Thank you very much, Mr. Deputy Speaker. First of all, I would like to extend my gratitude to my colleagues who have constructively contributed to this Motion. Mr. Deputy Speaker, Sir, I have been listening pretty carefully to the reply given by the Assistant Minister for Agriculture. In some of his observations, Mr. Deputy Speaker, he is not quite correct. It would appear that the Ministry of Agriculture tends to think that the local leadership in Nyanza is not giving the necessary support to the Ministry in matters of agricultural development. One thing I would like to say is that this Motion is not parochial. This Motion is calling upon the Government to ensure that those areas which have agricultural potential are given the necessary support by making available, a tractor hire service. I want to point further, Mr. Deputy Speaker, that it is necessary at this stage of development that this country zoned into those areas where Guaranteed Minimum Return can apply and those areas where tractor hire services could apply. I am saying this because in those areas where land adjudication has not been completed it is not possible to get loans from the Agricultural Finance Corporation, given the fact, as I said earlier on, that most of the people do not own anything near 15 acres. The larger majority of our rural small-scale farmers own much less than that. The Guaranteed Minimum Return loans are not advanced to farmers who have less than 15 acres of land. That is the reason why this Motion is asking the Government to step up the tractor hire services so that those people who do not own the minimum requirement, which is 15 acres, can spend their own money on hiring the services of tractors. This Motion is not asking much more than that. I do not want any Member here to have the misconception that we are asking the Government to give these services freely. There are those other areas where people live in compact manner, so that land is just not available in large tracts. In such circumstances it is not possible to operate the tractor hire services. I am sure that the Government can always find some alternative in such cases.

The other thing I would like to touch on and which has been raised by the Assistant Minister for Agriculture

is on his statement to the effect that the people of Nyanza have not taken seriously to cotton growing and even to sugar growing. He said that they have left sugar and cotton to be overgrown with weeds. I want to assure the Government that the statement by the Assistant Minister is misleading. It is misleading in the sense that the Assistant Minister was referring to a time way back in 1964/65. I would like the Assistant Minister to make a second visit to Nyanza so that he can see the situation as of today. He is referring to a period nearly ten years ago. Things must have changed drastically for the better.

The other point I would like to refer to is the fact that it is important for the Ministry of Agriculture to overhaul the administration of these services throughout the Republic, particularly in those areas where these services are available. I want to suggest that there must be decentralization of the administration of this tractor hire service. At times a farmer might come all the way from the rural areas to Nairobi to get a decision from the headquarters if he wants a tractor to be made available to his own area. I would like to suggest that the district agricultural officers be given sufficient powers to move the tractors from one point to another so that farmers do not have to travel all the way to the Ministry of Agriculture headquarters in Nairobi.

Mr. Deputy Speaker, Sir, I am terribly unhappy with the stand taken by the Assistant Minister for Agriculture about this Motion. I do not want him to simply say that he sympathizes with the sentiments expressed in this Motion. I want him to say that the Government accepts this Motion as it is without merely expressing sentiments. Sentiments as such do not help us at all. We are all agreed in this House that the mainstay of our people, or 90 per cent of the people living in rural Kenya, is agriculture. It is, therefore, absolutely necessary that Government is seen to be fully committed to rural development by making available these services. The services we are asking for are not free services. They are the kind of services that our people are prepared to pay for. I want to repeat that the remarks made by the Assistant Minister for Foreign Affairs, hon. Nabwera, that the Guaranteed Minimum Return loans at times tend to put our people into trouble. This is because often invoices which are sent to the Ministry for payments take far too long to be attended to, with the end result that a farmer who was granted this kind of loan does not get the money in time. I would like to inform the Assistant Minister for Agriculture, who is engaged in another Parliament over here by certain people, that I personally have had to be a victim of circumstances. I paid a deposit in Nairobi here some time in the month of February but the tractor hire service was never made available to me until some time in April. Normally, our cultivation period in Nyanza is somewhere in January and February. Anything that comes beyond that or later than that is useless. It is, therefore, necessary that we have these services more often in the rural areas, particularly in those districts where land title-deeds are available because our farmers are prepared to pay for these services. Although we want the country to be self-sufficient in food production, despite the wonderful

[Mr. Ogingo]

potential that we have in the country by way of soil and so forth we still go hungry or we still go on looking for food from other countries. This is shameful.

Mr. Deputy Speaker, Sir, I do not want to speak for long on this matter. The Government has indicated its willingness to take seriously the sentiments made by hon. Members of this House. I take it that the Government has agreed to the Motion and what I want to see done is the implementation of this Motion. I would like to see more tractor hire services deployed in those areas which have agricultural potential beginning with the next Financial Year.

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

(Question put and agreed to)

Mr. Deputy Speaker: Unfortunately Mr. Mutunga is not feeling well and so we shall go to Order No. 8, Mr. Mutiso-Muyu's Motion.

MOTION

IMPARTIAL BODY ON LAND TRANSACTIONS

Mr. Mutiso-Muyu: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that land transactions in the Republic are most irregular and speculative in prices and valuation, this House recommends that the Ministry of Lands and Settlement create an impartial body specifically to deal with all land transactions in the Republic and ensure that they are fair and just.

Mr. Deputy Speaker, Sir, every hon. Member in this House is aware that the land issue in this country has been very touchy all along. In actual fact, it was a central factor for uniting our people to wage a war against the colonialists. As far as we are concerned land is a very valuable asset in this Republic. Mr. Deputy Speaker, Sir, land transactions in the Republic have become very irregular. You will notice, as I have noticed in most parts of Kenya, particularly in my own area, that a farm is bought at a very high price while another one sharing a common boundary is bought by another group of people or by another buyer at a different price. You will notice that the degree of variation is not that of development. You fail to notice where the difference is between the prices. You will find that there is tendency of speculation in these land transactions. It is an offence, in actual fact, to speculate on land. This has arisen because land transactions in the Republic are being handled by unqualified hands. Most land control boards in the country are composed of people who are more or less illiterate. Some of them are ex-army personnel and others are councillors. You will find that they do not have any knowledge on land valuation. Now you will find that some farms are bought at very high prices when they are not worth the amount.

Secondly, I would like to urge the Minister for Lands and Settlement to make it imperative that no land transaction should take place before the Government has valued it, failing which our people will continue being exploited by some of the unscrupulous hands. It is an open secret that the boards, which are chaired

by the district commissioners, do not have the know-how of valuing a machinery or the development that has been done on a farm and, therefore, I am urging the Ministry of Lands and Settlement to create a body capable of transacting all land deals in this Republic.

Mr. Deputy Speaker, Sir, today our people are being exploited in land matters. A group of people will gather themselves, collect funds and then send an application to the land control board for buying a certain piece of land not knowing whether it is worth the price they are being asked to pay for it. Therefore, the Ministry of Lands and Settlement has left the citizens of this country at the mercy of these unscrupulous sellers who have no interest in the well-being of our people.

Mr. Deputy Speaker, Sir, since the Government does not have a strong hand in the buying and selling of land, it is alleged that sometimes payments are made overseas just because the Government does not have any control on the prices of land. I am, therefore, asking the Ministry of Lands and Settlement to create a body, composed of educated people who know something about land, to value the farms which are on sale.

Mr. Deputy Speaker, Sir, you will find that today there is too much grabbing of land. Unless the body is created with high-powered personnel the grabbing of land will continue. The present land control boards are composed of very unqualified members who cannot ask an hon. Member of Parliament or a Minister who wants to buy a second farm to—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Do you not think the hon. Member is now misrepresenting his own Motion because the Land Control Act does not give the Land Control Board the power of limiting pieces of land that one individual group of people can own?

Mr. Mutiso-Muyu: Mr. Deputy Speaker, Sir, what I am against is the unfair play. The Act does not prevent one from buying a number of farms; it is unfair for one to have three farms while I do not have any. We all belong to this country and we must share the cake. I am asking the Ministry to ensure that there is fair play in land deals. Today we have land grabbing, whereby you find certain individuals with tracks and tracks of land, and this is very unfair.

Mr. Deputy Speaker, Sir, the other point I wanted to say is this: unless such a body is created, you will find that the local interests in a particular area where a land transaction is about to take place or where a farm is about to be sold will never be taken into account since there is that policy of "willing-buyer, willing-seller". Constitutions are made by people and they must be amended by people and I believe our Constitution is there for the welfare of our people.

Mr. Deputy Speaker, Sir, I am, therefore, calling upon the Minister for Lands and Settlement to rectify the land transaction anomalies existing in the Republic. I am sure that the Ministry is not content with the present transactions because there are so many irregularities. High prices are paid for pieces of land which one is not sure are worth the amount. Therefore, it is only fair and just that the Ministry should aid our

[Mr. Mutiso-Muyu]

people. As you know, most of our people are now willing to form co-operative societies and companies so that they can purchase the land owned by European farmers. It is only fair that these people should be safeguarded as far as the prices of these farms are concerned.

Mr. Deputy Speaker, Sir, I would like the Minister for Lands and Settlement to make sure that no land transactions takes place unless the Ministry or Government has made sure that valuation of that particular farm has been made. That is why I urge the Government to ensure that the body, which we would like to be impartial, is composed of people with the knowledge on the valuation of land. All I am interested in is an impartial body, which may be called the Land Valuation Board.

Mr. Deputy Speaker, Sir, I am happy that the Assistant Minister for Lands and Settlement is here and I guess he has also noticed the irregularities in land transactions. He has seen people pay very high prices for pieces of land which are not worth the amount but has not intervened.

Mr. Deputy Speaker, Sir, I would like to give an example. I was involved in a land transaction and I asked for help from the Minister for Lands and Settlement but he turned a deaf ear to my request. 800,000 acres of land were purchased for Sh. 800,000 while another farm, sharing a common boundary with the one I have mentioned, was purchased for Sh. 3 million. You would note the big anomaly—the two farms had the same acreage and yet they were bought at different prices! The Minister for Lands and Settlement did not move in to rectify the situation but I was told to consult the Land Control Board at Machakos. I am, therefore, asking the Ministry to make sure that land transactions are done through the Ministry and the Ministry should certify that the valuation of a farm is correct.

I wish to say again that the Ministry should create this impartial body.

With these few remarks, I beg to move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Sir, for allowing me to second this Motion. Sir, if ever there were important Motions in this House, this is one of them.

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, Sir. I was supposed to second this Motion; how come that the hon. Member is seconding it?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I thank you very much because I caught your eye. I was saying, Sir, that if ever there were important Motions, then this is one of them.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister seconding this Motion or is he just contributing to it?

The Assistant Minister, Vice-President's Office and

Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I am seconding the Motion.

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): On a point of order, Mr. Deputy Speaker, Sir. Although I have no objection to the hon. Assistant Minister talking on this Motion, is it not a fact that a Motion is meant to be an appeal to Government to do something? Therefore, is it not true that the appeal is being made to the Government of which he is, as an Assistant Minister, part and parcel? How is it possible that he can second it?

Mr. Deputy Speaker: That is not my business. My business is to see to it that the House is in order.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Once an hon. Member has accepted an office, he must go by it. The hon. Member knows that he is an Assistant Minister and this Motion has been moved by a Back-bencher and it is appealing to the Front Bench—where he is—to do something. So far, he does not know the Government's stand on the Motion. Since he knows the ethics of his office, why can he not allow a Back-bencher to second the Motion so that he can later on contribute to it?

Mr. Deputy Speaker: No, the hon. Member is fully aware of what he is doing; he is one of the most informed Assistant Ministers here. I am sure that he knows fully what he is doing by seconding the Motion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I do not know when some Back-benchers, like hon. Mwithaga, will learn that we have a one-party system in this country. In fact, Sir, you saw hon. Omamo supporting a Motion a few seconds ago. When will they stop shedding crocodile tears? Mr. Deputy Speaker, Sir, the first and foremost fact is that I am the Member of Parliament for Butere.

Now, Sir, I stand, as a Member of Parliament for Butere, to second this Motion. Now, those who want to have a good name can shout ethics and God knows what!

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Apart from the nasty words the hon. Member is using now, is it not true that he should wear one coat as a Member of Parliament for Butere, an Assistant Minister in the Ministry of Home Affairs and a Member of Kanu? He cannot disown one and have the other; he has to have all or nothing.

Mr. Deputy Speaker: I have repeatedly said from this Chair that that matter is not going to be the business of the Chair. I have called upon the Government on many occasions—this year and last year—to make a definite decision and give directions to Ministers. That does not seem to have occurred and so I am at liberty to call upon any hon. Member who wants to speak.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, why did the hon. Member not question the support of hon. Omamo to the Motion which has just gone through a few minutes ago? I think he wants to make political capital out of the hon. Member for Butere by crocodile tears. It is a shame on him.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

Now, Sir, if ever we had an important Motion in this House, this is the Motion; ethics can come later on. However, when it comes to the question of land, Sir, you can keep ethics to yourself. The point the Motion is making is that the Government sets up a body to control land speculation. Mr. Deputy Speaker, Sir, I refuse to buy my own soil. Those with ethics can go on and keep their ethics. However, as far as land is concerned, it belonged to our forefathers and I see no reasonable reason under the sun, Mr. Deputy Speaker, Sir, for me to buy my own soil. I was at the Lancaster House Constitutional Talks, Mr. Deputy Speaker—those with ethics were not there—where we had to agree to some condition in order to get our *Uhuru*. Mr. Deputy Speaker, I recall a Motion was once moved in this House asking for an amendment to section 75 of the Kenya Constitution and it was passed. However, those who are supposed to execute what we pass in this House sat on it.

Mr. Deputy Speaker, Sir, I still maintain that section 75 of the Kenya Constitution must be amended so that we can acquire all the land in this Republic. We should also have a land policy in order that we can be able to stop all this speculation on land. Mr. Deputy Speaker, Sir, the people from Britain who owned the former White Highlands never brought any soil here from England. In any case, the soil in England is so little that it could not have been possible to bring some of it here and leave anything at all. After all Kenya is four times bigger than Britain. Therefore, there is no proof whatsoever that they ever brought any of their soil to this country. When we agreed, Mr. Deputy Speaker—

Mr. Ogalo: But you were in KADU then, and you supported the British people.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): An hon. Member over there, by the name of Ogalo, is shouting as though he is in one of the markets in Miwani. However, he should know that he was not there when we were talking in London.

Now that we are independent, the time has come when we must change the policy and buy the development on the land but not the land itself.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order, Sir, to suggest that it was because Kadu was supporting the Europeans at that time that the situation is what it is today?

Hon. Members: Hear, hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, that was not a point of order, and you know that as well. He was actually out of order, but I will leave him alone because it is already too late for him to learn what a point of order is. He is going back to the people, and I wish him the best of luck.

Mr. Deputy Speaker, Sir, now that we are independent, and I have said this before in the House, we must change the policy so that we will only buy the

development the *Mzungu* made on that particular land, but not the soil itself. I do not say that we should get free land, which was actually the KPU policy, of which that hon. Member who was shouting at the top of his voice was a member. We never talked of free things, but that is what he used to talk about.

Now, Sir, I am talking of free land, but payment for the development on the land. *Wananchi* should be asked to pay for the clearance that farmer did on the land. We should also pay for such development like fencing and housing on the land.

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, I would not like that particular point to pass without any clarification. The hon. Assistant Minister has imputed that hon. Ogalo was a member of KPU whereas we expected all the Members who were elected to this House to be members of Kanu.

Hon. Members: We are all Members of Kanu now!

Mr. Deputy Speaker: Well, he is a Kanu Member.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I used the word "was" and not "is". If my English is bad, Mr. Deputy Speaker, Sir, then that of the hon. Member is worse.

Hon. Members: Hear, hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, Mr. Deputy Speaker, we are supposed to pay for the development on the land but not the soil itself.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to connect me with the KPU, by saying that I was a member of KPU, and that KPU policy was to give land to people free of charge whereas he, himself, is now advocating that the Kenya Government gives land to people free of charge?

Mr. Deputy Speaker: That is not a point of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, that is not a point of order but a point of argument. Mr. Deputy Speaker, Sir, the people of that area must think again because for somebody to represent them here for five years and yet he cannot know what a point of order is, is a great pity!

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, Sir, we should only pay for the development. However, we should not be asked to pay for the soil itself. Now, a lot of money is being used now to buy the land.

Mr. Deputy Speaker, Sir, let anybody try and kill me, but I will never accept the idea of buying our own soil. I know, Sir, that those who fell during the struggle for *Uhuru* fell because they were fighting for their soil. They did not fall so that we could buy our own soil. I am sure that the ghosts of those who died must be crying when they see us buying our own soil.

Mr. Deputy Speaker, Sir, the time has come for those in power or those in the Cabinet to tell the British

**[The Assistant Minister, Vice-President's Office
and Ministry of Home Affairs]**

Government in no uncertain terms that things have changed and, therefore, the *wananchi* of Kenya want their land back, although they are prepared to pay them for all the development they have carried on the land, but nothing more than that. That is the only way, Sir, that the *wananchi* can get some land. However, right now, the *wananchi* of this country cannot get any land because it is going only to the rich people. It is the rich people who do not want a land policy in this country, so that they can go on grabbing while the people in Butere cannot be able to get anything, Mr. Deputy Speaker. If any Minister opposes this Motion, then I will be left with no doubt in my mind that he is one of those who are now enjoying, and that he wants to continue enjoying that temporary business.

However, he should know that the *Mzungu* grabbed the land, and he left it here and, therefore those in power now, to whom we are appealing to change the law, can go on grabbing but they, too, will leave it here. The soil, Mr. Deputy Speaker— I will continue next time, Sir.

Mr. Deputy Speaker: Is that the end of your time?

An hon. Member: It is now time for the interruption of business.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until Tuesday, 2nd July, at 2.30 p.m.

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

Tuesday, 2nd July, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

Mr. Speaker: Hon. Members, His Excellency the President assented to the following Bills which were passed by the National Assembly during the months of April and May, 1974.

No.	Title	Passed 3rd reading	Date of assent
5.	The Public Authorities Limitation Act, 1974	27-4-74	2-5-74
6.	The Supplementary Appropriation Act, 1974	16-5-74	4-6-74
7.	The Tana River Development Authority Act, 1974	23-4-74	4-6-74
8.	The National Assembly and Presidential Elections (Amendment) Act, 1974	30-5-74	12-6-74
9.	The Local Manufactures (Export Compensation) Act, 1974	22-5-74	12-6-74

PAPERS LAID

The following Papers were laid on the Table:—

Legal Notice No. 66 of 1974—The Price Control (Cement) Order, 1974.

Legal Notice No. 93 of 1974—The Income Tax Act, 1973 Exemption.

Legal Notice No. 116 of 1974—The Price Control (Beer and Stouts) Order, 1974.

Legal Notice No. 117 of 1974—The Price Control (Fats and Edible oils) (Amendment) Order, 1974.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

National Housing Corporation of Kenya Annual Accounts 1972.

(*By the Minister for Housing (Mr. Ngei) on behalf*

The Magistrate's Courts (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order, 1974.

(*By the Minister for Housing (Mr. Ngei) on behalf of the Attorney-General (Mr. Njonjo)*)

NOTICES OF MOTION

ISSUE OF LAND TITLE-DEEDS—SETTLEMENT SCHEMES

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

THAT, in view of the fact that the settlers at Jet Settlement Scheme of Kikuyu Division and in other parts of the Republic have not been issued with documents of title in spite of the fact that the majority of these settlers have paid their loans in full to the Government, and noting that many of these settlers' schemes were established more than ten

years ago, this House urges the Government as a matter of urgency, to issue the said documents of title to the settlers who have fully paid their loans so that they may be able to secure loans from financial institutions for development of their plots.

FEDERATION OF EAST AFRICAN STATES

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

THAT, bearing in mind the resolution of the House on the 18th June, 1964, calling for acceleration of East African Federation and the fact that circumstances which prevented federation at that time have since changed, and in view of the public commitment of the presidents of both Tanzania and Uganda and their Governments to the principle of political federation regardless of political or ideological differences, this House calls upon the Government of Kenya to accept the implied challenge and announce its unequivocal commitment to an immediate federation of East Africa.

ACQUISITION OF MISMANAGED FARMS IN KIBOS MIWANI AREA BY GOVERNMENT

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

THAT, noting that many *wananchi* of South Nyanza, Siaya and Kisumu Districts form a large proportion of the total population of the Republic who have benefited from a small settlement scheme acquired from the former settled areas, and the fact that there are many neglected or mismanaged farms around Kibos/Miwani and Muhoroni areas which are suitable for low density settlement, this House urges the Government to acquire the same farms in order to settle the aforesaid *wananchi*, particularly those who are landless due to circumstances beyond their control.

ORAL ANSWERS TO QUESTIONS

Question No. 364

COFFEE GROWING IN SOY LOCATION

Mr. Kurgat asked the Minister for Agriculture whether he is aware that the soil in Soy Location in Kerio Valley is suitable for coffee growing; and if so, whether he will provide experts to advise and encourage the peasants to grow this crop in large quantities.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

Soil, as well as other important factors such as altitude, topography and other climatic conditions in Kerio Valley are known by my Ministry to be unsuitable for coffee growing and, as such, the Ministry is not prepared to encourage farmers there to grow the crop.

The hon. Member is aware that for several years now, my Ministry has been experimenting on a number of crops where these are likely to do well. So far the indications are that cotton, beans, greengrams, mexican 142 and Katumani maize can do well in various parts of the valley and the farmers should therefore, concentrate on growing these crops. The areas which have been cleared of tsetse fly are also suitable for livestock keeping.

Mr. Kurgat: Mr. Speaker, Sir, is he aware of the fact that Kerio Valley is divided into three regions—the region nearest to the escarpment, the one below it and the real valley and the region near the highland which is suitable for coffee growing and that those who grow it now say it is doing very well? Is the Ministry going to discourage those who are already growing this crop and start growing these other crops that the Assistant Minister has spoken of here?

Mr. Khaoya: Mr. Speaker, Sir, our investigations in the area have revealed that where it is higher than, for instance, 3,000 feet, and this is the region the hon. Member is referring to, the area is very hilly, and we consider that it would be very expensive for any suitable crop to be grown in that area because a lot of terracing would be required. Where it is below this altitude, we consider it unsuitable for this crop. In any case, we also have rainfall difficulties. We have found out that, for instance, the rain ranges from about 18 to 25 inches per year. However, our experts recommend that this crop does very well in an area with a rainfall of above 30 inches per year. In any case, 50 inches in a year is the most ideal for this. Therefore, Sir, as I have just explained we seem to conclude that the effort of farmers in this area could be well rewarded if they concentrate on those crops that we have listed.

Question No. 412

MIGORI/KURIA SPECIAL RURAL DEVELOPMENT— PROGRAMME

Mr. Marwa asked the Minister for Finance and Economic Planning to what extent the Migori/Kuria Special Rural Development Programme has achieved the objectives set for it, and how much money has been expended on it.

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): Mr. Speaker, Sir, I was hoping that the Deputy Leader of Government Business, who was good enough as to volunteer to lay Papers on the Table on behalf of the Minister, although I was here, would be good enough to continue the work.

However, Mr. Speaker, Sir, I beg to reply.

To a large extent, the objectives set out for the Migori/Kuria Special Rural Development Programme of testing new strategies for accelerating rural development with the purpose of increasing cash incomes and employment opportunities in the area, are being achieved. The objectives included the introduction of hybrid maize, tobacco, cotton crops, feeder roads, spread of functional literacy and the development of the area through co-ordinated efforts of all agencies involved in the programme.

The programme became operational in this area towards the end of 1971, and is expected to last until 30th June, 1976. The estimated expenditure of the programme for the period ending June, 1974, is that the end of the last Financial Year, was anticipated to be to the order of K£277,000.

Mr. Marwa: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the programme has not achieved the anticipated objective because the cash crop he has mentioned, did not increase. For

instance, there were about 1,000 farmers growing tobacco in 1970 in the area, but we do not have any farmers growing tobacco now, particularly in the Kuria area. They have declined from growing this particular crop because there is no agriculture officer stationed there to help them grow that crop.

Mr. Cheron: Mr. Speaker, Sir, as I mentioned before, the programme is scheduled to last up to 30th June, 1976, and perhaps, the particular crop the hon. Member has mentioned will be covered between now and that period.

Mr. Marwa: Mr. Speaker, Sir, is the Assistant Minister aware that most of the things he has mentioned here, for instance, feeder roads and employment, are not there since the roads which were built there were not completed because of the fact that there were no bridges or culverts constructed where necessary, and as a result these roads have already grown back into bushes? What is the Ministry going to do to make sure that these roads are re-opened, and that bridges and culverts are constructed where there are rivers or streams crossing them?

Mr. Cheron: Mr. Speaker, Sir, I mentioned in the course of my earlier reply that the programme involves co-ordinated efforts by various Ministries of the Government and obviously, the full objective of the exercise will not be achieved until all the expected efforts by the various Ministries have been fulfilled. Therefore, if one aspect, say, the feeder roads to a particular area within the rural development programme have not been constructed, it means that the rest of the programme will also be incapable of fulfilment. Therefore, all I would like to do is to ask the hon. Member to be patient, I am sure that towards the end of June, 1976, he will be able to see the full results of the exercise.

Question No. 454

CHECKING OF WEIGHING MACHINES IN MACHAKOS

Mr. Mulwa asked the Minister for Commerce and Industry that since many traders in Machakos District are being arrested and fined repeatedly because of offences connected with their weighing machines whether he would make arrangements to have an office in Machakos Township where these traders could have their machines checked instead of taking them to Nairobi.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, I beg to give the following reply.

In the near future, the Government is going to open a stamping station at Machakos, where Weights and Measure Inspectors will test weighing machines and stamp them accordingly. However, before the intended station is opened the owners of these machines should make sure that their weighing machines are up to date and in good condition as required by Law. To do this, the traders are advised to make use of our offices in Nairobi.

Mr. Mulwa: Mr. Speaker, Sir, taking into account that the Assistant Minister has said that this station will be opened in the near future, which could mean any time, and taking into account also that at the moment,

[Mr. Mulwa]

there are traders who do not know Nairobi well and who cannot make their way here, are being constantly arrested, would I beg the Minister to make arrangements for a mobile unit to go into the country-side and test these weighing machines, until he makes the arrangements for this service to be provided at Machakos, in order to stop these traders from being arrested?

Mr. Wood: Mr. Speaker, Sir, with all due respect to the hon. Member, this is a little bit parochial. However, the Government can only do this sort of thing where it is possible, and if it is not possible, it is only a matter of about 40 minutes driving from here to Machakos or at the most, one and half hours, and therefore, before I can be able to provide that service at Machakos, the good citizens, who are traders in that area, should be able to come down to Nairobi and have their weights and measure tested.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister appreciate that it is one thing for somebody to come to Nairobi, but it is another thing for somebody to be able to find where to take his weighing machines? Now, these people experience this problem, and they break the law, not because they would like to do so, but because they have no way out.

Mr. Wood: With all due respect to the hon. Member, Sir, it is up to us, and that is actually why we are in this House, to try and find out where such offices are, and then advise our traders on what to do.

Mr. Mulwa: Mr. Speaker, Sir, may, I insist that I am talking about the traders who are right in the interior of Machakos District who cannot find their way here and not those in Machakos Township, and that there is nothing parochial about that. Would he make arrangements for his officers to go right into the country-side with a mobile unit, to assist these people?

Mr. Wood: Mr. Speaker, Sir, that will be complied with.

Mr. Nthenge: Mr. Speaker, Sir, could we know when, which month or year the Ministry intends to open a station in Machakos Township for this purpose?

Mr. Wood: I have answered and said that it will be done as soon as possible, before the hon. Member and myself are out of this House.

Hon. Members: Hear, hear!

Question No. 460

WATER SUPPLY—MARKWIJIT MARKET

Mr. Lotodo asked the Minister for Agriculture what plans he has in mind to supply water to Markwijit market.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

Markwijit Market, among other trading centres in the area, is included in a bigger water scheme known as Tartar-Keringet, the construction of which is scheduled to start next January, and which expects to be completed in approximately seven months' time.

Mr. Lotodo: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that there was a lot of talk

about this issue in 1970 and now he comes here and says it will be considered next year? Could he tell us what exactly happened in 1970?

Mr. Nyagah: Mr. Speaker, Sir, I do not know what happened in 1970, but what I know is that this area is scheduled to have a water scheme which will cover among other markets and schools, the market of Markwijit.

Question No. 467

REPATRIATION OF SAVINGS FROM UGANDA

Mr. Onyulo asked the Minister for Finance and Economic Planning whether he is aware that a number of small traders of Kenya origin and residents in Uganda are experiencing immeasurable difficulties with regard to their accumulated financial savings which they cannot bring to Kenya when they are returning to Kenya. Will he, through the appropriate authorities of East African Community, initiate negotiations with his counterpart in Uganda to correct the situation so that the hard-working Kenyans in Uganda could have their earnings enjoyed by their dependants at their home country.

The Assistant Minister for Finance and Economic Planning (Mr. Cheronu): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, before I answer this question, I should point out that there are two other similar questions, namely, Question No. 470 and 471, which have been put to my Ministry by Mr. Onyulo in connection with transfer of funds from Uganda and which I would like to answer together.

The general answer I would like to give to these three Questions is that the Government is fully aware of the difficulties which confront the nationals of East Africa as a result of currency restrictions which have been in force following the Exchange Control measures introduced by the two other partner states. As hon. Members will recall, while replying to a similar Question in June, 1972, I informed the House that negotiations were continuing for the currencies of the partner states to be freely transferred between the states. I, however, regret to say that these negotiations have taken much longer than anticipated and that we have not reached any mutually acceptable solutions mainly due to the complexities of the situation.

Mr. Onyulo: Mr. Speaker, Sir, the Assistant Minister referred to two other Questions which are not in the Order Paper today. Although these two questions relate to Finance, they deal with different aspects of finance regarding public employees whose negotiations would be made simpler as compared with other employees. However, Mr. Speaker, since these negotiations started in 1972, and the finances which these employees have accumulated cannot be sent to their homes here, is the Assistant Minister aware that the families of these people are suffering because their children are now being sent away from school because they cannot pay the fees? What is the Government doing to help these poor people whose children are being sent away from the school? Is the Kenya Government intending to give some form of concession?

Mr. Cherono: Mr. Speaker, Sir, there is no question of the Kenya Government giving these people any form of concession. The two other questions which I referred to in my reply and which are not on the Order Paper today relate to people who are employed in the public sector of Uganda and those who are in business. Those employees of the public sector are allowed to remit one-third of their salaries monthly to their families in Kenya. What the hon. Member wanted to know is whether or not the Uganda Government can be persuaded to increase this percentage, taking into consideration the sizes of the families of the Kenya citizens in Uganda. Unfortunately, we have not been able to succeed.

Mr. Speaker, Sir, Question No. 471 relates to people who are either in the private sector in Uganda or in business. Unfortunately, we have also reached a deadlock on this particular issue. This, Mr. Speaker, is rather unfortunate because we in Kenya have not restricted the Ugandans or Tanzanians who are resident in Kenya on the amount of money which they can send home, whether they are employed in the public sector or in the private sector. We have no restrictions on them in any way. What we are now trying to do is to persuade our sister states within the Community to do likewise.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, how is it that this country has no restriction at all while our sister states are restricting our brothers and sisters working there to send money to their families in Kenya? Why does the Government not apply tit-for-tat business so that they may probably learn a lesson?

Mr. Cherono: Mr. Speaker, Sir, it is rather unfortunate that when we are trying to make it possible to interchange currency and labour within the three East African States, we should now be persuaded to act like our neighbours whom we are trying to appeal to change their attitude. Perhaps we are being more realistic than our neighbours; we believe we are doing the right thing.

Mr. Onyulo: Mr. Speaker, since the employees in the private sector are of a different category and they have allowed to remit one-third of their salaries whereas in Kenya we have allowed everyone to remit as much as they like, would it not be easier if those in the public sectors were allowed to remit more money to their families in Kenya? If you have already persuaded them and they have refused, would you tell this House why it has been the normal practice for us to give in while the partner States are so obstinate?

Mr. Cherono: Mr. Speaker, Sir, I would like first of all to point out that in respect of the employees of the East African Community there are adequate facilities for them to remit their earnings to their families when they are working in Uganda or in Tanzania. There is, however, one thing I have to mention here. In the case of Uganda, their willingness to increase or to allow the transmission of money by the Kenyan resident there depends to a very large extent on the availability of foreign exchange and this varies from month to month and, therefore, it is not possible for us or even for them to determine the amount of foreign exchange which they can have at any particular time.

Mr. Murgor: Arising from the Assistant Minister's

reply, would he tell this House how much longer we are going to wait or to persuade our neighbours to change their attitude? It is now four years since some Kenyan citizens were thrown out of Uganda and we have been tolerating many other things. How much longer are we going to persuade these people to change their attitude? Why do we not employ the "tit-for-tat business" as one of the hon. Members put it?

Mr. Cherono: Mr. Speaker, that is a question which the hon. Member of course, realizes is beyond my competence to reply to. This is one of the issues which have been discussed on various occasions in several of the Community Council's meetings. The only body which can determine the answer to this question is the East African Community and I am not prepared to guess the answer as many other hon. Members have done it before, only to be proved wrong when the East African Community Authority meets. Also, this has something to do with the review of the Treaty for East African Co-operation and this can only be done after the meeting of the Authority has been convened.

Mr. Speaker: Let us now go on to Questions by Private Notice. Mr. Mutunga, your question.

QUESTIONS BY PRIVATE NOTICE

REFUNDING MONEY TO FARMERS IN MITABONI LOCATION

Mr. Mutunga: Mr. Speaker, Sir, I beg to ask the Minister for Co-operatives and Social Services the following Question by Private Notice:—

- (a) Will the Minister tell this House why some balance of over Sh. 10,000/- payable to some farmers from Mitaboni location who were supposed to purchase Kinanie Estate some time ago has still not been refunded to the said farmers?
- (b) What has caused the delay which is now well over four years?

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply.

(a) The balance outstanding as still not refunded to some farmers in Mitaboni location who had contributed towards the purchase of Kinanie Estate sometime ago is Sh. 7,780 and not over Sh. 10,000 as claimed by the hon. Member. This money has still not been refunded because some farmers have not come forward to collect their dues. This money is still in the custody of the Commissioner for Co-operative Development awaiting collection by the farmers concerned.

(b) The delay has been caused by the fact that some farmers have not yet claimed their contributions.

Mr. Mutunga: Mr. Speaker, Sir, is the Assistant Minister aware that the amount involved was well over Sh. 100,000 and that in 1972 I raised this same question? Is he also aware that the farmers who had contributed towards this fund were paid Sh. 612 each while they had contributed Sh. 700 some time in August and they were promised to be paid the balance in October that year? Why has this not been done?

Mr. Ngureti: Mr. Speaker, Sir, with due respect to the hon. Member, the Government is not trying to deviate from its promise. We have all the records ready for inspection either by the hon. Member or any other interested person. If the figure I have given the House

[The Assistant Minister for Co-operatives and Social Services]

is incorrect, then the Member and myself should check this matter once again to make sure that this money is refunded to the people concerned.

Mr. Mutunga: Mr. Speaker, Sir, the figure which the Assistant Minister has given to the House is incorrect and I am ready to prove that to him. However, my question is: why has this money been kept for over ten years?

Mr. Nguneti: Because it has not been demanded.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, was this money contributed by farmers individually or as a group? If it was contributed by farmers as a group, how is it that some of it was paid back while some still remains unpaid? Why has this Sh. 10,000 remained unpaid and which farmers have not turned up for their money? If they contributed individually, every individual is known to have paid so much, if they contributed as a group, then the name of the group and leaders must have been paid back their money. This being the case, how is it that Sh. 10,000 still remains to be paid?

Mr. Nguneti: I think I should enlighten this House as to how things happened in this exercise. The society in question was raising money from individuals so that they could buy a farm but the question of buying a farm did not succeed. That is the reason why the Government advised the farmers themselves to come forward and collect their contributions. Some came forward but others did not come forward to collect their money. Those who did not come forward have now been asked to come.

Mr. Nthenge: Mr. Speaker, Sir, if the Ministry has the names of these particular individuals and the addresses through which this money could be sent why can they not send it? If it is known that a certain amount of money belongs to Nguneti of such-and-such a location, why can that money not be sent to him?

Mr. Nguneti: That is one of the methods which we follow.

CONDITION OF ACCESS ROAD TO GAZI TOWNSHIP

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to ask the Minister for Works the following Question by Private Notice:—

Will the Minister tell this House why M/S Issacco dug and left unattended the access road entering Gazi Township which has caused buses to neglect entering Gazi Township?

Mr. Speaker: Nobody from the Ministry of Works? Next Question. Mr. Karungaru.

(Question deferred)

INVESTIGATIONS ON MALPRACTICES IN ALLOCATION OF HOUSES IN NAIROBI

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

(a) What is the scope of the investigations launched by the City Council of Nairobi in conjunction with the Police authorities to probe into the

suspected malpractices in the allocation of houses in all Council and Council-sponsored estates?

(b) Would the Ministry direct that the investigations should thoroughly cover all tenant-purchase houses that the Council has ever undertaken including allocation of bars and restaurants, butcheries and market stalls within the same schemes?

Mr. Speaker: Nobody from the Ministry of Local Government? I think we shall go on now.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, (Inaudible).

Mr. Speaker: Next Order.

(Question deferred)

COMMITTEE OF SUPPLY

(Order for Committee read being Third Allotted Day)

MOTION

[That Mr. Speaker do now leave the Chair]

Vote 10—Ministry of Agriculture.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair, to enable the Committee of supply to debate Vote 10—Recurrent and Development Estimates Ministry of Agriculture.

Mr. Speaker, Sir, with the short time available I shall just skip through as a skeleton of what is contained in the Vote which I have mentioned both in the Development and Recurrent expenditure.

Mr. Speaker, Sir, we know that for a long time to come Kenya's economy will stand on the pillar of agriculture. In this debate I hope to deal with the subject tackling it from three angles. First on the crop production, the livestock and veterinary services and, secondly, touch on the training, extension services and research and, thirdly, deal with water development, irrigation and land development in general.

Mr. Speaker, Sir, the aim of the Ministry of Agriculture in conformity with the requirements of the country is to become self-sufficient in all essential food necessary for this country and also to create considerable surpluses for selling in export markets overseas to gain valuable foreign exchange earnings for this country. In order to do this, Mr. Speaker, research evaluation activities by the extension workers is necessary. Co-operation of the farmers is also very necessary if we are to achieve these two aims. We know that the main crops required by the people of this country for domestic consumption are fairly well produced in quite a large area of this country. But I shall skip that one and deal mainly with the cash crops, the first one, of course, being coffee which has been increasing in quality and quantity and has all the time stood as Kenya's number one cash crop. We stand about 1.6 on the world production averages of this commodity.

Mr. Speaker, Sir, 1963 was a bad year for Kenya as a coffee growing country because an international ban was placed on new planting, but I am glad to say that this ban has now been lifted and we are encouraging

[The Minister for Agriculture]

our people to grow more coffee in the areas where coffee can grow but we are insisting that it must be good quality coffee so that Kenya's position in the world market can be maintained.

Secondly, Mr. Speaker, Sir, we have tea as the second export crop in this country. Tea is a relatively newcomer to the small-holders, but for the short time it has been produced by the small farmers it has been produced at very good standard. The quality has been good and I am glad to say that last year the marketing of this good Kenya tea was seven per cent higher than the previous year and we hope that in the coming years we shall exceed that percentage. Kenya, incidentally, is number three among the tea growing countries of the world. The marketing and the supervising body in the small farmers area is the Kenya Tea Development Authority. We have planned that the management of the small farmer's tea in the factory should now be handled by the Kenya Tea Development Authority. The small-holders tea is at the moment handled by 15 factories and four more are under construction in Kisii, Kericho, Meru and Kirinyaga and 37 more are to come within the plan period to bring the total under the Kenya Tea Development Authority to 52.

Mr. Speaker, Sir, I am also glad to say that we have also stepped up the growing of pyrethrum. Kenya is a very good producer of pyrethrum in the world. We are going to do our best to increase the production of pyrethrum in Kenya so that we can sell a greater quantity to the other parts of the world since the market is favourable at the moment. In 1973 we marketed 10,000 tons of pyrethrum. We hope to raise that figure to 13,000 tons. Another cash crop which is grown locally and consumed here is sugar-cane. Kenya is not self-sufficient in sugar because we have not been able to produce enough sugar for our own internal needs and, therefore, we are forced to import sugar at a considerable cost.

An hon. Member: I do not agree with you on that point!

The Minister for Agriculture (Mr. Nyagah): The Member for Butere may not agree with me on this point, but the fact is that the Government has discovered that there are some parts in Kenya where sugar-cane can be grown. For instance, in Mumias sugar growing has surpassed the estimates. We are intending to build sugar factories around Mumias South Nyanza, and in Western Province at a place which will be determined later on. We also hope to start growing sugar-cane in Tana River and Yala Basins. We have found the bottle-necks in some parts of the sugar-cane belt in South Nyanza, particularly with the co-operative movements. The Government has, therefore, given a sum of Sh. 5,000,000 to the sugar co-operative movements in such places to enable them organize the transportation and administration of sugar production. We also intend to improve the Chemellil Sugar growing estates in order that we can raise the production of sugar there. We hope that the sugar produced at Chemellil will fetch more than Sh. 25,000,000.

Maize is both a commercial, cash crop and staple food for the majority of our people. In 1972 the Maize

and Produce Board sold more than 4.1 million bags of maize. These were sold to other parts of the world. Last year 5 million bags of maize were sold to other parts of the world. We intend to raise that in the near future. However, we should not forget that the cost of machinery, other farm inputs, and fertilizers has gone up. This is a world-wide problem. The price of maize is currently under review and if all goes well we might raise the price of maize. Although I am not in a position to say what the new price of maize will be, I would safely say that it will go up in relation to the price of other crops grown in Kenya. This has been made possible by the successful research which has been carried in the areas where this commodity is grown. The growing of hybrid and Katumani maize has been a great success. At the moment it is possible for a farmer to harvest more than 40 bags of maize per acre. Mr. Speaker, Sir, attention will be directed to such areas where hybrid and Katumani maize do well so that we can have a surplus of this crop.

Mr. Speaker, Sir, it is a sad thing for me to say that Kenya is not able to produce enough wheat for our domestic requirements. A scheme is being worked out in Masailand so that we can start growing wheat there. The price of wheat has also gone up and so farmers can grow more wheat. It is hoped that once this scheme gets under way, we shall be able to produce enough wheat for our own consumption and for export. We hope that the scheme which is currently under way in Masailand will cover 65,000 acres in five years time.

Another cash and staple crop which is doing well at the moment is rice. Kenya is able to meet 90 per cent of her own rice requirements. Rice is usually grown in larger quantities in such areas like Mwea, Ahero and Bunyala under the supervision of the National Irrigation Board. A year ago, people in the three places I have mentioned were able to produce 35,000 tons of rice. That rice fetched more than Sh. 28,000,000. We intend to raise the acreage under rice to 6,500 hectares. Rice is normally marketed through the Maize and Produce Board, which is responsible for its distributing to all parts of the country. We intend to improve the growing of rice in Kenya so that it can, in the near future, earn some foreign reserves which we greatly need in Kenya.

Livestock, in general, form a vital part of my Ministry. We intend, in the first place, to increase the total production from the dairy industry. We are going to do our best to see that the livestock industry is improved. We are going to spend some money to improve the water supply in areas where livestock is a successful industry. We are also going to try our best to eradicate diseases which affect our livestock. The Government intends to spend some £18,000,000 to develop 60 group-ranches, 100 commercial ranches, 21 company co-operative-ranches and three feed-ranches in such areas like Kilifi, Taita-Taveta, Tana River, Lamu, Machakos, Kitui, Isiolo and North-Eastern Province. That will mark the beginning of a programme under which we intend to develop our livestock industry. It is interesting to note that this programme has not been neglected in the past development period because last year the

[The Minister for Agriculture]

Government spent Sh. 78,000,000 on livestock development. During the current Development Plan we intend to spend Sh. 81,000,000 on livestock development. It is the intention of my Ministry to see that diseases which affect our livestock are eradicated. We also intend to improve the research stations in this industry. We finally intend to provide the farmers with clinical services. We also intend to improve the meat inspection in all parts of the country. Strict disease control has enabled Kenya to open a number of markets overseas for our beef. We have almost been able to eradicate rinderpest and foot-and-mouth disease and we hope to eradicate some of these diseases in the near future so that we can have very many cattle and goats in Kenya. We intend to open clinics for our livestock in such places like Thika, Ol Kalou, Nyahururu, Tongeleo, Kisii, Githunguri, Kerugoya, Embu, Kakamega, Meru, Karatina, Nyeri and Murang'a in the early stages of our Development Plan. Mr. Speaker, Sir, we know very well that good agriculture and good farming depend on the good advice given by people who know what should be done. Therefore, we very strongly stress the importance of training our staff, who take agriculture as a vocation so that they can go and advise our farmers well. We also have an inservice training for those who are already serving to keep them up-to-date. There is also training for farmers themselves at farmer's training centres, and we aim at having one such centre in every district.

The training for vocational people take place in three institutes: Bukura, Embu and the Animal Health and Industrial Training Institute. In all these three places, intake will be expanded. The University of Nairobi and Egerton College are also playing their role in producing the experts this country needs to replace expatriates.

Research in this country is perhaps far ahead of those in many countries in Africa. We have now reached the end of our growing, and we all the time tend to improve. I am glad to say that a research laboratory was started in 1908 near Kabete in a very modest way, and it is now known as the National Agricultural Research Laboratory. This Laboratory has been expanding and there are over 41 research stations in our country and these stations deal with livestock, crops and other aspects of agricultural development in this country.

I would now like to touch on statutory boards for a while. These boards, for all intents and purposes, come under the Ministry of Agriculture. Their main purpose is to help farmers to market their crops and also provide some essential services. Some of them have done extremely well, but others have had their pitfalls. However, we have not despaired because these boards are doing their best on the average. They have played their part as marketing organizations for farmers.

Before I finish, Mr. Speaker—I said I would only touch on the skeleton of what the Vote covers—I would like to say something about water. It is the aim of this Government to have water available practically to all the people in this country by the end of the century. To this end the rural water supply has played a major

part in Government programme. Government attaches great importance to this fact, so much so that during this Financial Year a total of £5.7 million is going to be spent on water as opposed to £2.7 which was spent during the last Financial Year. This is almost double the amount of money which was spent last year.

Mr. Mboja: On a point of order, Mr. Speaker. Is it correct for an hon. Member to sleep in the House for the whole of this afternoon, although we know he covers a long distance coming from his home to this place? Hon. Kioko is asleep.

Mr. Speaker: Mr. Kioko is not asleep at all. You are too far to see him clearly, Mr. Mboja.

The Minister for Agriculture (Mr. Nyagah): I was going to say that we are going to expand rural water supplies in the country, including Mombasa and the Coast Province in general. The control of pollution, construction of and extension of sewerage stations and expansion of conservation work in marginal agricultural areas are among the projects which we are going to carry out. We are going to do this in continuation of the good work which has been started under the rural water supply whereby 115 rural water teams were started in 1969. I am glad to report that 56 out of 78 schemes have been completed, four of them will soon be completed and, under Phase II, 34 schemes will be started, and many others under Phase III.

The Ministry is studying very closely an aspect that is very dear to hon. Members here as it features prominently during the Question Time. We know that county councils have water supplies, but because of their financial stringencies they have not been able to give the services to the people. It is proposed, Mr. Speaker that during this period, if any council is not able to deliver its services in this respect to *wananchi* Government should be allowed to take over its water supplies and run them so as to provide water to our people.

With these few remarks, and many others, I beg to move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to second this Vote which has been moved very ably by the hon. Minister. Unlike those who moved their Votes before him, he did not confine himself to reading. This gives the impression that he knows the subject he is talking about only too well.

While seconding this Vote, Mr. Speaker, I have the following observations to make. The first one is on sugar, and I must congratulate the Minister for having made it known, during the interjections, that more sugar factories will be established in western Kenya in the near future. To be specific, he said they will be established in the Western Province, Kakamega District.

However, I am rather surprised, and I do not know whether the Minister for Agriculture knows what the Ministry of Commerce and Industry is doing concerning the sugar production in Western Province. Mr. Speaker, Sir, in his speech the Minister for Agriculture made it very clear that Kenya is not self-sufficient as far as sugar is concerned. We import 15 per cent of

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]

the sugar which we use in Kenya. However, although the Mumias Sugar Factory was established later than other sugar factories, it was producing 70,000 bags of sugar per month but instructions were given by the Kenya National Trading Corporation, a department of the Ministry of Commerce and Industry, that sugar production in Mumias should be reduced to 50,000 per month. This is where my economics comes in, Mr. Speaker. If we say that we have to import some sugar from overseas, at a higher price, to add to what we produce, then there is something wrong. The Minister for Agriculture should look into this matter. I do not understand the economics involved here. That is why I said the other day here that if you talk of this as brilliance in planning, then this is the wrong type of brilliance! On one hand you increase the price of sugar because it is in short supply, and a woman in Butere, as in any other part of the Republic, finds it difficult to buy it because some of it has to be imported, and on the other hand you reduce the production from 70,000 bags to 50,000 bags per month—there must be something wrong somewhere! By deduction, it is evident that there are some people who are importing sugar, after having stopped the Mumias Sugar Factory from producing the maximum quantity they can produce so that they may get their 10 per cent or any other commission out of it at the expense of the masses. Mr. Speaker, Sir, we must speak and tell the nation the truth. This should be the truth that will be accepted by an ordinary woman in, say, Butere, Machakos or Moyale. Sir, she is not interested in imported sugar at all; she is happy with the sugar from Chemelil, Mumias, Miwani, Muhoroni and Ramisi. She would like to use the locally manufactured sugar at the former price. This is not the case because some big fish somewhere is stopping local production and importing sugar into Kenya. Sir, the importation of sugar puts up the price and there will come a day when these people will pay through their noses. I say this because the masses are crying and I am sure God will hear them.

I would like the Minister to consider seriously the question or role played by the Kenya National Trading Corporation; they say there is no transport. I am sure that the corporation can transport the sugar from Mumias Sugar Factory along the new road from Mumias to Butere where it can be loaded on to the train to Kisumu. In fact, a railway line should be constructed joining Mumias and Butere. Furthermore, Sir, we have army lorries in this country which could be used for transporting sugar from Mumias Sugar Factory. I do not see why sugar should be imported into this country under the guise of inflation. Mr. Speaker, Sir, *wananchi* know too well about the inflation.

I agree with the hon. Member where he says that maize is used for food and commercial purposes. However, the Minister must put his foot down and improve the acreage on maize in this country. We are capable of producing enough maize for this country and the neighbouring countries. There should be a food policy in this country because no government in the world can succeed if it is governing hungry people. Sir, a hungry nation will always topple the existing govern-

ment. Therefore, the Minister for Agriculture must take this matter very seriously; we should ensure that our people are well fed throughout the year. Mr. Speaker, Sir, even Jesus had to feed his audience when it was hungry and yet he was the Son of God. Our Government is no better than Jesus Christ and, therefore, it must formulate a food policy to ensure that people have enough food to eat and also for export.

Mr. Speaker, Sir, we can derive by-products from the maize crop. From maize, Sir, we can get pop corn, cornflakes, and also nylon from the inner part of the maize seed. In fact, mats and hats can be made from maize too. If we think seriously about this matter, Sir, I am sure that maize can play an important role in the agricultural and economic spheres in this country.

Coming to the question of cooking oil in this country, Sir, the Minister for Finance and Economic Planning told the country that cooking fat had gone up because the price of palm oil had risen. Mr. Speaker, Sir, the time has come when the Ministry of Agriculture should go all out to plant palm trees in Kenya. Sir, Kimbo cooking fat has gone up in price and yet it is used by the small man; Ministers do not use Kimbo. Due to the rise of the price of Kimbo, Sir, the women in Butere are finding life to be extremely difficult because they have to do without cooking fat now.

An hon. Member: I do not need oil.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): One of the Assistant Ministers here is telling me that he does not need oil. Well, he is fat; he has a big stomach and, therefore, he does not need oil. However, the people in Butere do not have fat stomachs; they need oil. So, Mr. Speaker, Sir, we should grow oil crops like coconuts, simsim, sunflower and groundnuts. Many of these crops, Sir, can be grown in Kenya. However, because we are not thinking seriously—we are busy with other things—about the welfare of our people; we have to import these products at a considerable cost. We should, in fact, export more food to other parts of the world. Here, Sir, I would like to disagree with the Food and Agricultural Organization which predicts that there will be hunger in the world pretty soon; I am sure that if we work hard there can be plenty of food in Kenya. The Government should, in fact, go out of its way to give subsidies to farmers as is the case in United States of America. The Government should subsidize farmers to the extent whereby they will be able to produce more food for this country and the rest of the world. In United States, Sir, if, say, a farmer plants 40 acres of maize and later on he finds that there is no market for it, the government pays the farmers for all the crop he has produced on the 20 acres of the farm. If our Government subsidizes our farmers, I am sure that there will be plenty of food in this country. However, at the moment, if ever there are people who are frustrated, Sir, they are farmers. This is an important matter and we should not merely sit here and talk because we may find ourselves hungry one day. There is no language that a hungry man can understand; Jesus know this and fed his people.

With those few remarks, Sir, I beg to second.

(*Question proposed*)

Mr. Mboja: Thank you very much, Mr. Speaker, Sir, giving me this opportunity.

I would like to start by congratulating the Minister for Agriculture for the hard work he has done in the Ministry; he is one of the active Ministers we have in our Government. Nevertheless, we would like to remind the Minister that although ours is a young country, we would like his Ministry to speed up agricultural activities in this country in order to promote food production in all parts of the Republic.

Mr. Speaker, Sir, I have one important point to make in connexion with ranching in Kilifi District. There is a big piece of land in our district which is suitable for ranching. We realize that it is the responsibility of the Ministry of Agriculture to provide *chakula* to *wananchi*. Although the Ministry has taken steps to bring water in Kilifi District—

Mr. Araru: There is sea water there.

Mr. Mboja: Mr. Speaker, Sir, hon. Araru is saying that there is sea water near us. However, sea water cannot help a man on the land.

Mr. Speaker, Sir, the water I am referring to is from Sabaki River, which can be tapped and piped right up to Kilifi District. Our district has suffered from droughts for many years. I am happy to say that the Ministry has plans to have a water pipe pass through the district, but I am given to understand that the water will not be of much help to us because it will pass on to Mwambao and Mombasa. Therefore, I appeal to the Ministry to divert the water from the hinterland to the coastal strip so as to help us as well as help the tourist hotels in the area. I have already reminded the House about this matter; however, although we were given the assurance, the water is still going down to the coastal strip instead of going into the hinterland. Therefore, I appeal to the Minister to intervene so that the *wananchi* in the hinterland can get the first priority as far as water supply is concerned.

Mr. Speaker, Sir, coconuts do very well in Kilifi South and since recently there was an increase in price of many commodities, including oil, *wananchi* who grow coconuts have not had an increase in the price of coconuts and copra. I appeal to the Minister to help the *wananchi* who struggle a lot to grow these coconuts get an encouragement by increasing the price of coconut and copra. I believe that the Minister will have some time to travel to Kilifi South to see how hard-working the people there are. It is true that he has not had the opportunity to visit that important area for a number of years; but this will not stop him from focusing more attention on that part of the Republic. Training in Agriculture and other forms of *ukulima bora* in that area is negligible. Here I do not want to blame the Minister because we know that there are agricultural field officers who, I think, are not being pushed enough to be able to give good results as far as agriculture is concerned. *Wananchi* living in this part of the Republic should be helped to get agricultural loans by being given title-deeds—I am glad that steps are being taken towards this line—so as to be able to develop the area in a wider form.

Mr. Speaker, Sr, with these very remarks, I hope

the Minister will pay more attention to this area and help our people.

Mr. Kitonga: Thank you very much, Mr. Speaker, Sir, for giving me this chance to air my views on this very important Ministry which is led by hon. Nyagah. I am going to mention a few points and I wish the hon. Member can listen very attentively so that he can note these important points. First of all, I would like to state that we have been appealing for tractor hire unit services in Kitui District for many years without success. It is now almost five years since the Second Parliament was opened and yet our appeal has not been heard. It would appear that the Minister has ignored our appeal about the tractor hire unit and, therefore, I wish to repeat the same appeal and ask the Minister to see that the tractor hire unit service is removed from the place where it has been for a very long time to Kitui District.

The other point, Sir, is that in Kitui District cattle are attacked by diseases, especially the Foot-and-Mouth disease, and whenever we report the outbreak of such diseases to the Ministry, this is ignored. This time, since the Ministry has been given a lot of money and, therefore, the Minister should see to it that our animals are protected from diseases. This is because we in Kitui District, especially Kitui East, depend on cattle. We do not grow coffee, tea or pyrethrum, we only depend on our cattle. Therefore, when we appeal to the Minister for help, he should listen very attentively and see that our cattle are protected from diseases. Mr. Speaker, Sir, my third point is about the Kenya Meat Commission.

It is about four years since a Motion was passed in this House to the effect that a branch of the Kenya Meat Commission should be established somewhere in Kitui, Garissa and Tana River districts, but up to now this Motion has not been implemented. It would appear that we might even end this Parliament before anything is done. I am very serious about this particular matter and I wish to ask the Minister to take a keen interest in this because if such a plant was established in any of the three districts it would serve the people of North-Eastern Province as well. This should be done because, first of all, we are people who depend on cattle. All hides and skins come from this area, and, therefore, they have to be transported all the way from Moyale, for example, to Mombasa or Athi River which is a very long distance. This is the only industry for the people living in semi-desert areas. Therefore, the Minister should take this point seriously and I would like to hear what he has to say about it when he stands to reply to the Motion. My people have been waiting for this for a long time.

My fourth point concerns water. I appeal to the Ministry to take over the water maintenance from the county councils. This is because these county councils do not have enough money to run water services for *wananchi*. In fact, they are only trading in water by selling it and yet some of them cannot repair the broken pipelines. For example, in Kitui East you will get complaints everywhere. Therefore, water should be taken over from the county councils to the Central Government. This is a very serious matter and I am very serious: I wish the Minister could look at my eyes!

[Mr. Kitonga]

Mr. Speaker, Sir, I would like also to appeal to the Minister for Agriculture to see that we have water officers in Kitui District so that they can see how the problem of water in the district can be solved. We are faced with terrible drought seasons in Kitui District. We do not have enough rain and the crop officers who are in Kitui District are doing very little as far as water problem is concerned although, it must be admitted, this is not their mistake because the problem emanates from the fact that we do not have enough rain in Kitui District. Therefore, instead of having many crop officers in the district, we had better have many water officers to deal with the problem of water. They should report to the Government what best can be done to solve the water problem. I would like my people and their cattle to enjoy good water like is the case in other parts of the country.

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

Mr. Masibayi: Thank you very much, Mr. Speaker, Sir, for giving me this chance to speak on this Vote of the Ministry of Agriculture.

Mr. Speaker, Sir, while thanking the Minister for Agriculture for the way in which he has moved his Motion, I have a few things to add, particularly to those which have been expressed by the hon. Member for Butere, the hon. Martin Shikuku.

Mr. Speaker, Sir, we, as an undeveloped country, can only develop to the extent of the developed countries if the people in the developed countries themselves mean to develop us. However, so long as we lag behind, and so long as we listen to the advice given by the so-called developed countries, who, in fact, come here with ulterior motives mainly to suck our wealth and carry it to their countries; unless we are determined to do these things on our own, then we are going to remain behind for a very long time. The reason why I say so, Mr. Speaker, Sir, is because, for instance, we have certain companies in this country which are supposed to invest in this country and to get their raw materials for the goods which are manufactured locally, acting against our interests here. You will find that these particular companies do not try and induce Africans to grow enough raw materials to supply to them for manufacturing their goods. However, instead, these companies prefer to order these raw materials or other goods from overseas. For instance, the East African Industries is one of such companies. The East African Industries is one of the biggest companies in East Africa today—why does it not induce the African farmers to grow sufficient sunflower, ground-nuts, coconut trees and simsim so that they can use the raw materials of these crops for the benefit of the country? If this company is not interested in inducing the African farmers to grow these raw materials here, then it is one of the companies which are not actually here for our benefit but for the benefit of their masters overseas. This is a point which I would like the Minister for Agriculture, alongside with the Minister for Commerce and Industry to note. They have to be co-operative as far as this matter is concerned because the Ministry of Agriculture is there to produce the raw materials and it is the Mini-

stry of Commerce and Industry that has all control over the manufactured goods. Therefore, unless these two Ministries come together, and unless they really work hand-in-hand, we shall continue to have the wealth from this country being exploited at the disadvantage of the people who actually produce it, the citizens of this country.

Mr. Speaker, Sir, another example has been given here by the Member for Butere regarding the Mumias Sugar Factory. It is really a pity and a waste of time too, if we are really planning our economics—I cannot understand the reason why we must waste so much money putting up such a giant factory like the Mumias Sugar Factory. The local people were very willing to give their land to cater for the sugar factory. The people who have been living very peacefully on their land have given away their land with the hope that this factory is going to be beneficial to the people of the whole country but only to find out that a few individuals, having seen that the scheme is working very well and that the factory is producing quite a lot of sugar, have come in with what I might call “reverse economy” or “reverse way of planning”. They are trying to stop the production of sugar. Honestly, Mr. Speaker, Sir, this is what the Ministry of Finance and Economic Planning should be looking at and trying to rectify. The Ministry of Commerce and Industry should also look into this matter otherwise the two Ministries will be planning things correctly and their plans being implemented towards the reverse direction and this will be most unfortunate. Therefore, Sir, it is imperative that the Mumias Sugar Factory problem is looked into. The Ministry of Agriculture should see to it that the Mumias Sugar Factory is working at its full capacity as it was proposed and planned to do.

Mr. Speaker, Sir, along with that, I would like also to thank the Minister for Agriculture because he said that Mumias area is very good for growing sugar-cane and that the Government is planning to extend the area used in the growing of sugar. Honestly, I would like to ask the Minister for Agriculture to see to it that he also expands the Mumias Sugar Factory and also have a branch of this factory built in Busia because the people there are very eager and willing to do everything for its establishment. Mr. Speaker, Sir, people in Busia area are willing to give a portion of their land for the setting up of this factory. I think there might probably be some squabbles among the local people, but I am sure the Minister for Agriculture and those people who work in the factory will try to see to it that the benefit of the country is looked into and given priority over the wishes of, probably, just a few individuals who would like to see that this factory is built in their own area. It is true, Sir, that we have been very fortunate in having some factories in the province; but, after all, it is our policy that factories will be built where they can be effectively used to boost the economy of the country as a whole.

Mr. Speaker, Sir, lastly, before I finish my speech, I would like to say something regarding irrigation schemes. I have spoken on several occasions here on irrigation schemes. I would like to urge the Minister for Agriculture to think very seriously and tell us what

[Mr. Masibayi]

the Government plan is, whether long-term or short-term, as regards the water of rivers Nzoia and Yala. This is because these two rivers get flooded during the rainy seasons and disturb the people who are living at their basins. What is the Minister for Agriculture also doing about those people who are also living at the basin of Lake Victoria since they are also threatened by floods? These two rivers should be diverted to—I understand that the Member for Kitui West, Mr. Munyasia, would be very happy to see the water of these two rivers taken to Yatta to irrigate the land there. I am sure that it can encourage the people of Yatta to grow more rice and the rest of the crops. I am sure that this can be done because these two rivers are big enough for irrigation purposes. Therefore, I am sure that if this irrigation is properly done, there can be quite a lot of benefits to the whole country. This is something which has always been spoken about here. We have spoken a lot about irrigation but the Minister has not come out and told us what concrete plans the Government has as far as irrigation is concerned. We have spoken here for the last five years but the Minister has not told us what the Government is intending to do with the water of Lake Victoria and also the big rivers we have in this country.

Mr. Speaker, Sir, with those few remarks, I hope the Minister for Agriculture will do something. I beg to support the Motion.

Mr. Kholkholle: Thank you very much, Mr. Speaker, for giving me this opportunity to make my contribution to this Vote.

We are really very much concerned about water projects in the dry areas of this country. For instance, some projects of water development in some areas are now in arrears, because they have not been completed in the last two financial years. Some of these projects were to be completed during the 1972/73 Financial Year but up to now they have not been touched. You know very well, Mr. Speaker, that without water development in an area is impossible. There were some projects in Marsabit, for instance, Horr Hills, Burgabo, Bubica, Kaji and Gurdas water projects. All these water projects were scheduled to be completed in 1972/73 Financial Year. However, up to now nothing has been done about these projects. Where did the money set aside for these projects go to? If the water development officer who is there now is not able to do his duties properly, he should be taken away and replaced with another better officer, who can do the work. I would like to suggest to the Minister that at the end of each year the Director of Water Development goes round to see for himself what his officers have done during that particular year. If he finds that some officers have not done anything, then, he should take action against them.

It is true in that those areas people suffer a lot as a result of lack of water. Therefore, the Government should concentrate on the supply of water in these areas so that people do not suffer as much as they are suffering now. Our people move about day and night with their animals looking for water. They keep on moving from place to place looking for water for their animals. I

know that the Minister for Agriculture is very sympathetic with those areas, but the officers concerned neglect to do their duties as directed by the Ministry. I think the Minister should take action to see to it that these officers act as directed. The Minister should make sure that our people are supplied with water.

Mr. Speaker, Sir, my second point is about ranching. Most of our area is dry and we do not grow anything on our land. We depend mostly on our animals. However, if proper planning is not done, with regard to ranching, our people will continue starving. If the area is properly planned and the people supplied with water, we can be able to rear many healthy cattle and, as a result of this, our people will not suffer any hunger at all. At the moment our animals are allowed to flock in one area at the same time, so that they eat all the grass there and then move on to another place. I would like to ask the Government to have proper plans for this area so that these animals do not have to move to the same area at the same time. We have a large grazing area of about 42,000 square miles and this can be planned by the Government so that we are able to rear many and healthy cattle to feed this nation with beef. At the moment our people and their animals are starving. This is why we have been asking the Government to supply us with famine relief food all the time. However, if proper planning is done, we shall not bother the Government again. If our animals do not starve, then our people will get enough milk to drink, and also sell some of the animals and get money to buy food for themselves. However, because of lack of proper planning our people will continue to starve and the Government will continue supplying them with famine relief food every year. I therefore want the Minister to take action and see to it that there is proper planning in this area.

Another point is that a million acres were set aside by the Marsabit County Council, back in 1967. This area was supposed to be used as an experimental farm for the area. Up to now, nothing has been done on this land that was set aside. What was the use of setting aside such a huge area only to leave it empty for over seven years? We want this programme to be speeded up so that our people can start group ranches and earn something from their animals. At the moment they are keeping animals but they do not get anything out of them.

My third point is with regard to the settlement schemes which were started by the Government so that people can grow their own food in our area. The Government approved those schemes, for instance in Songa, Kituruni and Karare. These settlement schemes are around in a mountainous area where maize, potatoes and other food stuffs can be grown to help the people of that area. However, I was very surprised to hear that the National Park authorities are claiming that area for their wild animals. They came in and said that these settlement schemes were never approved by the Ministry of Agriculture. How could these settlement schemes be started without the approval of the Government? They now want to move out these farmers so that this area can be vacated for wild animals. This area was not a part of the National Park but they want to expand their National Park now. Is it possible

[**Mr. Kholkholle**]

that a Ministry within the same Government can approve such settlement schemes without the knowledge of other Ministries? We therefore want the Minister for Agriculture to take action and see to it that these farmers are protected. We also want the Ministry of Agriculture to teach those people better methods of farming because they are new in farming and they do not know how to cultivate. The Government should come in and help them so that they can grow their own food.

With these few remarks, Mr. Speaker, Sir, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, I would like to say here that agriculture is our mainstay in this country and I would like to take this opportunity to congratulate the Minister and his team for the good work they are doing for our country. I would like, particularly, to pay tribute to the officers and their assistants out in the fields in the rural areas who have helped a great deal in doing good work. Until inflation came in, these officers and their assistants were passing on the necessary information and to our farmers, on whose production this country depends, on how to improve their crop production. The team in the Veterinary Department was doing the good work of spreading the gospel of artificial insemination throughout the Republic.

I wish therefore, to take this opportunity to thank the Minister for what they have done in his Ministry, and hope that despite the difficulties the country is facing as a result of inflation they will continue to advise the farmers, especially the peasant farmers, during the 1974/78 Development Plan because we must continue to expand our agricultural production.

Having said that, Mr. Speaker, I think there are two matters that I would like to refer to, and which I would like to appeal to the Minister to consider, when carrying out the 1974/78 Development Plan. We are in a difficult situation over the siting of industries in this country because the Ministry of Commerce and Industry does not seem to take into account the fact that industries should be sited where the raw materials exist. It is true that the Ministry of Agriculture does the production. However, there should be good liaison and co-operation between these two Ministries so that raw materials do not have to be taken too far away from the source where they are produced. It is for example, very difficult, Mr. Speaker, for me to understand why a textile factory should not be sited in Busia where the material is produced or where cotton is grown. I do not see why the factory should not be sited in Busia or Nyanza. I hear the Assistant Minister for Agriculture say, "marketing". However, if it is because of the question of marketing, the railway line is pretty close. I do not see why the textile factory should be sited in Eldoret. Eldoret is too high for cotton growing. Cotton requires a warm area to grow. The climatic conditions in Eldoret are not suitable for cotton growing. If it cannot be sited at Busia because of marketing problems, I do not see why the Kisumu textile factory should not be expanded to absorb the whole lot because there is a railway line there.

Mr. Speaker, Sir, I think the Ministry of Commerce and Industry has been rather unrealistic, and I hope that the Minister for Agriculture can persuade the Minister for Commerce and Industry to bear this question of economics, of having to transport raw materials from Busia to Eldoret, to feed the textile factory there. The same case applies to Thika, Mr. Speaker. The other matter here applies to the starch factory. Similarly—

Mr. Mwicigi: On a point of order, Mr. Speaker, Sir. Since we all want industrialization, is the hon. Burudi Nabwera in order to complain that Thika has a particular industry?

Hon. Members: Question!

Mr. Speaker: Order! Mr. Mwicigi, you have been here long enough to know that that is not a point of order.

Hon. Members: Hear, hear! It is a point of argument!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you, Mr. Speaker. I was just going to say that if we need a rice factory, we should site it a Mwea Tabere as we have already done and, in fact, there we have been wise. We have done the right thing.

An hon. Member: Or at Ahero!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): No, Ahero is not growing good rice. We should site the rice factory at the Coast. I am not being parochial, I am just talking about the economics of having to move raw materials from where they are obtained to another area, and I do not see why my good friend, the Member for Kandara, should be so thin-skinned about Thika. In fact, Thika has all the factories you can think of on this earth, if we were really to think of decentralization.

I was going to say that you need to site for the starch factory where you have the raw material, which in this case happens to be maize. Maize is grown in certain areas, and we need to site this factory there. We do not need to take it too far away from the maize growing belt.

Mr. Speaker, Sir, the second point I wanted to refer to is on the problem that the Kenya Co-operative Creameries is facing now. When the President used a Presidential Decree to increase the price of the Kenya Co-operative Creameries milk, we thought at that time that the price had gone rather high. However, inflation has created problems whereby the Kenya Co-operative Creameries now is not paying the milk producers enough because the price of what cattle consume is more than double what it was only a few months ago. For example, the minerals that used to cost Sh. 49 now cost Sh. 114, and so on. It is, therefore, important for the Minister to direct the Kenya Co-operative Creameries to see whether they cannot have a look at their prices. I do not know what has happened to the Kenya Co-operative Creameries. The organization of the Kenya Co-operative Creameries is almost collapsing. They have never been able to recover or to pay farmers on time. They always pay farmers a month behind. They used to pay them on the 20th of every month but now they do not do it until the first or second week of the following month. The Kenya Co-operative Creameries needs to be helped, like all our other statutory boards, so that

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they can do their work strictly on business lines. If there are workers in the Kenya Co-operative Creameries who are not doing the right job, they should be sacked so that we can get the proper management going on and so that we can get the milk sold, and so that farmers may also be paid on time.

Mr. Speaker, Sir, rice is another problem. Now, I was pleased to hear the Minister say that we produce 90 per cent of our rice. However, why should the farmers in Mwea Tabere, Bunyala and Ahero not be allowed to expand the growth of rice to whatever limit they can? We can always sell the surplus. Therefore, why should they be restricted? The farmers in Mwea Tabere can grow a little more rice, I am sure. Let me appeal to the rice growers in Ahero once again, that they should grow rice up to the shores of Lake Victoria. We want a lot of rice in this country so that we can export it. We want to earn foreign exchange from our rice. Therefore, let the Minister give the green light to these people because, after all, his business is to produce; the other Ministries do the selling. Therefore, let him overproduce. We want overproduction of every crop in this country so that we can earn more foreign exchange by exporting the surplus.

Mr. Speaker, Sir, in conclusion, let me just refer to this question of irrigation. Irrigation is the key thing in this country, and the Ministry of Finance and Economic Planning made a terrible mistake in making us rely more than 50 per cent on oil. We should now move away from that tendency. The Ministry of Agriculture can achieve two things in that direction, in supplying power and, at the same time, bringing more land under production. Therefore, let the Ministry of Agriculture be more adventurous. Let them ask for more money for irrigation. Let us irrigate Masailand; let us irrigate the whole of the North-Eastern Province — We have the rivers to do this, and then we can produce other crops that we need for export. Mr. Speaker, Sir, I am all for producing more so that we can feed our people; but much more important, since some of our neighbours are not able to produce enough food, and they rely on us, sometimes on smuggling, which is very costly in lives as well as materials, let us produce enough so that we can ask them how much they need from us on each item, and we will export to them legally. We can also produce enough to export to the rest of Africa, where they do not have enough, and indeed produce for export to other countries overseas, where they do not seem to be producing enough food.

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

Mr. Lentaya: Thank you very much, Mr. Speaker, for giving me an opportunity to join my colleagues who have already spoken on this very important Ministry. Mr. Speaker, Sir, I know that we depend on agriculture in this country, that is on farming, livestock and what-have-you.

Mr. Speaker, Sir, while hon. Members are speaking on improvement of what has already been done in their areas, I will speak here of what actually needs to be done in my area. I would like the Ministry of Agriculture to do something at least in the district from which I come. Mr. Speaker, Sr, everybody knows that there are areas in this country which were left behind by the

colonial government. These areas, Mr. Speaker, lagged behind in every type of development: they were behind in education, health, farming and everything else. Today, Sir, the main problem which we have in Samburu District is lack of water, and this is a most disturbing problem. I know in almost all areas there is this problem of water, but there are some areas where it has reached very alarming proportions. Therefore, I would like to appeal to the Minister for Agriculture to do something about this problem. I know the Minister has been in this House for a very long time and yet he has never paid a visit to Samburu District to see for himself what is actually needed for the development of water projects there. Therefore, I would like to appeal to him to consider visiting us because we have already had our land demarcated. It is important that the Minister considers this point very seriously because, without water people cannot settle and there cannot be any form of development. At the moment our people travel long distances looking for water for their domestic use and for their animals. In some areas cattle go for two days without finding water to drink and, maybe, on the third day they are able to find water to drink. They have to travel for miles before they can get water to drink. How are we going to develop our people if they have to walk for fifty miles to get water? To make the situation even worse, in Maralal town there is no water and the people there use water from the dam which normally gets dry during the dry season. At the moment, it is very difficult to get water in Maralal Town.

Mr. Speaker, Sir, if you read the Development Plan carefully, you will notice that they have now allocated some money for water development in Maralal Town. However, although money was allocated for the same purpose during the last Development Plan, nothing was done although the money was there. Therefore, I would like to appeal to the Minister concerned to see that what is provided in the development plan is implemented. This problem does not affect Maralal Town alone. If you go to Baragoi Trading Centre, you will find the same kind of situation. Sometimes the shortage of water is so acute in this particular town that the school and the dispensary there have to close for a long time. What is the point in compiling such a book if you cannot implement what you propose there? Therefore, I would like to appeal to the Minister to visit these two places, that is Maralal and Baragoi towns. Mr. Speaker, Sir, we know that Maralal is the headquarters of the district and something should be done about the water situation there. We would like to start many projects in these two towns but we cannot do so because of lack of water.

Another point, Mr. Speaker, Sir, is that everybody knows that the people in Samburu depend largely on their animals for trade, that is *ng'ombe*, *mbuzi* and the rest. If we do not get markets for these animals, where are we going to get money to educate our children? Where are we going to get money to feed our families? We cannot get money to help ourselves if we cannot get markets to sell our animals. At one time, Mr. Speaker, Sir, we were able to sell our cattle every month but these days it takes us two or three years to be able to sell our cattle. This is very serious! What is the work of the Kenya Meat Commission? We would like to know what the Kenya Meat Commission is doing in Kenya.

An hon. Member: They are buying cattle.

Mr. Lentaya: But where do they buy their cattle from? We have a lot of cattle in Samburu, but they do not come to buy from us. Where do they buy from? Therefore, I would like to appeal to the Minister to see that we get markets for our animals. A few traders in our districts are now very well up because they are able to get our animals at a very cheap price and then send them to the Kenya Meat Commission where they get a lot of money. However, the poor man who is looking after these cattle day and night is left with nothing apart from a few coins. For this reason, I would like to appeal to the Minister for Agriculture to see that Samburu people get markets for their animals.

Another point which I would like to make here is with regard to the promised Kenya Meat Commission branch at Nanyuki. We were promised that we were going to get a Kenya Meat Commission branch at Nanyuki, which would serve Samburu District and the whole of Eastern Province. Mr. Speaker, Sir, we know that Athi River, the Kenya Meat Commission headquarters is very far from Samburu District. It is about 400 miles and to move your animals from, say, Baragoi to Athi River takes about two weeks. Why do they not consider establishing a branch at Nanyuki as they had promised us? This would save a lot of our animals from dying as a result of the long journey to the Kenya Meat Commission at Athi River.

With these few remarks, I beg to support.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Thank you very much, Mr. Speaker, Sir, for giving me this chance to join my colleagues who have spoken in this House today. Mr. Speaker, we know that the Minister is trying his best to uplift our farming standards in this country and we are very grateful to him for what he has done already. At the same time, we cannot forget to thank his two Assistant Ministers and also his officers, both in the field and in the Ministry's headquarters. However, I have, in supporting this Vote, a few observations to make.

Firstly, I would like to say something about water in this country. My colleagues in this House will agree with me that we have many hills and mountains forming the sources of rivers and streams and it is easy to tap this water for human use. This water can be tapped without using any pumping machines. It can be piped to the dry parts of this country for the nationals of this country to grow enough food to benefit the nation. We have mountains like the Aberdares, Elgon and Kenya. They are steep enough for the water to be tapped from them without using any pumping mechanism. We want to see more water projects being established by the Minister in cases where we do not want Government money to buy diesel engines to pump water. Without water there is no life, and I know very well that the Minister is aware of this. I know he has started some water projects in some parts, but this is not enough. The nationals of this country are complaining because of lack of water. My colleague, the Member for Kitui East, Chief Kitonga, always talks about his area being very dry. We have some other areas in Nyanza, Eastern Province, and particularly in the North-Eastern Province, where

water is very scarce. We want such parts of our country to be supplied with sufficient water so that we do not suffer during the hot periods. We should develop the country as a whole with regard to water supplies.

The other matter which I would like to raise is in connexion with the Agricultural Development Corporation farms. We are all aware that we have a number of youths who roam the streets of our towns but they have no jobs. I would like to suggest to the Minister that we could select a few of these jobless youths and employ them in these Agricultural Development Corporation farms. It will be another way of finding work for our youths. We could either make them to work co-operatively or collectively. We should not always have a tendency of recruiting youths for office jobs. Some of them can make very good farmers and I think it is high time the Minister considered how he could absorb them in these farms and in our training institutions so as to reduce unemployment in the country.

Mr. Speaker, Sir, the other thing I would like to raise for the attention of the Minister is famine crops. We do suffer a lot during the dry periods and I think a strong emphasis should be put on the type of crops which can resist drought and thus benefit our people during famine periods. We have crops like yams, cassava and arrowroots. These crops grow very well despite drought and they can be of very great assistance to our people when there is famine. By saying that I do not mean that the Minister has not done anything in this direction, but I think he should encourage his extension officers in the field to advise the farmers to grow these crops extensively. The experience I have had within that short period I have lived on this earth tells me that there are more days for sunshine and less days for rain. I have also experienced longer periods of drought and shorter periods of rain. I do not know whether this is becoming less and less on the surface of the earth, but it is high time we encouraged the nationals of our country to grow more famine crops so that when such a time comes our people do not suffer.

Mr. Kabingu-Muregi: But they cannot grow healthily everywhere!

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): I know they cannot grow healthily everywhere but the Minister is competent to know what kind of famine crop can grow in Nyandarua to keep the people of that area going when a drought strikes.

Mr. Speaker, Sir, I would also like to say something about the National Irrigation Farms. In these farms I know the Minister has done his best to encourage the growing of rice, sugar-cane and such crops. But there are some rules which I would like the Minister to discontinue forthwith. In some places a tenant is forbidden from staying with Members of his family who are over 18 years. For example, in Mwea-Tebera Rice Scheme—I am happy the Minister knows about what I am talking about and I hope he will take an action immediately to end this practice—you will find that a tenant who has children in the University or in secondary school for that matter, is not allowed to stay with them—one cannot live with his sons who are over 18 years of age. I do not know where these sons are supposed to stay,

[The Assistant Minister for Co-operatives and Social Services]

Mr. Speaker, Sir. It is for the Minister to see to it that such rules are done away with. Also, in the water usage in these schemes there is a rule on the water rate. For those who would like to know what is meant by this rule there is some money paid by the tenants for the water which they use to irrigate their farms. The rate is very high and I would like the Minister to reduce it to a minimum so that those who are staying in those schemes can harvest the fruits of our *Uhuru*. We also have a rule on government canals through which the water reaches the farms. These canals were dug by prisoners and they used to be cleared by the prisoners. Today the tenants are being asked to clear these canals for reasons which I do not know. I would like the Minister to tell us why this is done when the people who used to clear them, the prisoners, are still nearby. I would suggest that the tenants are left to carry on with their rice-growing work in the field instead of being asked to clear the canals. If they are going to be used to clear these canals, the money that would have been spent on clearing the canals should be given to them.

Mr. Speaker, Sir, it would be very encouraging also if the Minister would agree, in areas such as the ones which have irrigation farms, to make sure that farmers are allowed to have organized dairy farming. Such organized dairy farming will make sure that the children living in the irrigation areas will never miss milk.

I must also not forget to thank the Minister for starting the Horticultural Society.

Mr. Murgor: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Vote.

Firstly, I would like to congratulate the Minister for Agriculture for ably moving the Vote of his Ministry. The most important thing which is missing in the Ministry of Agriculture is proper planning. Nothing can succeed without proper planning. With proper planning Kenya can, in a very short time, be self-sufficient in agricultural produce. It is very expensive to grow most of the leading cash crops in Kenya. In most cases the farmers find it very difficult to grow some of these cash crops due to lack of assistance from the Government. For instance, coffee is the leading cash crop in Kenya. It is very expensive and in some cases uneconomical to grow coffee today in Kenya. Farmers spend a lot of money to grow coffee in Kenya. The farmers are not able to grow the right quality of coffee because they are normally expected to finance this exercise from their own pockets. Personally, I feel that is very unfair. That is the reason why I like to appeal to the Government to consider giving Guaranteed Minimum Return loans to coffee growers in the same way as the people who grow other cash crops get them. There is no reason why those farmers who grow such crops like tea, pyrethrum, sugar, coffee and rice should not be given Guaranteed Minimum Return loans and coffee farmers left unconsidered. In the first place, the Minister should not forget that farmers are finding it very hard to grow these crops. The Minister talked about the restriction on the growing of coffee in Kenya. It is very encouraging to learn that the restriction has now been lifted. This means that anybody is now free to grow coffee

in Kenya. However, I still feel that that will not help the situation unless the farmers are properly advised on how to grow coffee. In very many coffee farms, farmers are currently uprooting coffee trees simply because they have found them uneconomical. The price being offered for coffee today is very encouraging. The only thing the Government should do at the moment is to start explaining to the coffee growers how coffee is grown economically. The Government should also give financial aid to coffee growers. In most of the farms which were taken over by the Ministry of Lands and Settlement coffee was neglected. Why should the Government allow a situation like this one to arise bearing in mind that coffee is the leading cash crop in Kenya? The time has come when the officials of the Ministry of Agriculture launched a campaign aimed at helping the farmers on how to grow coffee of the best quality.

As an hon. Member said, there is no reason why Kenya cannot produce all kinds of cash crops both for local consumption and export. As far as I am concerned, there are very many places where tea can be grown on a large scale. However, the Government has neglected the tea growers. I am not ashamed to say that the majority of tea growers do not know how to grow tea of high quality. Personally, I was glad to learn from the Minister that Kenya is the third largest tea producer in the world. However, I feel that there is much we can do to improve the growing of tea in Kenya.

Having said that, Mr. Speaker, Sir, I would like to talk about the growing of sugar in Kenya. It is surprising to learn that Kenya is importing sugar. I was glad to hear the Minister say that the Government intends to open a number of sugar factories in Mumias, Chemelil, Muhoroni and in South Nyanza. That is a welcome piece of information. There are other areas where sugar-cane can be grown in large scale. If the Government introduces sugar growing in such areas, within a very short time to come Kenya will be self-sufficient in sugar. The only thing that is lacking as I had said, earlier on, is proper planning in the Ministry of Agriculture. There is no reason why the officials of the Ministry of Agriculture should not make it their duty to advise the sugar-cane growers on how to grow high quality crops. There is no reason why the Government should not introduce the growing of sugar-cane and cotton in Kerio Valley. However, the Minister is always saying that before the Government can introduce the growing of a given crop in an area some experiments have to be carried out. This is not necessary as far as I am concerned.

Having said that, the other thing I would like to talk about is irrigation in Kenya. There is no reason why the Government should not irrigate such areas like Ukambani, Garissa, and what-have-you. For instance, the Government should make use of the water which flows into Lake Victoria to irrigate the whole of Nyanza Province. Since God gave us plenty of water in Kenya we should use it in irrigating most of our dry areas. For instance, the Government should start by having a very large and ambitious irrigation scheme in Ukambani. There is no reason why the Government should keep idle when plenty of water is flowing into the Indian

[**Mr. Murgor**]

Ocean or Lake Victoria without being used. The time has come when the Government used such water to irrigate all the dry parts of the country so that the people there can benefit.

Mr. Speaker, Sir, the Minister said that Kenya is able to meet 90 per cent of her requirements of rice. In my opinion we should be self-sufficient in rice. In fact, with proper planning we can even be able to export some rice in a few years to come. One of the ways in which we can achieve that goal is by introducing irrigation schemes in all dry areas of Kenya.

Mr. Speaker, Sir, as I have said on several occasions, in a very short time to come Kenya will be faced with a shortage of beef. Personally, I do not understand the reason why Kenya should be faced with a shortage of beef when there are very suitable areas for ranching which are not being used. I am not convinced that we can maintain most of the markets we have overseas simply because I am sure that the livestock industry in Kenya is on the decline. There is something wrong with the Kenya Meat Commission. There is lack of planning in the Kenya Meat Commission. The Government should start developing our ranches in the country. There is no reason why the Government should not introduce ranching schemes in Kirinyaga and South Nyanza. I am made to understand that the Government has neglected Ndeiya Ranching Scheme. The Government should introduce ranching schemes in Masailand and North-Eastern Province.

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

Mr. Ogero: Thank you, Mr. Speaker, for giving me this opportunity to join my colleagues in contributing to this Motion.

The hon. Members who spoke earlier touched on the question of siting industries and other things. It is very well known that we, in Kisii, grow about 80 per cent of passion fruit in the country. Instead of establishing a factory to process these fruits in Kisii District it was built in a different area where the fruit is not grown. If all other parts of Kenya, put together, produce only 20 per cent of passion fruits, and Kisii District alone produces 80 per cent, and then the people of Kisii are denied the right of having a factory to process these fruits, this makes us realize that there is wrong planning in the Ministry of Agriculture.

An hon. Member: Give him an alternative plan.

Mr. Ogero: Mr. Speaker, Sir, I do not have to give the Minister an alternative plan. He has some planners in his Ministry who should advise him accordingly. The Minister has to make sure that he does not take any wrong advice.

The time has now come when the Ministry of Agriculture encouraged farmers in those areas to grow more passion fruit. I remember that when the Kisii farmers realized that the passion fruit factory was going to be removed from their area to Thika they stopped producing as much as they were producing previously because they were discouraged. It is the duty of the Minister for Agriculture to encourage the people to grow more

fruits and also promise them that if they grow a great deal of them they will be given a factory to process them. There is no use in adding more and more factories to an area which already has many factories because Kisii is also entitled to factories such as the passion fruit factory. People tend to move to areas where factories are sited because of the unemployment crisis in the country. In any case, it is not possible for anybody to find employment in a factory which is very far away from his own area.

Mr. Speaker, Sir, there are some crops which have been introduced in some areas for experimental purposes. In Kisii we have the Macadamia nut, which is not very popular there. The crop which was given earlier is now ripe, but no agricultural official has come along to collect the nuts for marketing purposes. We, the farmers, do not know where the market is, but the nuts are still going on well, and we do not know where to take them. It would be better for the Government to market the first crop that gets ready out of a particular type of plant that has been introduced for experimental purposes. In this way the growers can be encouraged to grow more and more of it.

The other point is about tea. We realize that tea is a very important commodity in Kenya and we, in Kisii District are happy in that we now have three tea factories. We hope that more of them will be built because of the hard work of our people. However, I would like the Ministry to bring to the notice of the Kenya Tea Development Authority the fact that tea-buying centres are very far away from the tea growers. In Kisii we do not have labourers to pick tea, but this work is done by old women who grow it. You will find a tea-buying centre three miles away from tea shambas, yet you expect an old woman, who goes to pick tea very early in the morning and takes a long time to pick it, to take her tea to the centre in time before it withers. This is very unfair. I call upon the Ministry to liaise with the Kenya Tea Development Authority to see that something is done about this problem. Some tea-buying centres are situated along very good roads and it is quite possible to place these centres one mile apart to enable old men and women to send their tea to the centres in time. Otherwise, they reach the tea-buying centres late.

Mr. Speaker, Sir, the people of Kisii are also cattle keepers. I would like the Ministry to encourage the farmers to keep more and more of them. However, these cattle require proper attention so that they may not die. The problem we have is that whenever our cattle are sick veterinary scouts take their blood and dung for examination at the district headquarters. After finding out the type of disease they find that the animal is already dead. This discourages farmers from keeping more cattle. The animals which we now keep are not resistant to the local diseases because they are not indigenous. Therefore, the Ministry should provide more veterinary scouts to cope up with the veterinary work in any one district.

In that part of the Republic we have the Artificial Insemination going on there. There are mobile units which go out to look for animals which need insemination, but this is done in a small scale. There should be

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more and more people employed to provide this kind of service whenever it is needed.

With these few remarks, I beg to support.

Mr. Kinyanjui: Thank you, Mr. Speaker, Sir, for giving me this chance to join my colleagues in congratulating the Minister for Agriculture.

However, Mr. Speaker, Sir, I would like to start by asking the Minister to think more of agricultural planning as many hon. Members have said. Today we are in the middle of the year and yet many field officers in the Ministry of Agriculture cannot move because their Vote has been spent. This has no meaning because we have a number of planning officers in the head office who should know how the Vote should be spent. Therefore I would like to ask the Minister for Agriculture to have less paper work so that there can be more practical work done in his Ministry. Hon. Members have already stated here how there are plans for projects in various areas, but these plans never materialize due to lack of practical work. Although I agree that we should have many planners in the head office, Sir, but there should be adequate staff in the field to implement the Ministry's plans. Instead of spending a lot of money on the many planning personnel in the head office, the Ministry should now spend a lot of money in the field.

Mr. Speaker, Sir, the Lari Water Project was planned in 1968/69. The project was planned by the Water Department and carried out; this means that public money was spent on it. However, the other day when we asked about the water project, Sir, we were told that it has to be done all over again. Why? Mr. Speaker, Sir, we are told that the project was not properly planned. Therefore, Sir, in my opinion the plan was useless although a considerable amount of public money had been spent on it. We are told that the work will not be started until next year although we had been assured by the Provincial Commissioner that the water project would be started in October, 1970. If a Provincial Commissioner can assure *wananchi* that a given Government project would be done at certain time and then this is not done, *wananchi* will be led to believe that our Government is telling them lies. This has already happened and that is why we are telling the Ministry of Agriculture to reduce the amount of paper work in its headquarters.

The other point I would like to talk about is with regard to crop production in this country. If crops are grown and yet there is no proper market for it then all efforts made to produce it will be meaningless. Our main agricultural crops are marketed through statutory boards. The statutory boards dealing with agricultural crops in this nation are in a mess and it is my view that the Minister should think of ways and means of re-organizing them. I say this because boards such as the Kenya Tea Development Authority do not benefit the small tea farmer. The small scale tea grower in rural areas does not benefit from the service of the Kenya Tea Development Authority at all; all the money that he gets from his tea goes to the expenses of the board. A small farmer is said to be paid 88 per cent per kilogramme of tea but do you know what happens, Sir? Out of this, Sir, 32 cents cover transportation costs, pluckers are

paid over 22 cents, pruners are paid 15 cents and cultivators are paid 10 cents. Out of this money, Sir, the farmer gets nothing from his tea! Unlike the small scale farmer, Mr. Speaker, Sir, the large scale farmer does many of these things by himself and therefore he benefits quite a lot from tea.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

That is why I am saying that the statutory boards we have in this country and which act as marketing agents should be re-organized so that our people can benefit from them. We have co-operatives which can market agricultural products in rural areas instead of statutory boards which do not help our people at all.

The other point I would like to mention, Sir, is with regard to agricultural industries. Sir, time and again we have said that we would like to see food processing industries going to the rural areas where raw materials are obtained. A good example is the Pan Foods we have at Naivasha. We should have more industries like the Pan Foods in rural areas where vegetables are grown. In Uplands, Sir, we have plenty of vegetables and a vegetable processing industry would help us a great deal. We should also have an industry where soya beans are grown. Similarly, Sir, we should have maize industry where maize is grown. Therefore, Sir, the Minister for Agriculture in conjunction with the Minister for Finance and Economic Planning should plan for these industries so that people in rural areas can get some employment. I have seen people talk about having small textile industries and the rest which are taking our money out of the country instead of bringing the money in. However, if we have agricultural industries, we are sure of retaining our money here and we will, at the same time, be helping our own people.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mwavumo: Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity. I also rise to join my colleagues in supporting this Motion on the Vote of the Ministry of Agriculture.

Sir, to start with, I would like to ask the Minister to end the frequent rationing of water in towns. Time and again we have heard that there is shortage of water in big towns; like Mombasa, Nairobi, Nakuru and Marsabit. Sometimes visitors in big hotels wake up the following morning only to find that there is no water. Therefore, I would appeal to my colleagues to see that we have regular supply of water in towns. The other point is that we pay 20 cents extra for every extra 20 gallons of water in Likoni. We would like to pay the same amount as other people are paying.

Mr. Deputy Speaker, Sir, it is quite a long time since the price of cashewnuts was increased. Therefore, I would request the Minister to increase the price of cashewnuts because this is the cash crop of the Coast people. Since we are producing a lot of cashewnuts, particularly in Kwale District, I would request the Minister to put up a cashewnut plant in Kwale so that the farmers there can get good money.

Mr. Deputy Speaker, Sir, since we are short of edible oils and since the cost of Kimbo is very high, I would

[Mr. Mwavumo]

like to ask the Minister to tell his staff to study about the coconut oil so that it could substitute Kimbo. We have a lot of coconuts at the Coast and I think it is high time we had some experts to study the production of coconut oil so that it could substitute the other edible oils which are very expensive at the moment. The other point is about the mismanaged farms. Sir, we have a lot of farms which are mismanaged at the Coast. I would advise the Minister to take over such farms—under the powers conferred to him—so that these farms could be given to the Coast people. Most of these farms are lying idle—

An hon. Member: They belong to the Arabs.

Mr. Mwavumo: I do not care to whom they belong; however, the Minister for Agriculture should take over the idle land so that it is given to *wananchi*. Sir, the last point is that we have been having agricultural shows every now and then; this is not enough. We want his officers to go to the people and advise them on what to do so that more Africans can participate in these agricultural shows. It is my conviction that if people were taught and encouraged to go back to the land to cultivate, more people will participate in agriculture.

With these few remarks, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Kase): I am grateful for having made an effort to catch your eye, Mr. Deputy Speaker, Sir. First of all, I must start by congratulating the Minister for Agriculture and his field officers, especially those working in irrigation schemes. This is because they do very good work by trying to persuade farmers and showing them how best to grow either rice or cotton and other crops. Therefore, Sir, I think the training institutions like the farmers training centres—which train farmers of general nature—should have some extensions with-failures. The reason why I say this is that when you go through irrigation schemes, you will find that certain farmers are always in deficits. I think it is also advisable to help these farmers by taking them to some refresher courses especially on irrigation. This is because unless they have the technique to run their plots and do their job properly in these schemes, they will always be failures. It is therefore, my honest hope that we should set up a separate institution like any of those farmers training centres. This could either be in the irrigation scheme at Mwea, Hola, or somewhere else where farmers would go and learn. Mr. Deputy Speaker, Sir, while still on that point, while Government continues taking the importance of irrigation schemes in this country by trying to utilize the River Tana and the rest, I think it is important that our people should be trained to become irrigation assistants and irrigation officers or water guards.

I know in one of the small schemes, that they are trying to do this by training them on the job and when it comes to the question of tractors, for example, we must get experts. For example, in Hola, we have Dutchmen who are trying to train people how to use a tractor. I think this is rather absurd. We should have a school of our own. For example, as we plan for the proposed

Bura Scheme, we should be able to look before hand and train our own people so that when such a scheme comes to full operation, we shall have trained people at either Bura or Mwea.

Sir, I must also thank the Minister at this stage for having set aside at least £100,000 for my constituency to develop the Tana Irrigation Scheme and the Bura Scheme. I think this is what the people have been looking forward to for the last ten years. There has been a lot of feasibility studies. In fact, I think we have carried enough feasibility studies to know which soil is good for irrigation and which is not. Therefore, we should get out of this idea of saying that it should take us three or four years to carry out the feasibility studies. On the other hand we should begin developing this land that is suitable for irrigation.

Mr. Deputy Speaker, Sir, I would also like the Minister for Agriculture and probably those concerned to try and see whether it is not wise now to try out certain crops which are in these schemes. For instance, groundnuts produce about 2,000 lb. per acre. Therefore, I do not see the reason why we cannot incorporate such crops which would bring incomes to these farmers in these areas. I am not saying that the schemes are not doing very well, apart from one of them. However, I think that those crops should be varied by now. We should look into the areas of banana plantations because I think that bananas have a market whether it is here in Kenya or in Uganda. We have groundnuts which I mentioned earlier on and other crops which would help us to produce enough sisal or fibre for the production of bags.

Mr. Deputy Speaker, Sir, while I am still on this matter, I would also like the Minister for Agriculture, when he comes to ranches—I think many people of the dry areas like the Tana River are finding it very hard to keep their animals. They have what we call “co-operative ranches” and “group ranches”. However, water is their main problem. Therefore, I would suggest to the Minister for Agriculture to do two things: either to have as many boreholes as possible, like what they have done in the North-Eastern Province or to devise ways and means of pulling water from the Tana River to these ranches so that the animals which are put into these ranches stay there. This is because what happens at the moment is that the pastoral tribes have to move for 40 or 50 miles in search of water. Therefore, I hope that while the Minister for Agriculture intends to intensify the programme of beef production in this country, then he must also take care of the water aspect. Otherwise, without water in those areas to develop the ranches they are looking for, they will not make very much progress.

Mr. Deputy Speaker, Sir, while I am still speaking on animals which are reared I will ask the Minister to consider very seriously the question of pastoralists. Many of them make money when they do their cattle auctions. Now, a district like the Tana River or Lamu, had cattle auction four years ago. Therefore, they are left to the mercy of a few people who go to the bushes and pay something like Sh. 100 or Sh. 200 per cow. I am therefore requesting the Minister for Agriculture with his Veterinary Services to try and get rid of these

[The Assistant Minister for Information and Broadcasting]

diseases so that our people can have cattle auctions. This is because if there are no cattle auctions where there is competition in buying of various stock traders, it is very difficult to— It is because they have left either one or two Arabs or Asians and probably a few Africans to go into the bushes and pay something like Sh. 100 or Sh. 200 per cow. The only alternative, Sir, since the area is closed down or quarantined is for one trader or many traders to find a lorry or lorries and carry their cattle to Mombasa. Now, a distance of 200 or 300 miles, I think, is far too long to ask these farmers to go on doing that. Therefore, my earnest appeal to the Ministry of Agriculture is to seriously look into this so that our people can have auctions.

Mr. Deputy Speaker, Sir, just before I finish my speech I would like to assure some hon. Members here who have talked about the water of River Tana that it is not as much as they are thinking. We had an experience just about two or three months ago when the Kamburu Hydro-electric project managed to close down the river and the water level went so low that the water turned green. Therefore, when we are speaking about using water from the River Tana, we must also take care not to starve the people at the lower level of the river. I am therefore trying to caution the other hon. Members that they should not, all of them, try and scramble for this water from the River Tana because we also need it at the lower level. Now, Sir, I can hear some hon. Members saying "No" but, I think they will also have their chance to catch your eye and air their views because I am speaking from experience. Due to the lack of water in the River Tana just a few months ago, the river turned green and people could just walk across it including small children. Therefore, from my experience, Sir, having lived near the river since I was born, the level of the river is getting lower and lower. So, the water the hon. Members are talking about is not there. Mr. Deputy Speaker, Sir, I would advise hon. Members to be more cautious and make sure that they do not demand so much water from River Tana.

Finally, Mr. Deputy Speaker, Sir, before I sit down—

An hon. Member: Sit down!

The Assistant Minister for Information and Broadcasting (Mr. Kase): But I can see that I still have one more minute to go!

Mr. Deputy Speaker, Sir, finally before I get crashed by a Jumbo Jet from Embakasi let me appeal to the Minister for Agriculture and the Treasury that when they are dealing with irrigation schemes they must consider that all the farmers in irrigation schemes need very heavy subsidies. This is because I do not think there is any irrigation scheme that is self-supporting. I had an experience, Sir, for instance, an irrigation scheme like Pekerra, there is rumour that it is going to be closed down. However, I would like to appeal to the Minister for Agriculture to see that Pekera Irrigation Scheme is not closed down because it is not self-supporting.

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

Mr. Mwicigi: Mr. Deputy Speaker, Sir, I very much thank you for giving me this opportunity to speak on

this Vote of the Ministry of Agriculture for the last time before we go to the General Elections.

Mr. Deputy Speaker, Sir, I would like also to thank the Minister for Agriculture for the way he moved his Vote. I am sure that he has a big responsibility. I am sure that it is a difficult job and, therefore, I must say that he is doing it very well. The Ministry of Agriculture is very big with very many departments and, therefore, I must say that the Minister for Agriculture has tried his best. The Ministry of Agriculture deals with one of the most important human basic needs and that is food. The country must grow enough food to feed its citizens and also to export some. It must also be able to produce enough food to take care of the smugglers. For instance, the Kenya people are surrounded by very hungry mouths and, therefore, some food must go to our hungry neighbours. Now, if we compare this to some other countries without markets to sell their food, we shall find that we are lucky. Therefore, let the Ministry of Agriculture re-organize itself and make sure that we have enough food in the country for ourselves and also for export.

Mr. Deputy Speaker, Sir, may I also say that if this goal has to be realized then we must also have things like the fertilizers. We are running very short of fertilizers in this country and I do not know the reason why. However, let us make sure that we achieve this goal. There is this question of fertilizers where in some areas which have been producing a lot of maize, they are not doing it at the moment partly because they have moved to dairying and partly because they have no fertilizers. They are also finding a lot of complications with something called the "Guaranteed Minimum Returns". These are the things which must be considered if we are going to have enough food. There are other things which must be tried whether they can do well in this country. For instance, the soya bean. I hear that it can bring a lot of money to this country.

Mr. Deputy Speaker, Sir, I must say that the Ministry of Agriculture has not done very well in connexion with coffee. However, a lot has to be done. Farmers are still having unnecessary cesses on coffee. I know that in some areas this money is not properly spent. Therefore, let the farmer get the whole lot of it and let there be no different standards for cesses or deductions because a small coffee farmer is taxed more than he should. Worse still, Sir, in some areas, coffee factories are not accessible because the roads are very poor although a lot of money has been deducted from the same farmers. Something must be done in this connexion.

Mr. Deputy Speaker, Sir, I must touch on tea farming in this country, especially, the small African farmer. A small African farmer gets 8 cents per kilogram of tea. Out of that money, he has to lose 32 cents to the Kenya Tea Development Authority. They say this money is for building factories, for repaying loans and for many other things. From there, a lot of other deductions follow. Out of the same money 22 cents per kilogram go to the pluckers, and another 15 cents per kilogram go to pluckers. I do not know what this means. If you take the total deductions, you will find that a small farmer operates at a deficit of about one or two cents per kilogram. However, because the farmer does not employ an accountant, he does not notice this

[Mr. Mwigigi]

deficit. Tea farmers are now suffering because of numerous deductions and the Minister must look for a solution. I think with regard to the loans the Ministry has borrowed from the World Bank, the repayment period should be extended so that less money will be deducted and the balance should go to the farmers.

Mr. Deputy Speaker, Sir, I must mention something about water. People of this Republic have always been crying for water. Kenya is very lucky to have big rivers and a lot of lakes. With some imaginations, combined with technical knowhow, proper planning and finances, we can be able to supply water to every part of this Republic. However, I understand that money is not the problem since money is always returned to the Treasury every year. I understand that some donors give us money according to our spending ability. What I would like to suggest to the Minister is to have more water development consultants. If I should give a practical example here, for Kandara Water Project they took two years of design and survey. Therefore, there should be money set aside by the Ministry of Agriculture to do all the necessary survey and more consultants should be engaged. Once the survey work is completed, contractors should be given this kind of work to do. If we say that everything is going to be done by the Ministry, this would be too much for them.

Mr. Deputy Speaker, Sir, we have many lakes and rivers in this country, for instance Lakes Victoria, Naivasha and Rudolf, we also have big rivers like Tana River and Athi River. All these water sources should be exploited so that we are able to supply water to all parts of this country.

Mr. Deputy Speaker, Sir, we also have marketing problems in our country. This is due to lack of proper organization. You will find, for example that one area of the country has plenty of food while its neighbours are suffering. Somebody has mentioned the Kenya Meat Commission, where they are running short of meat and not far away from us, there are cows dying because the owners have nowhere to sell them. The same thing is happening to vegetables and other foodstuff. I think something must be done by the Ministry concerned.

My other point is about industries. It is a mistake when so many industries are needed in the country to complain that one small town like Thika, which has been able to have all the necessary infrastructure to attract industries, is being too much favoured. Other areas of this country should try to catch up with Thika so that they can also have as many industries. I would recommend the Government to find another place like Thika and equip it fully as an example to the rest of the country.

I would like to talk about balances of prices for our crops. If we want to grow maize and dairy products is attracting more money than maize, what will happen is that maize industry will suffer. I am, therefore, appealing to the Minister to find out how prices for our food commodities can be balanced. One grain should not have such a high price so that another grain is not grown because everybody will be growing the one

which has more money. Therefore, wheat, maize, dairy products, cotton as well as many other things which can be produced in the same place should have one price level. There should be a way of finding where the price level of all these things should be because you leave one down, a lot of other things will suffer.

Now, my very, very last point is this. The civil servants in this Ministry have done very well. This is quite a big Ministry, and while we are criticizing the Ministry here, there are people there who will correct the things which need to be corrected. All the civil servants who were perhaps causing problems in the Ministry have resigned in order to contest the coming general elections and we have been left with only genuine civil servants to do the work. I think this House should pass a vote of confidence in these civil servants, who I know will continue to do a good job.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Ziro, you can speak for four minutes only.

Mr. Ziro: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say something on this Vote. First of all, I would like to say that since 1964 when Mzee said, "Let us go back to the land, and we are going to get loans", these loans have been given only to civil servants.

Hon. Members: What loans?

Mr. Ziro: Agricultural loans!

Hon. Members: That is all right! What is wrong with that?

Mr. Ziro: Why should this be the case? Who is asking what is wrong? He should go to Ethiopia, where the Government was over-thrown today.

Hon. Members: Hear, hear!

Mr. Ziro: Mr. Deputy Speaker, Sir, the hon. Araru is doing something which is very bad.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to give the wrong record by suggesting that loans are given to civil servants who are farmers, when he knows that is not a fact because loans are given to all those people who are farming and not only the civil servants?

Mr. Ziro: Mr. Deputy Speaker, Sir, that is all right, but I have never received these loans myself.

Hon. Members: That is because you have never applied for them.

Mr. Ziro: That is all right, but I do not waste my time because I want to clarify things here.

Mr. Deputy Speaker: Order, Mr. Ziro!

Mr. Ziro: Now, let us come to the Agricultural activities in Kenya. Now, having been a teacher in Bamba, when the hon. Nyagah was also a teacher and who is now the Minister for Agriculture—we wanted water for ranching activities in Godoma, Bamba, Vitegeni and Ganze. However, that part of the country does not have any water up to now. What are you doing as a Minister?

Mr. Deputy Speaker: Order, Mr. Ziro, address the Chair.

An hon. Member: On a point of order, Mr. Deputy Speaker Sir—

Mr. Ziro: Do not waste my time, please!

Mr. Deputy Speaker: It is out of order to say that, Mr. Ziro.

Mr. Ziro: Mr. Deputy Speaker, Sir, we need water for cattle at Ganze, Vitengeni and Bamba, which are dying every day. People in that area are also dying every day. The Giriama people are dying there because there is no water. Now, the Minister keeps on telling people that water is going to come from the Sabaki River and elsewhere. However, we are not interested in your false statements, we just want water in that area.

Mr. Deputy Speaker: Order, Mr. Ziro, you must address the Chair!

An hon. Member: Shame! After four years, you still cannot be able to address the Chair?

Mr. Ziro: Mr. Deputy Speaker, Sir, the second point is this, the people in Kenya are complaining because the Ministry of Agriculture is not feeding them well. There is no *unga* or rice in the country; in fact, there is hardly any foodstuff in the country. Everything is being taken to Tanzania, Somalia, Uganda, Ethiopia and elsewhere, in trailers. This is so because of these terribly useless statutory boards which are doing nothing for our country.

Hon. Members: You are right!

Mr. Ziro: We are suffering a lot!

An hon. Member: Your time is finished!

Mr. Deputy Speaker: Your time is up, Mr. Ziro. It is now time for Mr. Nyagah to reply.

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, I would like to thank the fifteen hon. Members who were able to contribute to the debate on the Vote for the Ministry of Agriculture and in anticipation of what those who were just about to speak wanted to say, I would like to say that they were very ably represented by the fifteen hon. Members who spoke. I would like to say that all their points have been fully noted.

Mr. Deputy Speaker, Sir, when hon. Shikuku was speaking, he spoke at length about sugar and the need for expanding the production. It will be remembered that in my main speech, I said this is one of the Government concerns. However, problems do arise here and there and although we do not reverse the development programme as some hon. Members say, it is true to say that most of these problems arise during the operation period. Take for instance when we make a plan for a certain water project, and when the project is half-way done, we find that the cost of pipes has gone up or some inevitable delay occurs in obtaining the necessary materials due to say, a strike or something like that. These things make it impossible for us to fulfil the intentions of the project and this should not be taken as being a ride on part of the Government as announced by the Minister or the provincial commissioner or indeed any of the Government representatives.

Mr. Deputy Speaker, Sir, I have taken note of the Mumias Sugar Factory as was put by the hon. Shikuku and also by the hon. Member from the area. The Ques-

tion of maize as a commodity for internal consumption and the need for the by-product of that commodity to be made in this country has been noted. However, I would like to inform the hon. Member that the by-product of that commodity is already being made. For instance we make corn oil from maize, we also make corn flakes and use the maize cobs for building and other purposes. The Question of vegetable oil has also been noted and there is already an oil factory which is nearing completion at Nakuru. This particular factory is encouraging the growing of sunflower in and around Nakuru because the price of sunflower has been increased to induce the farmers.

Mr. Deputy Speaker, cotton is another crop which I would like to mention here. I am sure hon. Members from the cotton growing areas will be pleased to hear some pleasant news very soon of a reasonable increase of cotton prices. I hope this will induce them to produce more cotton for our textile industry and for oil seed.

The hon. Member for Kilifi South talked at length of the Minister not having been able to visit his constituency. However, I would like to inform him that I have visited Kilifi several times and therefore, the point that he raised was not quite genuine.

Mr. Ziro: On a point of order, Mr. Deputy Speaker, Sir, could the Minister tell the House when he visited Kilifi? I am a Member from that area—

An hon. Member: He is speaking about another Kilifi not your Kilifi. Will you please sit down?

Mr. Deputy Speaker: Order, Mr. Ziro. Will you sit down. That was not a point of order.

Mr. Ziro: Mr. Deputy Speaker, Sir, the Minister is lying to the House by saying that he visited Kilifi.

Mr. Deputy Speaker: Mr. Ziro you will withdraw that statement immediately and apologize.

Mr. Ziro: Mr. Deputy Speaker, Sir, if he came to my constituency in Kilifi District then I will withdraw the statement and apologize to the House.

Mr. Deputy Speaker: Will you withdraw the statement that the Minister has told the House lies.

Mr. Ziro: Okay, I withdraw the statement and apologize to the House but I say that he never came to my place.

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, Kenya being as it is I can assure this House that I have visited Kilifi more than three times and at one time I visited Kilifi with Rev. Kalume. I visited Kilifi, saw the cashew nuts, the Tezo Roka Settlement Scheme and I have also gone right up to Ribe in that area. I have visited Kilifi more than three times since I was appointed a Minister for Agriculture three and a half years ago.

Mr. Ziro: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Deputy Speaker: Mr. Ziro I order you to go out of this Chamber. Will you please go out immediately. Sergeant-At-Arms, pick him out.

(Mr. Ziro withdrew from the Chamber when ordered to leave)

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, the points that were raised about water being tapped from Sabaki across Kilifi—I would like to say that the request has been made that we should get more of this water to the interior. These points have been noted but I would like to assure that this water is being constructed in Kilifi and at Baricho the headway and it will pass quite through the country. Some of it will pass through the middle of Kilifi and some will go along the Coast which is a part of Kilifi District and is sure to serve the areas around.

I wish to assure the hon. Members who have spoken about water that their concern has been noted. If I had finished my main speech I would have said this. That the concern the Government has got for water and the rural water development scheme for nearly every district is indicated by the fact that the Vote has been more than doubled or about doubled. The school for training water officers is in full swing. Recruitment from the university for engineers has been very successful this year and also a department is being set up to help the *wananchi* who want to start their own water schemes to advise them. Whenever a scheme is viable the Government has come out to help people plan. The delays have been inevitable. They have been inevitable not because the Government wanted to delay these plans, but they have been inevitable because of circumstances beyond our control. An example of a self-help project where the Government has come in is that of Kandara Water Scheme where the people themselves decided to tax themselves quite heavily and the Government has come to their aid rather generously. I hope that before we are all *pigwa kalamu* most of us will find an opportunity to go and see what the people of Kandara have done for themselves and also bear witness what the Government has done to people who are prepared to help themselves.

The hon. Kholkholle has raised the question of ranch lands set aside by the county council of his district which are not able to put to proper use. He also said something about the marketing of livestock in the area. These points have been taken and we will investigate from our Livestock Marketing Division to find out why there have been no sales in that part of the country as well as Samburu. If anything can be done, which is possible to be done, we will put the matter right.

I also noted the points which were raised about the Kenya Co-operative Creameries by hon. Nabwera. However, the problem of the Kenya Co-operative Creameries is a rather delicate one. It is not a problem that I can answer here and say, we are going to take them out of their financial difficulties or we shall not. However, the Government is very much aware that they are in a financial difficulty which cannot easily be done away with. However, we are keeping a very close eye on them.

Another point was raised by hon. Lentaya from Samburu about water and land adjudication being completed in that area and lack of water for Maralal and Baragoi and also inviting the Director of Water Development to go there. This point has also been noted and we shall try and get the Director to visit this area. If the hon. Member will be there and point out

some of the problems, we might be able to come out with an answer.

A number of hon. Members have criticized the planning of the Ministry. They have said that the Ministry of Agriculture lacks proper planning. They said that there is much paper work in comparison to practical work. An hon. Member has, in fact, said that we should now stop planning and go to practice. We have planners who have been trained to plan and we have extension workers trained to go out and carry out these plans. If we stop planning these extension workers will do nothing. If we do not plan we will have nowhere to keep these planners. They must keep on planning and revising the plans. I am sure this was not a justifiable accusation that our plans are not carried out. We have made a lot of progress in the direction of implementing the plans both in agriculture, livestock development, water development and research. As I said in my main speech our research in this country is well ahead of many in other parts of Africa. The way we have been conducting our researches has been very successful. Very many people from different parts of the world have come here so that they can learn what we have been able to discover through the very many researches we have been conducting. Therefore, it is not proper for an hon. Member to suggest that proper planning is lacking in the Ministry.

The Assistant Minister for Co-operatives and Social Services suggested that all the farms owned by the Agricultural Development Corporation should be converted into training institutes. There are very few farms which are owned by this corporation. For the information of this House these farms are maintained by this corporation for specific purposes. Some of these farms produce some seeds which are in great demand in Kenya. Some of the other farms produce livestock which we normally use in breeding livestock of high quality. I would also like to inform the House that some of the hybrid maize seeds farmers are using are produced in some of these farms. That is one of the reasons why we have been able to step up the growing of maize in Kenya. Therefore, we cannot turn these farms into training institutes. At the moment I am satisfied that the number of training institutes we are having in Kenya can meet our demand.

The hon. Member also talked about the farms such as Mwea, Ahero which are run by the National Irrigation Board. We also intend to start a few other irrigation schemes in Tana River and Bura. There was very good reason why these schemes were started. The hon. Members felt that very many people are being evicted from these farms. I also agree that there is no reason why someone who has no other home should be evicted from these farms just like that. There is no reason why an old man who has been living in any of these farms for some time should be evicted because in the first place he does not have a place to go after that.

The hon. Member for Lari was of the opinion that the Kenya Tea Development Authority is not being run in the right manner. There is one point which the hon. Member fails to understand in connexion with the way the Kenya Tea Development Authority is run. The Kenya Tea Development Authority is required to help the tea growers by advising them how to grow

[The Minister for Agriculture]

tea of high quality and how to sell it. The Kenya Tea Development Authority tries to make sure that this industry helps as many people as possible in areas where tea is grown. The pluckers make a living from the tea industry. The transporters also make a living from the tea industry. The manufacturers of tea also make some money from the tea industry. The Government invested a lot of money in tea growing areas. It is the responsibility of the Government to improve all tea roads in Kenya. That is the reason why the tea industry is employing very many Kenyans. Therefore, the hon. Member should not use this House to criticize an organization which is doing a lot to help the ordinary people. Since the hon. Member is a member of the Kenya Tea Development Authority he should raise this matter with his colleagues. That is the best way to solve some of the problems he talked about.

I agree with the hon. Member who said that Macadamia nuts have no market. Although there is market for this commodity we have not been able to collect this crop for processing. I can assure the House that a factory to process Macadamia nut will be built very soon. When this is done collection of nuts will be organized so that this very good commodity may be marketed properly.

A number of hon. Members have talked on disease control in livestock keeping areas. As I said in my main speech, this forms a very important part of our Ministry. We want to eradicate diseases so that we can rear animals for beef and mutton, not only for overseas market but also for our own consumption.

The price of fertilizers and other inputs has gone up throughout the world, and they are also in short supply. Government encourages those who import them, and it gets in touch with them to urge them to have a look around the world for these inputs. Government is not turning a blind eye to shortages and difficulties which farmers are facing, but large-scale farmers have made it a point to complain that Government is not subsidizing this or that commodity. We, as Government, take care of agriculture in the whole country, and the large-scale farmers are as important to us as the small-scale farmers. However, when we help small-holders with the Artificial Insemination scheme, sometimes at the expense of those who can stand on their feet, we are criticized and said to have failed to assist the farming community. Sometimes when Government guarantees a loan for construction of a road in a tea area, or a coffee area, it necessitates a certain farmer somewhere to be short of that kind of subsidy. When Government helps to build institutions to train our people, sometimes it appears to be at the expense of the big farmer, and we are criticized for that. Let us not look at farming and agriculture in general. If we do that, and also take stock of what we have achieved and take note of what we have not achieved to try and achieve it, we shall do this country a lot of good.

I would like to pay compliments to the extension workers at the Ministry as a whole for the good work they have done, sometimes under very difficult conditions.

With these few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[The Chairman took the Chair]

VOTE 10—MINISTRY OF AGRICULTURE

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move:—

THAT, a sum not exceeding £13,569,665 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1975 in respect of:—

VOTE 10—MINISTRY OF AGRICULTURE

(Question proposed)

Mr. Chairman: We shall deal with both the Recurrent and Development Expenditure together.

Head 190—Headquarters, Administrative and Technical Services

Mr. Wabuge: Mr. Chairman, Sir, can the Minister tell the House why there is more money on house allowance this year than last year? I notice that last year we had K£14,000 whereas this year we have K£20,838. Sir, could he explain to the House how this increase has come about?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, the hon. Member will remember that the cost of building materials has gone up and the work of development in these areas has not stopped at all.

Mr. Wabuge: Mr. Chairman, Sir, the Minister for Agriculture is speaking as if he was the Minister for Housing who wants to construct more houses. The item we are referring to here, Sir, is that of house allowances and not building materials.

The Minister for Agriculture (Mr. Nyagah): I am sure the hon. Member knows that in some cases we have not had enough building materials that we needed and therefore these people have had to stay in rented houses or hotels.

Mr. Nthenge: Mr. Chairman, Sir, why should the percentage increase be greater than what we had last year? Why should it be so high?

The Minister for Agriculture (Mr. Nyagah): As I said, Sir, we have not been static; the number of personnel in the Ministry has increased and developments have been going on throughout the year. Therefore the extra K£6,000 is not much.

Mr. Karungaru: Mr. Chairman, Sir, I am sure that the Minister for Agriculture is aware that I am opposed to public money being used in the form of house allowances and hotel expenses. Is it not high time the Ministry built houses for its staff instead of continuing with the policy of paying house allowances? I believe that house allowances are a temporary measure in that these are only given when there are inadequate houses for its staff. Therefore, is it not high time the Ministry put up houses for its staff so that the element of house allowances is done away with?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, we can all get the explanation that it has not been possible to build these houses as quickly as we would like and therefore the element of house allowances is not something that you can do away with immediately. There are also officers who come to work for us as technical experts for short periods of one or two years.

Mr. Karungaru: On a point of order, Mr. Chairman, Sir, if the Assistant Minister can look on the same page, he can see that house allowances for experts are provided for separately. Therefore, is it not true that he should confine himself to my question and not mislead the House by referring us to irrelevant items?

The Assistant Minister for Agriculture (Mr. Wanjigi): If hon. Karungaru would have allowed me to finish, he would have known that I am talking about experts who come for short periods of time and for whom we have to provide houses. This is also covered in that item.

Mr. Wabuge: Mr. Chairman, Sir, arising from the Assistant Minister's reply and looking at Item 111, you will notice that it caters for travelling, and accommodation expenses for overseas experts. How come that the house allowances also cover experts when they have their own head?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, there is no conflict here. There are officers who are based in the head office and also based outside and the house allowance element of that is covered in Item 100.

Mr. Nthenge: Mr. Chairman, I am dissatisfied with the explanation from both the Minister and the Assistant Minister; they seem not to get our point. Now I would like to ask another point. If they can explain further, I am prepared to listen. This is because house allowance should not have gone up by that amount; it should have risen by something like 10 per cent or 20 per cent. But this one is about 50 per cent and that is why it is worrying us. My next point is on Item 499; I would like to know why we should purchase these Management Order Farms with so much money to the tune of £300,000.

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, some years back some farms were declared as "mismanaged farms". The requirement of the mismanaged farms was that the farms should be taken over by Government and managed better. During the time they were in this state of being managed better, some of these farms were heavily infested with squatters. Some of these were turned into settlement areas. Recently in compliance with the requirement of this order, the owners of the farms or the people who were acting on behalf of the owners of these farms came forward and demanded that they should be paid. Therefore, this is to normalize the farms that were under the mismanaged order and have now been mainly settled on by our own people.

Mr. Wabuge: While still on the same point, I think when the Minister is asking for £300,000 it is a very well-known fact that the so-called mismanaged farms—whenever they are taken over by the Ministry they

incur a lot of money; in other words, the Ministry spends a lot of money on these farms and when the owners eventually come back to these farms they find it very difficult to repay the Ministry. As a result, the Ministry is faced with the problem of writing off this money. Would it not be all right for the Minister, instead of using this money of mismanaged farms, use it in a way of rehabilitation, so that a farmer who is unable to manage such a farm is given money in order that he may come up to the standard?

The Minister for Agriculture (Mr. Nyagah): This particular money is to pay the original owners who did not manage their farms and were taken over by Government under the mismanaged order. They are being paid out. Therefore, the question of rehabilitating some of these farms—not necessarily the ones that were originally mismanaged, but even others—is a separate exercise which is being carried out.

An hon. Member asked why this should not be done by the Ministry of Lands and Settlement. It is a fact that this Ministry comes in to formalize the settlement. However, the farms were declared mismanaged by the Ministry of Agriculture and therefore, they managed to pay the original owners who were declared as bad managers. This is how the whole thing works.

Mr. Karungaru: Having seen that some of these farms show the signs of being improved, what happens? Are they sold to *wananchi* or what happens to such farms? This is a lot of money being spent on buying mismanaged farms; this means that we buy farms that are not productive. Therefore, unless we put more money in them, we can end up as putting our money into the ditch!

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, let me make myself a little bit clear and say that most of the farms that were declared "mismanaged" are already in the hands of our own people. They have settled there and they are producing in one form or another. However, the original owners who were served with "mismanaged orders" by the Ministry of Agriculture have never been paid anything. There was a value attached to this farm at the time of serving them with "mismanaged orders" and they have now come through their lawyers. Sometimes they are saying "All right, Mr. Government, let me have back my farm now that you have managed it"; or "let me have the value of my farm". To put matters right, Sir, the farms are now being bought from these people and most of these farms are now being settled by our own people. Some of them are very good and others were so heavily infested with squatters that the question of rehabilitation has to come in. However, this money is to buy out the previous owners.

Mr. Chairman, Sir, the Ministry of Lands and Settlement goes and negotiates for farms that have not yet been declared as "mismanaged" and then settles people there. However, this is a case in point where farms were declared long ago as "mismanaged" and now we are just paying off our obligation to these people whom we took the farms from.

Mr. Wabuge: Mr. Chairman, Sir, could we be told by the Minister for Agriculture whether these farms

[Mr. Wabuge]

belonged to citizens who were Africans or they belonged to Europeans who ran away at the time of independence and as a result of that, the time when these farms were valued, by now they should have lost their value and, therefore, if that is the case, why should these farmers not be paid at the value of the time of taking them over rather than spending a lot of money on them because I know that by the time when these farms were abandoned they were useless?

The Minister for Agriculture (Mr. Nyagah): We did not pay for these farms at that time, Sir. They were mainly European farms or foreigners' farms. However, we are now paying for them to make sure that Kenya does not take anything for nothing from anybody.

Mr. Karungaru: Mr. Chairman, Sir, what criteria does the Minister use when buying out some of these farms since we know that some of them were "mismanaged" deliberately by their owners and, since they have now been improved by the Ministry, how can we buy them when a lot of money has been spent to improve them? Why can the Minister not declare the farm as "mismanaged" and then take it away without paying any money to anybody because they did not pay money to anybody when they got these farms?

The Minister for Agriculture (Mr. Nyagah): I do not object to what the hon. Member says but it is not within our Constitution to take somebody's property for nothing.

Mr. Wabuge: Mr. Chairman, Sir, would the Minister for Agriculture be kind enough and tell us how many farms are involved because if we know their number then we shall be able to know how much money we need and whether these farms are worth the price? Since a farm costs a lot of money when it is well managed but in view of the fact that these were "mismanaged"—they had been abandoned long time ago by their owners who ran away and left them with their lawyers and after four or five years they were issued with "management orders"—I feel that the improvement on those farms should not be taken into account. Can the Minister tell us how many farms are involved?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I am not in a position to say right now how many farms are involved but—

The Assistant Minister for Agriculture (Mr. Wanjigi): They are 14!

The Minister for Agriculture (Mr. Nyagah): Sorry, the ones that are just involved here, I have just been informed they are 14 farms! However, this is not the whole lot. There are many more farms. These are just some of them that we can buy now. There are others that our people have settled in and which we cannot fulfill the other part of our obligation as a Government to return to the original owner as an improved farm. Instead of returning we pay him at what the farm was valued and we have placed our people in those farms.

Mr. ole Marima: Mr. Chairman, Sir, I would like to know something about item 400, under subhead 101. May I know from the Minister whether the veterinary

laboratory which was promised to be built at Narok is included here or not because, so far it has never been built? Could the Minister tell the House whether the money he is asking for under this head also includes money for building this veterinary laboratory?

An hon. Member: What page are you referring to?

Mr. ole Marima: This is found on page 31 of the Development Estimates.

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, could the hon. Member repeat his question, please?

Mr. ole Marima: Mr. Chairman, Sir, in this book, Development Estimates, page 31, under the title 101—Livestock Development, Head 203, Item 400—Construction of Buildings, I want to know whether the promise which was made to us some time back, that a veterinary laboratory would be built in Narok, is included in this Development Estimates?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, it is included and also another one for Kajiado.

Mr. Wabuge: Mr. Chairman, Sir, on page 83 of Estimates of Recurrent Expenditure, the Minister wants £1 million for purchase of livestock. I want to know from the Minister how many animals he has so far purchased under the scheme, from which country and how many farmers have so far benefited from this scheme?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, we have brought these animals from Holland at an average of about 1,000 each year for the last three years. They are being bred at Kitale, not very far from where the hon. Member comes from and then afterwards they are sold to the farmers in batches of five. I cannot tell the hon. Member how many farmers have benefited but I would like to take this opportunity to say that they are there for the best farmers to buy them at a very, very highly subsidized price. Each one is valued at about Sh. 5,000 but the Government sells them to the farmers for only Sh. 1,800.

Mr. D. M. Kioko: Mr. Chairman, I thought the Assistant Minister has given details of whatever moneys his Ministry is going to spend. Now, when he came to head II or III on page 31 he said that the laboratory in Kajiado was being considered forthwith. Now, Sir, when we go to the details on page 84 of the same book, in Head II or III, I would like him to show us where the details are included.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, the hon. Member is looking at the wrong page. If you look at page 44 at the bottom, you will see Head 203, Item 400, and it is included there.

Mr. Wabuge: Mr. Chairman, I would like to pursue my question further. Now, the Minister said that the farmers who are good whom the Ministry can prove to be capable of looking after these *ng'ombe* nicely are the ones who are allowed to buy them. Now, would he tell us how many farmers have benefited from this scheme. Secondly, whether the farmers who bought them are still keeping the cattle because my information,

[Mr. Wabuge]

Sir, is that some of the people who bought them have lost them because at the time of calving it becomes very difficult, and hence, they die. I would also like to know, when he sold these animals with such a high subsidy—one animal is worth Sh. 5,000, but he says the farmers get them at Sh. 1,800 each, which is actually a very big subsidy—what measure does the Ministry take in order to ensure that these cattle are very, very carefully looked after in the way of being provided with veterinary services? In most cases, there are no veterinary officers in certain areas, and a farmer has then to look for a private veterinary officer, who charges a very high price, and in which case, he chooses not to engage such a private veterinary officer. How many of these *ng'ombe* have died so far, and what plans does the Minister have, in order to assist these people to get veterinary services in their areas?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, the hon. Farmer has a point here. Let me say that it is difficult for these very high grade cattle to be sold to places where they cannot be supervised. The farmers that have had these *ng'ombe* in batches of five have been very few, and far in between, and wherever they have been sold, the agricultural officer, the veterinary officer, the livestock officer or the animal husbandry assistant has been told. The farmer has also been told that the *ng'ombe* sold in groups of five are very delicate animals, and he should be able to contact the experts, and these are the veterinary officers, livestock officers and the animal production officers whenever he is in difficulties.

We have also experienced some difficulties with regard to the death of these animals, as the hon. Questioner has stated, in that when these animals arrive here, some of them are nine months old, and others are one year old, and at this time, they are only calves. When these animals are mature to be served, they are served with very good bulls or with artificial insemination. However, at times during the time of calving, we have experienced difficulties either because the heifers have been served when too young or the offspring happens to be bigger than the mother can deliver naturally. Some of these animals have died but not too many to make us forgo the exercise. However, we have had this experience of serving the heifers when they are young and I think it is better to allow them to mature more before they are served.

Mr. Ahmed: Mr. Chairman, if the Minister says that we are benefiting from buying these cattle from overseas and at the same time says that we are experiencing a lot of difficulties in rearing these animals whereby we are losing a lot of money, why do we then continue importing these high breed animals from overseas.

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, for the information of the hon. Member, we have today among our livestock very high class of Freysians which have been very carefully selected from Holland and most of them have been selected from animals which do not produce less than seven gallons of milk per day. We hope that by having 5,000 animals in all, we shall have calves from these very good

mothers in the country thereby, being assisted by our artificial insemination and our good bulls, we shall be able to produce a better stock of very high milk yielding cows.

Mr. Wabuge: Mr. Chairman, Sir, since we seem to be experiencing a lot of problems with these so-called high breed cattle, would it not be in order for the Minister to consider importing the semen which can be used to cross-breed our cattle instead of importing the animals themselves? This would end up in a very high grade of cattle, in fact, perhaps much higher grade than the one he is importing now. This would help us to save a lot of money.

The Minister for Agriculture (Mr. Nyagah): I have taken the hon. Members suggestion. In fact, we are trying to solve this problem from every possible angle. According to his suggestion, I would like to inform him that we do import the semen here whereby we are able to improve on our indigenous cattle. At the same time, we are intending to inject some of these overseas breed with semen from our own bulls. These are some of the methods of trying to upgrade our dairy livestock.

Mr. Ahmed: Mr. Chairman, I would like to question the Minister on this particular issue of artificial insemination. I am saying this because this seems to be an idea which has been instilled in our minds by the white people. They seem to suggest that their cattle are the only high grade cattle. Are we not going to neglect our local cattle if we continue to import these other animals? I understand there is a certain farm which is going to experiment on the local cattle. I think if we are going to spend this money on this farm, we can improve the situation.

The Minister for Agriculture (Mr. Nyagah): This is not an idea put to us without any good meaning. Secondly, it has not been put to us by the white people. All we are trying to do is to cross-breed these animals to produce high yielding stock. If for instance, through the artificial insemination, an indigenous cow producing three bottles of milk per day, is able to produce an offspring which when it grows produces a gallon or two of milk per day, surely this is not an idea that we should brush aside simply because it has been suggested by somebody else. Ours is an upgrading programme of our indigenous cattle and at the same time the grade cattle which we have in this country. This is not a false idea because its results are quite eminent.

Mr. Wabuge: Mr. Chairman, Sir, on page 87 of the Recurrent Expenditure I can see that the fertilizer subsidy was K£450,000 and this year the Minister requires the same amount of money. Could the Minister tell us how he is going to help the farmers with this money when in actual fact last year the price of fertilizer was something like Sh. 40 for a bag of 50 kilograms and now the same bag costs Sh. 105? How is he really going to help the farmers to grow more crops in this country when the subsidy on fertilizer is not increased? Is he really looking for more crop production in this country in order to feed more people or is he trying to say, "All right, let things take their own course"? I think because of this we might run the country into chaos. Could he explain why he did not see it fit to

[Mr. Wabuge]

increase this subsidy in order to encourage farmers to grow more food to feed the country.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, we would have liked to subsidize more than K£450,000 but the amount is not related to the acreage but it is related to the Budget that we can put to that particular item. As far as the fertilizer is concerned, Mr. Chairman, we know only too well that we have a lot of trouble even to support this element of K£450,000 as against growing intention to do away with fertilizer subsidy altogether. So I think the maize farmers and the wheat farmers in particular should have a word of thanks in what we have done.

Mr. Wabuge: Mr. Chairman, Sir, I think the Minister knows very well that without this subsidy there will be very few people, in fact, a handful of them who will use fertilizer. The price of fertilizer is so high and unless the Ministry of Agriculture, which feeds the nation and ensures that there is enough food in the country, increase this subsidy, how are they going to expect more production in this country? Is he really telling us that with this subsidy the production will be the same as last year? Could he assure us that the production will be the same as last year if the subsidy remains as it is be it for wheat, coffee, or any other crop?

The Assistant Minister for Agriculture (Mr. Wanjigi): I would like to say, Mr. Chairman, that so far the indication is such that we should have as big if not more acreage of wheat and also of maize. I know that it is not going to be as remunerative if we had a zero price for fertilizers but I am afraid to say that it is not possible to increase the level of subsidy beyond what we have done.

Mr. Wabuge: Mr. Chairman, Sir, in view of the fact that the Assistant Minister has said that they hope to do away with the fertilizer subsidy altogether could he now consider establishing a fertilizer factory in this country with immediate effect?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, hon. Wabuge knows too well that this was also mentioned in the Development Plan that we have plans to establish a fertilizer plant in this country. Plans are already underway to do this and we hope that this will alleviate the needs for these very heavy subsidies. But there is no guarantee that even if we produce fertilizers locally that it will be cheaper than the imported one. I would hope it would be, but the experience we have had so far as regards for example the price of paper that will be produced at Webuye and the tyres that are produced by Firestone Tyre Company would indicate a bit of caution in assuming necessarily lower prices.

Mr. Y. Ali: Mr. Chairman, Sir, can the Minister consider subsidizing the price of fertilizer in Kenya? It is the duty of the Government to see that there is enough food for every Kenyan. This can only be made possible by the Government subsidizing the price of fertilizer in such areas where maize, sugar-cane and wheat are grown. A number of hon. Members this afternoon have talked about the shortages of sugar in Kenya.

The only thing the Government is insisting on is that farmers should step-up the growing of sugar-cane in Kenya. If the Government is not going to subsidize the price of fertilizer, then how does it expect farmers to step-up the growing of sugar-cane in this country? Will the Minister tell us what he has in mind as far as this question is concerned?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, my Ministry sympathizes with the situation. That is the reason why the Government has continued to give the same level of subsidy we gave to farmers last year. In such a year like this one when the Government is asking everybody in the country to tighten his belt, I feel that the users of fertilizer should also tighten their belts. Since this year our economic outlooks are not very encouraging I would like to ask the hon. Members to sympathize with us.

Mr. Wabuge: Mr. Chairman, Sir, is the Government going to give the same subsidy it gave to farmers last year as far as fertilizer is concerned? If the Government does that then we should be prepared to encounter some difficulties. According to the Estimates the Government is going to launch a campaign in the country with a view to making people grow more maize in the country. How does the Government expect farmers to step the growing of maize if the price of fertilizer is unreasonably high? What is the use of this campaign if the Government is not prepared to subsidize the price of fertilizer?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, the hon. Member is making a mistake by claiming that this country cannot grow enough crops to feed every Kenyan simply because the Government is not prepared to subsidize the price of such commodities like fertilizer. The hon. Member is more concerned with the people who grow maize and wheat in Kenya. When I was moving this Vote, I said we should be concerned with progress of agriculture in Kenya on general lines. If the hon. Member is in a position to tell us where we can buy fertilizer at a cheaper price we shall be too glad. However, the hon. Member should not forget that fertilizer is in very short supply in the world. The Kenya Farmers Association has unsuccessfully tried to buy fertilizers from all parts of the world. All that the Government has done is to restrict the amount of subsidy given to maize growers. However, hon. Members should not get the impression that we are very badly off as far as the growing of maize is concerned taking into consideration that this year is very bad as far as economic advancement is concerned.

Mr. Wabuge: I think the Minister should not minimize the problem by pretending that the country has enough maize supply. If there was no enough maize and wheat supply in Kenya the Minister would not be standing here now.

An hon. Member: We can use milk.

Mr. Wabuge: It is not possible for one to live on milk alone without maize and wheat. It is true that fertilizer is in short supply in all parts of the world. However, the Government should subsidize the price of fertilizer and it does not matter how much fertilizer we have in store.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, we are flogging a dead horse. You cannot get a bag of fertilizer in the country, Mr. Chairman. What are we going to subsidize? The farmers are chewing up all the fertilizers one can get anywhere in Nairobi, Kitale and in Kisumu. This means that farmers—except the hon. Member himself—know the use of fertilizers. They buy whatever is available. However, the problem today, Mr. Chairman, is not to subsidize, but it is how to provide the commodity irrespective of price.

Mr. Karungaru: Mr. Chairman, instead of buying these fertilizers from where we usually buy them, why do we not get another type of fertilizer which is cheaper than the usual one?

Hon. Members: Which one is that?

Mr. Karungaru: Let me say what I want to say. Let us buy the fertilizer known as *guano*, which is obtainable in Somalia and in Switzerland. Will this not help us solve the problems which we are now facing instead of depending on some people who are only interested in making more and more money, and who do not rest unless and until they get it?

The Assistant Minister for Agriculture (Mr. Wanjigi): We very much appreciate the expert advice from hon. Karungaru. However, with all due respect to him, he knows very little about agriculture.

Mr. Karungaru: Mr. Chairman, Sir, on a point of order, despite the fact that the Assistant Minister is my friend, is it correct for him to choose a language to distort what I have just said? Why does he insinuate that I am ignorant of agriculture? I am part and parcel of that operation.

The Assistant Minister for Agriculture (Mr. Wanjigi): I did not really mean to say that he does not know what he is talking about. All I was challenging, and quite seriously too, is that if *guano* was as good an alternative we in Kenya, and the world at large, would be running to Somalia and other places like Brazil to look for it. However, I would like to say that by the time you get it to your coffee it will be very much more expensive.

Mr. Wabuge: Can the Minister tell the House why he is introducing the maize-planting campaign? What has necessitated that when fertilizers are not available, and why he is not prepared to consider its price?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, I think the hon. Member is misreading the book. He is talking of Appropriations-in-Aid, and this means that if we have grown our maize in a research station and get money out of it, it reduces Government expenditure.

Mr. Karungaru: Mr. Chairman, Sir, we need some explanation here. Could we know the kind of developments the Ministry has as regards land?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, that is a genuine question. The land development section of our Ministry deals with programmes such as the tractor hire service and soil conservation. Anything in this structure, Sir, aims at dev-

elopng our land to increase its value by conservation the resources we have in the country.

Mr. Ahmed: Mr. Chairman, Sir, I would like to talk about ranch management.

Mr. Chairman: We are not dealing with that now; you are already ahead of us, Mr. Ahmed.

Mr. Muli: Mr. Chairman, Sir, can we have a look at Development Estimates on page 34 under Head 237, crop production?

Mr. Chairman: We have already dealt with that item, Mr. Muli.

Mr. Karungaru: Mr. Chairman, Sir, can the Assistant Minister explain to us the plans the Ministry has in the near future to provide proper maintenance to the machinery he talked about? Further, Sir, can he tell the House the plan the Ministry has to extend the tractor hire service to small-scale farmers because it appears that it is only large-scale farmers who are benefiting from the service at the moment?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Chairman, Sir, that is not true. Sir, the tractor hire service has been utilized in areas where there are small-scale farmers. These areas include the Masai area, Nyanza, Western Province, Taita/Taveta, Kilifi and many more. In fact, it has no purpose in scheduled large-scale farmers' areas.

May I explain, Sir, that the element of personal emoluments includes some of the people who would be required in the maintenance of the tractors and other machinery. We also have to maintain stations by some personnel. Therefore in our terminology, the element of a station does take into account the need for personnel in main areas where these tractors and other machinery operate. Therefore, as far as maintenance is concerned, we are reasonably satisfied with the personnel that we have and also the facilities that we have. One of the problems that we had lately was that of age of our machinery. However, we are continually spending money to renew our equipment accordingly.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Chairman, may I know from my colleague there how a district qualifies to have this unit. This is because he has just mentioned Taita/Taveta, Kilifi Districts where this tractor unit is. We do not have one in Kwale, Tana River and Lamu Districts.

The Assistant Minister for Agriculture (Mr. Wanjigi): That is really an important question. You would need to apply to the normal process, through the provincial director of agriculture; they themselves decide what kind of work is available in each area depending on what requests they have had. These units are then scheduled accordingly from the demand of the requests they have had.

Mr. Karungaru: Mr. Chairman, I would also like the Assistant Minister or the Minister himself to give us a bit of education about this item which talks about agricultural education. How far is this one extended; is it only confined to large-scale farmers or do small farmers also benefit from of it?

The Minister for Agriculture (Mr. Nyagah): The educational aspect covers the developments of such institutions like the Kirinyaga Farmers Training Centre, Embu Farmers Training Institute, Bukura Farmers Training Centre, which is just coming up for training technical assistants. We have also the development of the Faculty of Agriculture in the University of Nairobi; we have a Range Farmers Training Centre at Wajir; all these are covered in Item 105.

Mr. Karungaru: The Minister says that they provide training in agriculture for our people, but I have received at least three graduates from some of these institutions he is talking about who although they passed their examinations with a credit, they have no jobs! For example, Animal Health and Industry Training Institute, "A.H.I.T.I." graduates.

An hon. Member: They only get diplomas.

Mr. Karungaru: A diploma is a degree, for your information!

I am trying to follow this matter up because I have three people who finished their training in some of the institutions mentioned and who have not found jobs? If this is so, why provide such trainings like leather cutters, and when these students complete their training they do not get any jobs? Why spend money training such students?

The Minister for Agriculture (Mr. Nyagah): Any graduate of Animal Health and Industry Training Institute sponsored by Government is usually posted on the very last day of his course. Any graduate of Embu, Bukura, and Egerton Agricultural Institutions is similarly treated. Any graduate of Animal Health Industry Training Institute who has taken a nine months course on leather craft at his or her own request does not necessarily—

Mr. Karungaru: On a point of order, Mr. Chairman.

Mr. Chairman: That is a point of argument. I will raise that afterwards; let us hear the answer first.

The Minister for Agriculture (Mr. Nyagah): I was saying that any sponsored candidate invited by Government to train for a certificate course at Bukura, Embu or Animal Health Industry Training Institute or for a diploma course at Egerton College, if he passed, he is usually posted to a Government post. She or he is not referred back for a year or so. However, there was a course that is run or was run at Animal Health Industry Training Institute for people who wanted to help themselves by having knowledge in leather craft. These people were not promised from the very beginning that they would be absorbed in the Government machinery. They could become self-employed or join the youth clubs or any of the polytechnic villages and teach there. However, they were never promised from the very beginning that after the nine months' course, they would be taken by the Government.

Mr. Karungaru: Mr. Chairman, Sir, I sympathize with the hon. Minister because if he can provide courses for our own nationals and after the training these people become useless, does this mean that the Minister really takes seriously the views that we are expressing here in that if these people were trained by the tax-payers' money, they must therefore be provided with employment? I understand what the Minister is trying to say but I have a reliable source of information to the effect that some of these people who were trained at Animal Health Industry Training Institute were absorbed in the Government and others were not absorbed in the Government. Why?

Mr. Mwithaga: On a point of order, Mr. Chairman Sir, if the hon. Member is right in what he is saying and he has people whom he knows were taken by the Government after their training and this means that he has evidence or rather he has some documents to support what he is saying, can I ask him to lay them on the Table so that we can have a look at them?

Mr. Chairman: No, that is not necessary since the Minister has explained the position.

It is time now to put the questions.

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

VOTE 10—MINISTRY OF AGRICULTURE

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£13,549,665 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 1975 in respect of Vote 10—Ministry of Agriculture, and has approved the same without amendment.

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Agriculture (Mr. Wanjigi): seconded.

(Question put and agreed to)

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Wednesday, 3rd July, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 3rd July, 1974

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

[*Mr Speaker in the Chair*]

PRAYERS

NOTICE OF MOTIONS

PERMANENT EMPLOYMENT TERMS: CASUAL LABOURERS

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

THAT, in view of the fact that there are many *wananchi* in the Republic who have worked from five to ten years as casual labourers in different Ministries and Departments, this House urges the Government, as a matter of great importance, to devise ways and means of establishing these workers on a permanent basis, so that they can enjoy the National Social Security Fund privileges, and to stop terminating their services arbitrarily.

ALLOCATION OF PLOTS IN USHER-JONES FARM

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

THAT, in view of the grave security problem created in the area of the former Usher-Jones 2,000 acre-farm as a result of the Ministry of Lands and Settlement having by-passed Kericho's own families District Land Allocation Committee; and settles families arbitrarily selected in Nairobi and elsewhere leaving out several families of the original squatters with no place to go, this House requests the Government to nullify all the allocations already made and direct the District Land Allocation Committee to re-allocate plots in the entire 2,000 acre-farm on the basis of established Government policy of giving priority to squatters.

APPROVAL OF MAGISTRATE'S COURTS ORDER 1974

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, on behalf of the Attorney-General, I beg to give notice of the following Motion:—

THAT, this House approves the Magistrate's Courts (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order, 1974, which was laid on the Table of the House on Tuesday, 2nd July, 1974.

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

THAT, in view of the fact that the Government has publicly announced that all Area Councils will be abolished soon, and noting that the same councils have many employees with families to support, and considering that abolition of the said area councils will cause many to lose their jobs while, in fact, the Government is trying to eliminate unemployment in the country, this House urges the Government to—

Mr. Speaker: Order, Mr. Marete! The Motion you are reading is quite different from the copy of the Motion I have!

Mr. Marete: Mr. Speaker, Sir, it is the original Motion; it is the real one!

Mr. Speaker: Anyway, we shall leave it for the time being and sort out the confusion. You will give notice again tomorrow.

Next Order.

ORAL ANSWERS TO QUESTIONS

Question No. 478

PAID MATERNITY LEAVE

Mrs. Onyango asked the Minister of State, President's Office:—

- (a) which of the Government departments are paying salaries to married women as well as the unmarried ones during maternity leave; and
- (b) what are the Ministry's immediate steps to encourage the remaining departments as well as the private sector to accept the request.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

All Government departments are required to grant paid maternity leave with full salary to married and unmarried women officers in accordance with the laid down Government Regulations. No Government Department is exempted from the Regulation governing the payment of maternity leave to married and unmarried women.

As for the private sector, we can only hope that those who do not grant paid maternity leave to their women employees will follow the good example set by the Government. For the information of the hon. Member, I would like to tell the hon. Lady that most of the private sectors have started to follow the good example set out by the Government.

Mr. Karungaru: Mr. Speaker, Sir, arising from that good reply from the Assistant Minister, would he tell us how this operation is being carried out? I mean, for instance, for how many months are these women paid when they are on maternity leave?

Mr. Munyi: Mr. Speaker, Sir, this was a request from many people all over the country and, therefore, the Government had to comply with the request. As I have already stated earlier on, a married woman officer could be granted a maternity leave with full salary for a maximum period of two months. That is what was agreed in a Government Circular No. 3 of 21st March, 1974. However, this Regulation was to be effective from 1st January, 1974.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House what the maximum period of leave for the unmarried women because he has said that married women are granted two months' maternity leave; how about the unmarried women?

Hon. Members: It is the same, two months!

Mr. Munyi: It is the same, Mr. Speaker, Sir. The unmarried women are also granted a maximum period of two months with full salary.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the answers given by the Assistant Minister that the Government is hoping that the private sector will follow that good example set out by the Government,

[Mr. arap Cheboiwo]

what is the Ministry doing to see that this good example is followed by the private sector? Is it trying to circulate some letters in the form of circulars to the private sector or what is it doing apart from hoping that the private sector will follow the good example set out by Government?

Mr. Munyi: Mr. Speaker, Sir, my good hon. friend, Mr. Kibisu, is aware of the fact that even the Ministry of Labour has already sent out some letters or Circulars to the private sector so that they could follow the good example set by Government in regard to this matter.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he says that there is already a circular which has been issued from the Ministry of Labour, regarding this matter whereas the Government has taken the initiative to set out the good example to the private sector, why did the Government not make this Regulation as an Act and make it compulsory for all private sectors to grant maternity leave to married and unmarried women with full salaries?

Mr. Munyi: That is a very good suggestion by the hon. Member and therefore, it is fully noted, Mr. Speaker.

Mrs. Onyango: Will the Assistant Minister tell this House whether the local authorities have accepted the request made by Government?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member is aware that the regulations that govern the Local Government authorities are those of Government because this is part and parcel of Government. Even the Teachers Service Commission has already taken action.

Question No. 468

PAYMENTS TO NATIONAL SOCIAL SECURITY FUND
CONTRIBUTORS

Mr. Onyulo asked the Minister for Labour whether he will tell the House why it is not possible to release money to beneficiaries who have been allowed to withdraw from the National Social Security Fund on their due dates since such allowance presupposes that the accounts and any other prerequisite conditions have been checked and found correct by the National Social Security Fund officials.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply.

As a matter of principle, it is possible to release money to beneficiaries who have qualified to withdraw from the National Social Security Fund on the due dates. In practice, however, the processing of withdrawals takes sometime in checking and satisfying that the accounts are accurate and up-to-date.

Mr. Onyulo: Arising from the Assistant Minister's reply and since this Fund is a very important thing to workers could he tell us how long it takes the Fund to release money to the beneficiaries from the time the due day is given to them? How long will the processing take before the money reaches the owner?

Mr. Kibisu: The hon. Member does not specify himself. However, I assume that he is referring to the normal or what way the Fund calls for withdrawal of benefits: that means that for example, the hon. Mem-

ber has attained 55 years of age and he is due to be paid. Mr. Speaker, Sir, as soon as the papers are processed by the contributor, it does take the normal period to get the payment out. There are other forms of withdrawal; namely "Survivor Benefits" where a contributor dies while still contributing to the Fund and the survivors make claims to the Fund. Sir, one has to be very careful in paying out any money on this ground and therefore a full proof does take some time for the applicant to obtain from the district commissioners and all other authorities necessary before the claim is actually approved. As to the specific period that it takes to pay out the money this depends on the accuracy of the information received and how soon the claim is received.

Mr. D. M. Kioko: I agree with the Assistant Minister that there should be full proof before survivor benefits are approved so that the money may not be given to the wrong person, however, these other benefits whereby for example, one attains the age of 55, why can the Ministry put a specific period of processing such benefits? This is because we have experienced a lot of delays; some people stay for more than even a year before they are paid. There should be a specified period for processing because these contributions go to the fund monthly and therefore, I am sure the accounts are done correctly as the employers do when they pay the money.

Mr. Kibisu: I would like to assure the House that the delay that the hon. Member for Mombasa West is referring to is not solely that of the Fund. It also emanates from the applicants themselves and also from the employers. You will find that the delay which is normally occasional is because wrong information has been supplied or inadequate information has been supplied.

Mrs. Onyango: In view of the fact that the delay has been accepted by the Ministry, will the Assistant Minister tell us whether or not contributors have cards which they should show to the district commissioner to prove that they are the right contributors to claim the money?

Mr. Kibisu: I confirmed that is precisely what happens. However, the fund has no control of the delay at the other end.

Mr. Onyulo: The Assistant Minister has indicated that the delay for payments of benefits to the beneficiaries who have attained the age of 55 years has a normal period of processing; what does he mean by normal period of processing?

Mr. Kibisu: If I get today from the hon. Member a fully documented claim with all the necessary proofs to show that he is the proper contributor, I will pay out the benefits within three months.

Question No. 479

AUDIT FEES: JOINT LOAN BOARDS

Mr. S. Lugonzo asked the Minister for Commerce and Industry whether he could give the House a detailed list of the total amount of money being demanded or already paid by each of the following Joint Loan Boards as audit fees for accounts up to 1972: Kakamega, Garissa, Wajir, Machakos, Kitui, Kisumu and Kipsigis.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): (Mr. Speaker, Sir, I thought the hon. Member was not in to ask his Question because he has changed from the place where he usually sits.

Mr. Speaker, Sir, I beg to reply.

The above Trade Development Joint Boards have either paid or will pay the following amounts as audit fees for their accounts up to 1972.

	Sh.
Kakamega	65,000
Garissa	40,500
Machakos	40,419
Kitui	29,487/60
Kisumu	70,000
Kipsigis	65,000

The amount paid by the Wajir Joint Board is not available at the moment because we tried to phone there yesterday but we were not able to go through; so we do not have the figure for Wajir.

Mr. S. Lugonzo: Is the Assistant Minister satisfied that this charge is the normal charge for auditing the accounts of these boards.

Mr. Anyieni: The auditing of some of these boards was formerly being done by Messrs. Mwangi and Bellhouse. It will be remembered that it has been agreed that all this auditing should be done by the Controller and Auditor-General. The matter is going to be transferred to that Department. However, it was required that Messrs. Mwangi and Bell House do the job and finish it. It was required that they finish it by the end of 1973. However, this was not possible and therefore, this other gentleman who is an African undertook to finish the job within the specified period. He was, therefore, given the work. Although it might have cost a little more, this work was urgently required to be completed.

Mr. S. Lugonzo: The Assistant Minister has said that this amount might have been a little more, but is he aware that some of these boards have run bankrupt because of this very high fees charged for auditing in which in some cases it is as high as Sh. 10,000 to Sh. 15,000 for auditing one year's accounts only?

Mr. Anyieni: The difference is not very much. If the Joint Loan Boards have no money it is not because of the expenses due to auditing; it is due to failures of certain loanees to repay their loans in time.

Mr. Hussein: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, is he aware that the reason why he cannot communicate with Wajir is because there is no Trade Officer in Wajir District?

Mr. Anyieni: Mr. Speaker, Sir, I do not agree with the hon. Member at all.

Mr. Mwongo: Mr. Speaker, Sir, can the Assistant Minister inform the House what the loan turn-over for Kisumu Joint Loans Board, which was to be Sh. 70,000, as audit charges?

Mr. Anyieni: Mr. Speaker, Sir, the question the hon. Member is asking relates to 1972. However, the amount I have mentioned is the total amount that has either

been paid or is being demanded as audit charges for the district joint loans boards I have already mentioned.

Mr. Mwongo: On a point of order, Mr. Speaker, Sir, I want to know from the Assistant Minister the amount of money that had been given out as loans by Kisumu Joint Loans Board, that had to be charged Sh. 70,000 as audit fees? Can he tell the House how much money was involved?

Mr. Anyieni: Mr. Speaker, Sir, that is a different question and if the hon. Member wants, he can table it here and I will answer it.

Mr. D. M. Kioko: Mr. Speaker, Sir, do you not accept that the question is very irrelevant because the Assistant Minister told the House that Kisumu was charged approximately Sh. 70,000 up to 1972? Would the Assistant Minister therefore tell the House what was the volume of work involved and how much money was involved?

Mr. Anyieni: Mr. Speaker, Sir, I do not have the figures of each district. However, if the hon. Members want them I can provide the figures tomorrow. We have been giving about Sh. 60,000 per year and the money has remained in that district. The people who get loans out of this money, do not pay it back to Nairobi but they repay it to the District Joint Loans Boards. However, I do not have the figures of how much money was involved, but I can give the figures tomorrow or any other day.

Mr. Mwongo: Mr. Speaker, Sir, how did the Assistant Minister get the figure of the amount to be paid for audit purposes, if he did not refer to the balance sheet? I am sure the amount involved must have been shown on the balance sheet.

Mr. Anyieni: Mr. Speaker, Sir, the question which is on the Order Paper asks for a detailed list of the total amount being demanded or already paid by specific Joint Loans Boards. It does not ask how much money was involved. However, I have given an undertaking that if the Members want to know the amount of money which was involved, there is no secret about it, I will provide the figures tomorrow.

Mr. Speaker: I do not think this is necessary. Mr. Anyieni has explained that he does not have the figures.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, is it not true that when a Minister has been asked a Question, he is accordingly being asked to be prepared for any supplementary question arising from that main Question? Therefore, is the Assistant Minister not misleading the House by saying that he does not have the figures?

Mr. Speaker: No, I am quite sure, Mr. Karungaru, if I ask you a question and ask a number of supplementary questions, I could catch you out. I could easily ask you one for which you were not prepared. This is normal and should not seem to be a failure on the part of the Assistant Minister. The only thing is that he did not foresee that this particular supplementary question would arise. He probably has many other prepared supplementary answers. However, he has promised that if you want the figures, he can supply them tomorrow.

Mr. S. Lugonzo: On a point of order, Mr. Speaker, Sir, this being a Government fund, can he tell the House whether Bell House and Mwangi Accountants won this choice through a tender or how were they appointed as auditors?

Mr. Anyieni: Mr. Speaker, the hon. Member did not understand me. Formerly it was Bell House and Mwangi who were doing the auditing. This was a matter that had been decided many years ago. However, the people who did the auditing lately, were different people. They have done the auditing now and we shall hand over the work to the Auditor-General. This is a firm of accountants and consultants and they call themselves Karukenya Business. The Ministry was looking for a man who could do the work within a specified period because the Auditor-General said he was not going to undertake auditing these accounts unless they were made up to date by the end of 1973. So, we looked around for somebody who was not too busy. Bell House and Mwangi said they could not do it within the specified period. However, this other gentleman, who is an African and who comes from Embu said he could do it. I am now pleased to say that he was able to finish the job within the specified period and we are now ready to hand over everything to the Auditor-General.

Mr. S. Lugonzo: Mr. Speaker, Sir, with all due respect to the Assistant Minister, do you think that he is answering the question? I had asked him whether he advertised a tender for this job and then chose this particular firm out of several applicants or did he simply appoint one auditor to do the job?

Mr. Anyieni: Mr. Speaker, Sir, I thought I had replied to that question. I said that we had regular auditors who were Bell House and Mwangi.

Mr. Speaker: No, he is asking whether, in the case of Kerukenya, you advertised a tender for the job? He wants to know how this particular firm was chosen.

Mr. Anyieni: Mr. Speaker, Sir, what happened was that the Ministry tried to consult people and organization who could do the job within the specified period. At the same time, we were interested in having African auditors doing the job. However, this was the only African group which agreed to do the work and they did it very well.

Question No. 365

VILLAGE POLYTECHNIC FOR NYARU

Mr. Cheserek on behalf of Mr. Kurgat, asked the Minister for Co-operatives and Social Services whether he would establish a village polytechnic at Nyaru Centre in Kerio South to cater for Mosop, Soy, and Metkei Locations.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply.

The Government in its policy of developing the whole country has embarked on the spirit of Harambee as propounded by His Excellency Mzee Jomo Kenyatta. In the fulfilment of this spirit of Harambee my Ministry is charged with the responsibility of helping those *wananchi* who start these Harambee projects with material to do their work. The village polytechnic

programme is a self-help exercise and before the Government does anything the people themselves must start one first. The hon. Questioner is asking the Government to put up a village polytechnic at Nyaru Centre in Kerio South to cater for Mosop, Soy and Metkei Locations. The Government already has given a grant of Sh. 23,000 to the Village polytechnic based at Soi, during the current year. I shall be grateful if the hon. Member could prevail upon his constituents so that the attendance is improved, at the moment it is very poor.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister for Co-operatives and Social Services, would he tell the House how much money, out of the Sh. 23,000, will go to Mosop, Soy and Metkei Locations?

Mr. Ngureti: Mr. Speaker, Sir, this money is for Soy Location only, and if the hon. Member wants Government to give grants to other areas, the people themselves must set a good example.

Mr. Cheserek: Mr. Speaker, Sir, would the Assistant Minister assure the House that he will give us more grants if the District Development Committee of Elgeyo-Marakwet District will request for more money, so that the other locations can be assisted as well?

Mr. Ngureti: Mr. Speaker, Sir, this is what Government does all the time wherever people are helping themselves.

Question No. 461

UNTRAINED NURSES

Mr. Lotodo asked the Minister for Health, since there are many untrained nurses in West Pokot District and elsewhere who have worked for many years, whether he would consider sending these men and women for training.

The Assistant Minister for Health (Mr. ole Oloitipiti): Mr. Speaker, Sir, I beg to reply.

The untrained nurses are given every opportunity to be trained as enrolled nurses provided they have the necessary qualification and merit. Applications are invited every year and those selected are taken for training.

Therefore, if there are any untrained nurses with the necessary qualifications from West Pokot, they should send their applications to the Provincial Medical Officer, Rift Valley Province, Nakuru, or any other nurses training school in the Republic.

Mr. Lotodo: Mr. Speaker, Sir, is the Assistant Minister aware that every year, the provincial matron invites applications from school leavers only and not from those who are already in the medical profession?

Mr. ole Oloitipiti: Mr. Speaker, Sir, I am not aware of that. However, I said here that those untrained nurses who have been working in the Ministry, and who have proved themselves capable of going for further training, are welcome to apply for this training. However, as for the school leavers, they are invited to apply for training as nurses, and the level of education required of them is the Certificate of Primary Education only.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister for Health, would he tell the House what quota of intake is given to the Pokot people as well as the quota given to other districts? We have Certificate of Primary Education holders who can be accepted for training in institutions in Nakuru and Nairobi. Therefore, what are the qualifications required, especially with regard to the Pokot people?

Mr. Speaker: Order, Mr. Cheserek!

Mr. ole Oloitipiti: Mr. Speaker, Sir, I do not have the breakdown according to districts, and it is not our motto as Government to encourage the giving of breakdowns according to districts. It is up to the provincial officials to know how many people they take from each district. However, Sir, I would like to say that we are very much concerned with the formerly neglected tribes of Kenya, and therefore, if the hon. Member is among these tribes, he is welcome to bring as many nurses as possible for training, provided they have the necessary qualifications.

Mr. Kadir: Mr. Speaker, Sir, would the Assistant Minister tell us whether they will seriously consider those untrained nurses who have been working in hospitals for up to ten years to be promoted on merit? What action will the Minister take, so that these people can be promoted on merit?

Mr. ole Oloitipiti: Mr. Speaker, Sir, I think that is a different question all together. However, Sir, we have a committee in the Minister which sits down and considers the promotion of officers serving in the Ministry. Therefore, if the hon. Member thinks that there are officers from his own area who have not been promoted, and who merit promotion, he can let us know something about them.

Mr. Speaker: Would you ask your question, Mr. Kadir?

Question No. 477

WATER SHORTAGE IN SERICHO

Mr. Kadir asked the Minister for Agriculture—

- (a) whether he is aware of the acute shortage of water for both human and livestock consumption in Sericho Location of Isiolo District; and
- (b) what urgent measures are being taken to equip the drilled boreholes in the area to check the deteriorating situation.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply.

My Ministry is aware of the shortage of water in the Sericho Location of Isiolo District and whereas we are willing to provide sufficient water to the people through drilling boreholes, the water resource aspect has proved to be a major limiting factor. For the information of the hon. Member, the Water Department has unsuccessfully drilled five boreholes which proved to have too highly saline water, which was, therefore, uneconomical to develop, and unsuitable for human or livestock consumption.

Nevertheless, I wish to assure the hon. Member that

my Ministry is carrying out further investigations, especially with a view to constructing water pans to retain surface water.

Mr. Kadir: Mr. Speaker, Sir, arising from the Assistant Minister's reply which, in fact, differs from the previous answer which was given by his own Minister here, that the Ministry had given a contract to a certain company to instal pumping machines at Sericho and Merti boreholes, as a matter of fact, he said that the one at Merti had already been installed, would he now tell us which answer is correct, because he has told us now that the water there is not sufficient and that it is salty?

Mr. Khaoya: Mr. Speaker, Sir, I am sure the hon. Member knows that the correct answer is the one I am now giving. Any time after a Minister has answered a Question formerly here, anything could change. Therefore, I would advise the hon. Member to pay particular attention to what I am saying now. May I repeat, Sir, that we have carried out some investigations, and we have found out that five drills have been made. Now, in four of them, we have very little water. In the fifth one, where we found a reasonable amount of water—some three cubic metres of water per second—it was unfortunately found to be too saline for human and livestock consumption. It is for this reason, therefore, that we have changed our techniques in our effort to find water for the people.

Mr. Umuro: Mr. Speaker, Sir, in view of the fact that water is the most important item, especially in that area because there is no other source of water other than drilling boreholes, when is he particularly going to take steps to drill these boreholes, so that those people are not going to suffer because of the lack of water?

Mr. Khaoya: I am sure, Mr. Speaker, that my hon. colleague did not listen to the answers I have given. I have said here that the question of drilling more boreholes is to be abandoned in favour of constructing water pans. This is what I said, Mr. Speaker, and my hon. colleague did not seem to have understood it, and he thinks we are going on with boreholes. I have said that it has proved to be uneconomical from the results we have achieved so far.

Mr. Kadir: Mr. Speaker, Sir, is the Assistant Minister aware that this is the third time that this type of Question has been brought to this House. When I brought a similar Question to this House, I received a promise from the Ministry that they were going to supply the people at Sericho with water by using a lorry from the Ministry of Works to draw water for these people. When I followed up the matter, I found that no arrangements were being made to fulfill the promise and up to this time nothing has been done. Later on, Mr. Speaker, Sir, when I followed up the matter by bringing the same Question to this House in 1973, the Minister promised me that he was going to engage a contractor to construct two boreholes in two different places, that is Merti and Sericho. I know that the borehole at Merti has already been completed and I thank him for this. However, could the Assistant Minister undertake to install an engine to pump water from the borehole at Sericho which is not functioning at the moment?

Mr. Khaoya: Mr. Speaker, Sir, my Ministry is very sympathetic with the people in this area and I would like to assure the hon. Member that we are going to do everything possible to help the people in the area. However, I would like to suggest that since all of us are concerned about the situation in this particular area, perhaps it might help in future if the hon. Member, with other leaders from the area, would spare some time to come and discuss the problem in my office. Mind you that we are all very much concerned about finding a solution to the water problem which is existing in these areas.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister tell us why they do not think of damming one of the big rivers around these areas so that they may use the dam to pipe water to the various locations in Isiolo thereby solving the problem once and for all?

Mr. Khaoya: Mr. Speaker, Sir, that is a very interesting suggestion and I would like to assure the hon. Member that we would take it up immediately if only he could indicate what river he has in mind.

Mr. Nthenge: Mr. Speaker, Sir, there is this river known as Uaso Nyiro River which flows through these areas. If we could construct a dam on this river, we would use the water to pipe water to the various dry areas in Isiolo District. This would provide a permanent solution to the problem.

Mr. Khaoya: Mr. Speaker, Sir, as I have already promised, I will take that suggestion quite seriously with a view to seeing whether we can find ways and means of solving the water problem in the area. However, although the hon. Member says that we should block a certain river, it may be found that by blocking it, we would be denying other people the use of water from this particular river. All I can promise is that we are going to look at the whole exercise to see whether it is possible, to do what the hon. Member has suggested.

Mr. Speaker: Questions by Private Notice. Mr. Karungaru.

QUESTIONS BY PRIVATE NOTICE

INVESTIGATION ON MALPRACTICES IN ALLOCATION OF HOUSES IN NAIROBI

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

- (a) What is the scope of the investigations launched by the City Council of Nairobi in conjunction with the police authorities to probe into the suspected malpractices in the allocation of houses in all Council's and Council sponsored estates.
- (b) would the Ministry direct that the investigations should thoroughly cover all tenant purchase houses that the council has ever undertaken including the allocation of bars and restaurants, butcheries and market stalls within the same schemes.

The Minister for Local Government (Mr. Osogo): Mr. Speaker Sir, I beg to reply.

The investigations referred to in this Question are very wide and cover, among other things, the aspects mentioned by the hon. Member in his second part of the question.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply from the Minister which I consider to be rather favourable, would he also make sure that hawkers licences are looked into? Would he also make sure that the allocation of shops is also covered so that the entire scope of businesses is covered?

Mr. Osogo: Mr. Speaker, Sir, I regret to say that hawkers licences cannot come in this Question because licensing is a different system from that of plot allocation. These investigations, Mr. Speaker, will cover all allocations including the shop allocation.

Dr. Waiyaki: Mr. Speaker, Sir, would the Minister inform the House whether or not the police have completed their investigations with regard to the Mathare Valley allocation and if so, would he tell us what the results are?

Mr. Osogo: Mr. Speaker, Sir, the report I have so far received from the police in connexion with the Mathare Valley plot allocation is that investigations have now been completed.

Dr. Waiyaki: Mr. Speaker, Sir, could the Minister tell us the results of the investigations?

Mr. Osogo: Mr. Speaker, Sir, I think hon. Members ought to be fair with me. Although the results are out, it would mean that I have to stand here the whole day reading them in detail because they are just too wide. However, as far as Mathare Valley is concerned, there has not been any concrete truth with the allegations which have so far been made. The report from the police is that the allegations made by a certain group calling itself the *wananchi* of Mathare Valley were not founded.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, would he indicate to the House whether in the course of these investigations, the suspected officers have been suspended so that the investigations can be carried out more impartially?

Mr. Osogo: Mr. Speaker, Sir, nobody has been suspended but we are satisfied that these investigations are going on well because I have not received any complaints from the police as to any hindrance of the investigations, neither have I received any complaints from the security officers of the City Council who are assisting the police in their work.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Minister's reply, would he give us an assurance that after the investigations, the police will not be interfered with and that the prosecution will not be interfered with either?

Mr. Osogo: Mr. Speaker, Sir, I do not prosecute anybody and I am sure the hon. Member knows that as well as I do. As far as I am concerned, these investigations have to establish whether there have been any form of corruption or mismanagement of the Council's estates or funds. These investigations were instituted at my request when I received a number of complaints from the *wananchi* I requested the Commissioner of Police to assist me in establishing the truth so as to clear some of the City Council officials and councillors of the alleged ownership of several houses in several of the Council's estates. This is what I am trying to establish.

[The Minister for Local Government]

Whether or not there will be criminal or civil institutions against those concerned is not for me to say now.

Mr. D. M. Kioko: Mr. Speaker, Sir, since these malpractices seem to be going on in large towns, would he tell this House when he intends to extend his action further outside Nairobi to other large towns where the same things may be happening?

Mr. Osogo: Unfortunately, Mr. Speaker, the Minister for Local Government does not go witch-hunting. I only institute investigations where I receive complaints. I would like to assure the hon. Member that I have not received similar complaints from Mombasa and therefore, I cannot go witch-hunting into Mombasa affairs.

Dr. Waiyaki: Mr. Speaker, Sir, would the Minister take this opportunity to assure the *wananchi* that he is going to press ahead with the programme of putting up low-cost houses in the Mathare Valley and Kariobangi Estate.

Mr. Osogo: Yes, I would undertake to give such an assurance. In fact, at the moment the World Bank has sent a team here in Nairobi and my Ministry, in conjunction with the City Council and the Treasury, is discussing about the possibilities of putting up low cost houses in Dandora. Housing estates are actually moving towards this area and we are pushing ahead with further studies on how to do this. I would like to assure the House that my Ministry in conjunction with the city council is very much concerned about the availability of low-cost houses in Nairobi because of the migration into the city of job seekers and so on. Therefore, we are going ahead with the establishment of low cost houses in the city.

Mr. Mutunga: Mr. Speaker, Sir, assuming that these low cost houses will be built in phases, could the Minister tell the House how many units will be built in the first phase?

Mr. Osogo: Mr. Speaker, Sir, I think you will agree with me that that is completely a different question.

Mr. Speaker: Yes, I think we are now moving away from the actual subject matter.

Mr. Nthenge: Mr. Speaker, Sir, what action is the Minister going to take to make sure that the low-cost houses being built or which are already built are not going to be allocated to the rich people because we have learnt that people have been calling themselves a "table" or a "chair" in order to get a house and when they get houses they rent them?

Mr. Osogo: Mr. Speaker, Sir, we are taking care of that situation. The types of forms that are going to be filled in have been designed with the help of my Ministry and we are now able to detect those who are not eligible for applying for the allocation of these houses and if they apply they will be disqualified.

Mr. Karungaru: Mr. Speaker, Sir, since the problem we have now is that of rent speculation on houses in that even when the City Council increased the rents on its houses the councillors and the council officials who had houses knew that after these increases they could also double the rents on their houses, what assurance is the Minister going to give this House to the effect that the Government is going to investigate those

who have more than two houses and that as soon as that is established these houses are re-possessed by the Government? Would the Minister also go into the question of allocation of loans for building houses which I also know that councillors and council officials are given 100 per cent without any kind of security but other people coming outside that circle do not get this facility at all? What assurance is the Minister going to give the House in this direction?

Mr. Osogo: It is true that there are too many questions in that question, but I will try my best to answer the two questions which I managed to detect from the hon. Member's prolonged question.

In the first place the forms that have been sent out to every tenant or owner of tenant-purchase house of Nairobi City Council are detailed and they are asking for certain information. These forms have to be submitted back to the Chief Security Officer of the City Council by the 15th of this month. Those forms are given to two categories of tenants. One is given to anybody who claims that he pays his rent to somebody else and not directly to the City Hall. That means a sub-tenant of the City Council or a man who rents a house rented to somebody else by the City Council and who, in turn, has let this house out. Therefore, if those tenants are going to swear an affidavit that they are not paying their rents direct to the City Council, after the forms have been submitted those people will be declared the legal tenants of those houses. The second category are those who claim to be living in council houses paying rent to the City Council but who have got more than one house. In the form he will have to reveal for example, his identity, his home area, the number of his children and their names, a photograph of himself and his wife so that when the *askari* go round they will be able to identify every individual in his own house. If the photographs do not tally, then that house is not occupied by that person. It is an exercise that, I think, is painful and difficult to undertake but I think it is going to bear fruits when it is completed. That is one part of the question of the hon. Member.

The second part of the question, which I detected, is when he asked about there having been loan facilities only available to certain individuals either councillors or council officials. When I came to learn about the existence of these particular loan facilities I abolished it.

Mr. Speaker: Next question. Mr. Mwamzandi.

CONDITION OF ACCESS ROAD TO GAZI TOWN

Mr. Mwavumo: Mr. Speaker, Sir, on behalf of Member for Kwale East, Mr. Mwamzandi, I beg to ask the Minister for Works the following Question by Private Notice:—

Will the Minister tell this House why M/S Issacco dug and left unattended the access road entering Gazi Township which has caused buses to neglect entering Gazi Township?

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, there is no point for you to rise on a point of order. Mr. Mwamzandi had informed me about this question. He told me that he will not be in the House.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply.

The question has been noted and engineering investigations are being carried out to see what can be done to improve the access road into Gazi, during the 1974/75 Financial Year.

Mr. Speaker: Next Order.

COMMITTEE OF SUPPLY

(Order for Committee read being Fourth Allotted Day)

MOTION

That Mr. Speaker do now leave the Chair

VOTE 17—MINISTRY OF LANDS AND SETTLEMENT

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to move that Mr. Speaker—

An hon. Member: Are you feeling shy?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I am not feeling shy but I wanted some hon. Members to shout a little bit. Now that they have kept quiet I beg to move: THAT Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, hon. Members will notice that the total Development Estimates of expenditure of K£3,685,349 for my Ministry for 1974/75 Financial is K£928,119 less than last year's total provision of K£4,613,468. This is partly due to the transfer of recurrent expenditure for Land Adjudication Surveys; Group Representative Department and Office of the Recorder of Titles Mombasa to Recurrent Estimates of Expenditure Vote R17 and partly due to financial stringency. The consequences of this is that the Ministry may have to cut down some services and development projects that had been planned by the Department of the Ministry of Lands and Settlement.

There is an increase of K£88,320 on Sub-Vote 175 Land Adjudication Registration and K£132,470 for Land and a reduction on Land Settlement and Adjudication Surveys as follows:—

Approved expenditure for the year 1973/74 in sub-Vote 171—Land Settlement—was £2,380,680. For this year we request, our printed Estimates a sum of £1,898,480 which is detailed in this blue book.

Under Sub-Vote No. 172, Lands Department last year my Ministry spent £371,129, but during this current Financial Year we intend to spend £503,599.

Mr. Speaker, Sir, with your permission, I like to go through each sub-vote, one after the other, so that the hon. Members can know what my Ministry intends to do during this current Financial Year.

Mr. Speaker, Sir, under sub-vote No. 171, Lands Settlement, last year my Ministry spent £2,380,680. This money was spent in improving livestock development and in the improvement of crop production on old established settlement schemes. This money was also spent in the improvement of development of loans facilities so that settlers could improve their inputs and in the management of settlement schemes. A part of this money was spent to purchase 22 large scale farms which had a total acreage of 65,705 acres in Shirika Settlement Scheme. A further sum of the amount of

money I referred to was spent in sugar settlement schemes arising from the abolition of settlers' levy which was previously paid by settlers in sugar settlement schemes. Another portion of the money was spent to finance the installation of water in settlement schemes. The last portion of the money was spent to finance the construction of access roads in settlement schemes. This is exactly what we did with the money I referred to earlier on.

Mr. Speaker, Sir, under sub-vote No. 172—Lands Department, last year my Ministry spent £371,129. This money in the first place was spent in order that we could make the registration of approximately 1,000,200 land titles possible in areas where land adjudication had been completed. A portion of the same money was spent to finance the building land registries in Kisumu, Kiambu, Murang'a and Kerugoya. A further portion of the money was spent to finance the completion of titles from the previous more rigid registration laws to the registered Land Act in Nyeri, Embu, Meru and Mombasa municipalities; and in Kiambu, Murang'a and Karatina townships. Another portion of the same money was spent in the construction of roads in urban areas where Government was involved. Finally, a portion of that very money was spent in the acquisition of land for industrial and residential purposes in Nairobi city and in Mombasa municipality for *wananchi*.

Mr. Speaker, Sir, under sub-vote No. 173 Department of Survey, my Ministry spent a total sum of £28,500 last year. Some of this money was used to purchase vehicles and survey equipment. A portion of the same money was used in the building of survey staff office and houses at Karbanet, Maralal, Siaya and Kitui. Finally a portion of the same money was used in surveying of a total 345,274 hectares.

Mr. Speaker, Sir, under sub-vote No. 176, Land Adjudication and Registration Department my Ministry spent K£1,142,000 for land adjudication in 24 districts. The adjudication area covered during the last Financial Year was approximately 311,000 hectares, which is equal 746,400 acres.

Mr. Speaker, Sir, a total sum of K£3,685,349 that I am requesting the House to approve will be utilized in the manner I am going to explain. The Lands Settlement Department is going to spend K£1,898,480 for the purposes of management and development of expanded settlement schemes, the Ol'Kalou Salient project, sugar settlement schemes, Shirika Settlement Scheme, Haraka Settlement Scheme and State Land Settlement Schemes as outlined in the printed estimates booklet. Some of this money is going to be used in the provision of credit facilities to settlers to enable them to increase crop and livestock production to meet the rising demand for food and at the same time earn foreign exchange for this country. A further sum of this money will be used in the rehabilitation of Haraka Settlement. Schemes which have hitherto been neglected. Another portion of that same money will be used to purchase 33 large scale farms of about 60,000 acres from non-citizens so that we can settle landless *wananchi* there. A further portion of that same money will be used in the installation of water in settlement schemes.

[The Assistant Minister for Lands and Settlement]

Mr. Speaker, Sir, the Lands Department is going to use a sum of £503,599 to finance the construction and maintenance of roads in urban areas as indicated in printed estimates. Some of the same amount of money will be used in the completion of Land Registry at Murang'a and in the building of new land registries at Nyahururu Kitui and Migori. A third portion of the same amount of money will be used for the acquisition of land for industrial and residential purposes in Nairobi, Mombasa, Nakuru, Kisumu, Eldoret and in other urban areas.

Mr. Speaker, Sir, under sub-vote 173, Department of Survey in my Ministry intends to spend K£24,470. As we all know, there is stringency in Government expenditure because of shortage of funds. Under this sub-vote all the funds available of £24,470 will hardly meet the requirements for the issue of title deeds. Hon. Members have been complaining very much about this matter. However, it is true that we are allocated with the necessary funds by the Treasury, and it is well known that there is a shortage of money in the country. That is no longer a secret. That is why the Treasury found it fit to give us only £24,470 for the purpose of issuing title-deeds.

A total of £1,258,800 requested in respect of Land Adjudication and Registration will be used for payment of personal emoluments for the staff engaged in the land adjudication and also for the purchase of vehicles and other equipment, and also in adjudicating estimated area of 900,000 hectares comprising of 300,000 hectares of arable land and 600,000 hectares of range land.

In the Recurrent Expenditure, Vote 17, development projects about which I have spoken require personnel to implement them whose expenses are mainly provided under Recurrent Expenditure.

For Recurrent Expenditure, Mr. Speaker, I require a gross sum of over £2.3 million, that is £2,329,628. This figure will be reduced by £190,228 from Appropriations-in-Aid, leaving a net total of £2,139,400.

The Departments in my Ministry achieved a lot in execution of their respective statutory functions of providing services to *wananchi* and Government Ministries in the last Financial Year. Here are a few examples of our achievements:—

With regard to Lands Department, plots were allocated in various municipalities and townships for residential, commercial and industrial purposes, 56,798 new title deeds were registered. This brought the total number of registered title deeds to nearly 1½ million ties, over £2½ million was collected as land revenue, the creased to 25 due to increased activities. More registries will be opened as adjudication work is completed in various districts; the valuation section handled and completed 986 valuation cases involving 2346 properties, over 2½ million was collected as land revenue, the Ministry has now nine qualified Kenyan valuers and five more will qualify by the end of this Financial Year. This will enable the Government to Africanize the entire valuation section.

In the Physical Planning Department the following

achievements have been made:— As a Government Planning Department, the Town Planning Section prepared new plans for eight growing towns in the Republic more than 90 site plans have been prepared to cater for the new investment projects of commercial, industrial, residential and educational nature; National Physical Development study, which will help to identify the problems of regional development, associated with the rapid rate of economic growth, is under preparation; the preparation of District Development Plans, in conjunction with the Ministry of Finance and Planning, in order to define both economic and physical planning strategies for accelerating development in each district, is progressing well.

Coming to the Settlement Department, I would like to inform hon. Members that it is in charge of five types of settlement projects, namely, conventional subdivision, including two Harambee schemes, the Ol Kalou Salient, the Settlement Sugar Organization, Shirika and Haraka settlement projects. The Department has concentrated on improving the animal and crop production in the conventional schemes by use of artificial insemination, fertilizers and hybrid seeds. This will be continued to ensure that the farmers get the best returns out of their farms.

We also have another department known as the Group Representatives Department. Seven group ranches were incorporated during the year, bringing the total number of group ranches to 44 since the inception of the Department five years ago. This Department has done quite a lot of work, especially in Kajiado and Narok, and we are planning to extend its services to Samburu and other parts of the Republic.

Mr. Speaker, Sir, considering the financial stridency that forced the country during the last Financial Year, and with the shoe string Budget that we, in this House, passed, the achievements made by the Ministry in the face of these and other difficulties cannot be considered mean by any standards.

From the brief explanation I have made, I have tried to highlight the achievements and future activities of my Ministry. No doubt this clearly shows how effectively my Ministry has carried out its assigned responsibilities.

Finally, Mr. Speaker, I would like to thank my hon. colleagues in this House for their support, advice and constructive criticisms which they have made in this House. Although occasionally there have been some broadsides, the Member's constructive criticisms have proved useful and I have always taken them seriously. I have confidence that given the funds for which I have come to the House, my Ministry will do an excellent job in the Financial Year 1974/75. We expect hon. Members to support and approve this Vote so that they may give us a clean cheque for the money that we are asking for.

With these few remarks, I beg to move.

The Assistant Minister for Local Government (Mr. Ogotu): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to second this Vote. In doing this I would like to make a few observations.

[The Assistant Minister for Local Government]

I would like to congratulate the Minister for Lands and Settlement and his two Assistant Ministers, and the Ministry of Lands and Settlement as a whole, for having speeded up land adjudication in my constituency and Siaya District in general.

Mr. Speaker, Sir, I must say that the land registration in my division is now completed. My only request to the Minister is that we have some cases—

Hon. Members: Are you seconding?

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I am seconding and at the same time making my observations. Can you, hon. Members, give me a hearing?

Mr. Speaker, Sir, I would like to take this opportunity to appeal to the Minister to listen to some of the appeals that have been made to him for the last three years which are outstanding. The *wananchi* who have a dispute and who are appealing for their case to be heard are anxiously waiting for the Minister to travel to the area concerned and listen to the cases.

Mr. Speaker, Sir, I would like to say something about the physical planning department of the Ministry. The predominant businessmen in the rural areas are the people trading in market centres. Some of these businessmen apply for loans from the Joint Loan Boards, the Industrial and Commercial Development Corporation and also the banks. Some of these traders have put up very impressive and expensive buildings in these local markets but they cannot mortgage or offer their buildings as security because the buildings do not have title deeds. I am, therefore, appealing to the Minister to inform his field officers that instead of concentrating in municipalities, town councils and urban councils they should diversify their physical planning in the markets and rural centres so that the markets can be surveyed and the owners of these plots issued with title deeds to enable them to earn loan money from the banks or from the Industrial and Commercial Development Corporation.

Mr. Speaker, Sir, there are complaints all over the country on the district land registrars. The district land registrars complain that there are no green copies to issue the title deeds. We have areas that have been registered but the title deeds cannot be issued because of the shortage of the green copies. I, therefore, request the Minister to try and get the green copies sent to the districts so that the people who want to buy their title deeds can buy them when they need them.

With those few remarks, I beg to support.

(Question proposed)

Mr. Kiilu: Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to speak on the Vote of the Ministry of Lands and Settlement because the Ministry has a lot to do within my area.

Mr. Speaker, Sir, I am sure that the Ministry has been doing very well as far as the issuing of plots in the settled areas is concerned. Mr. Speaker, Sir, I have not spoken on the title deeds but I would first of all like to speak on the issuing of plots in the settled areas. There are mistakes on this point which I think should

be looked into. This point is very important because there have been many people who have been living with-in these settled areas illegally and yet they were registered a big anomaly because some of the people settled registered they were promised plots and yet the plots were given to other people who do not come from that area. My main request is that the people who have been living there, especially in Donyo Sabuk Location, Dalani, Dithini and Manaza are given plots. There has been a big anomaly because some of the people settled got letters from the Minister for Lands and Settlement and they were allocated the plots while they can afford buying land for themselves. Most of these people I am talking about need about five acres.

Mr. Speaker, Sir, we know that the Government did much in dividing the piece of land into five acre plots but when about 20 plots are combined together and one person has more than 100 acres is very bad. The poor people concerned need only five acres. Would the Minister, therefore, think deeply and consider the poor people who cannot afford to buy the plots and leave the people with money to buy plots for themselves? There are people who need surplus plots and this should be stopped.

Mr. Speaker, Sir, there are some people living in that settlement scheme and yet they were not given the plots officially. I am therefore, urging the Government to let these people live in that area officially. If this is not done, then, the Minister should check the names of the right people to be settled with the administration because the administration is aware of this. If the Ministry would like to do a good job, since what it is now doing is bound to bring a lot of confusion and trouble in the near future because there are people who have no where to go, and no money to buy land and yet they are unsettled. These people think that it is better to die than stay without land. That is the reason why some people were killed in this area in order to settle their disputes. I am therefore urging the Government to think deeply on this matter since the Minister is aware that 1,119 names were submitted to him for the allocation of the plots and yet these people were not considered. To make the matter worse these people have been served with notice to move from that area. These notices have come from the field officer at Thika. Where are these people expected to go?

Mr. Speaker, Sir, a notice was given to a person who has lived in that area for a long time to move from the area but this person has not been told where to go. I took this letter and gave it to the Minister for Lands and Settlement, Mr. Againe, and I asked him to think about it. If he was here, I hope he would have told me what is going on now.

Mr. Speaker, Sir, it is therefore better for the Ministry to consider these people seriously since they have no money, they do not know where to go and yet they have lived there since the colonial era. Where does the Ministry of Lands and Settlement want these people to go. To leave these people without plots is as bad as plots is to be done well, then, I wish to ask the Ministry to consult the administration and issue plots to the

[Mr. Kiilu]

people who come from that area and failure to do that will mean trouble because the people have no where else to go. To leave these people without plots is as bad as killing them. Why not give them the five acres since the rich people need more than 200 acres? The Government should sympathize with the poor people who have no money in this Republic and failure to do that will mean trouble within this Republic. We should not let people get surplus land while other people have no land.

Mr. Speaker, Sir, the people who live in Yatta seem to have been forgotten by the Government. Title deeds have never been issued in this area and, I am therefore, urging the Government to issue the title deeds since they stand as security for loans. If this is not done we shall not have the security to borrow money like the other people in this Republic. The Ministry of Lands and Settlement should consider Yatta as a whole because the people there cannot get loans to stock their business and succeed like other people.

Mr. Speaker, Sir, the people of Yatta have been told that they cannot be given farming loans. The people there are very active and they know what to do because they have heeded the call by His Excellency the President to go back to the land but as a result of doing all this, they are not given loans. That means that in case they will be given loans, as far as farming is concerned, then a lot of work will be done within the area. Therefore, there are so many things which I would like to request the Ministry of Lands and Settlement to consider very deeply and take action. This is simply because we seem to have been cut-off from the rest of the world. Now, this means that it would make the people realize that Government has been doing nothing for them. However, I would like the people to feel free like other people who are living in other parts of the country. They should be given the necessary things so that they may not think that the Government has done practically nothing for them. Something should be done for them so that when some of these things are mentioned, they know that they have them already in their area.

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

Mr. Cheserek: Mr. Speaker, Sir, I stand to support the Estimates of Recurrent Expenditure for the year ending 30th June, 1975 for the Ministry of Lands and Settlement.

First of all, I would like to support the Vote of the Ministry of Lands and Settlement. However, I have some requests to make to the Ministry. I have something to tell the Minister for Lands and Settlement, but since he is not present, I will tell it to the Assistant Minister for Lands and Settlement because he is present.

An hon. Member: Do not worry about the Minister; tell it to the Assistant Minister!

Mr. Cheserek: I am not going to be challenged by an Assistant Minister! I want the Minister himself so that I can tell him what I want!

An hon. Member: Address the Chair!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point

of order, Mr. Speaker, Sir, is it in order for the hon. Member to address the Assistant Minister who is across the Floor without addressing him through the Chair? Is it in order for him to do that when he has been here for the last four years and he would know the Standing Orders of the House?

Mr. Cheserek: Mr. Speaker, Sir, I did not address the Assistant Minister for Lands and Settlement; I addressed the Chair and I am still going by that rule.

Mr. Speaker, Sir, my first point which I want to put across to the Minister for Lands and Settlement is this—

An hon. Member: What is happening to you today? Have you anything to say? If you do not have anything to say then you had better sit down and give other hon. Members a chance to speak!

Mr. Cheserek: I have a lot of points to put across to the Minister for Lands and Settlement and the first one is this: I know and I understand that the Ministry of Lands and Settlement started giving out land as far back as in 1962. This was done in settlement schemes. Now, I want to tell him exactly what is going wrong in some of these settlement schemes. This is the question of roads in the settlement schemes.

An hon. Member: That was *Majimbo's* work!

Mr. Cheserek: I am not talking about *majimbo* now because they are gone! I do not know whether they have gone with the Kenya People's Party or the Kadu.

An hon. Member: They have gone with the Kadu!

Mr. Cheserek: Mr. Speaker, Sir, I do not want to be interrupted anymore!

Mr. Speaker, Sir, we have difficulties and problems in the settlement schemes. Now, I want to put across some of these difficulties and problems to the Assistant Minister for Lands and Settlement who is here. We have roads in the settlement schemes which were constructed by the Department of Settlement either in 1962, 1963 or 1964. No one is maintaining those roads at the moment. They are just left like that. Now, I want to tell the House and the Minister for Lands and Settlement that no one is maintaining these roads throughout the country. This is a problem which is affecting all of us who are living in the settlement schemes. For instance, people living in the settlement schemes are not able to supply their milk outside their area; they are not able to take their maize out of their area and they are not able to do any form of business transactions because of poor roads. Now, I want the Assistant Minister for Lands and Settlement who is present to take note of this. He should consult the Ministry of Agriculture and see which roads he is responsible for their maintenance. I say this because we have tea in the settlement schemes and also pyrethrum flowers and these crops should be taken care of. For instance, in areas like Nyandarua where my hon. good friend, the Assistant Minister for Tourism and Wildlife hon. J. M. Kariuki comes from, we have very many roads which were constructed by the Department of Lands and Settlement but no one maintains them. They are just left to the mercy of the poor *wananchi* who cannot do anything to improve them. Therefore,

[Mr. Cheserek]

that is the reason why I am asking the Assistant Minister for Lands and Settlement together with the House to do something. The Ministry of Works together with the Ministry of Lands and Settlement should meet together and see what they can do about these roads.

Another question, Mr. Speaker, Sir, is the question of artificial insemination. I would like to tell the Assistant Minister that whatever his Ministry did in my area as far as artificial insemination was concerned, it is all useless now. Now, whether the Ministry of Lands and Settlement gave us enough semens, we were short of staff and, therefore, no work was done. As a result of this, we have gone back to our old practice of using our own bulls to fertilize our cows. So, I am asking the Assistant Minister to give us more staff and more semens. However, I am sure that all this problem has been caused by lack of good roads for communication purposes. For instance, when semen is sent to us from Nairobi, it does not reach us in time simply because the roads are very poor. Therefore, this is one of the problems that I would like the Assistant Minister to see to it that it is solved as soon as possible. At the first, the Department of Settlement had a programme whereby they used to supply semen to everybody. However, now if one goes to that Department, he does not see anybody going there. This is simply because there are no good roads for communication. Now, I want the Assistant Minister to go and see the Minister for Works and also the Minister for Agriculture and see what can be done as far as the problem of good roads is concerned.

Another thing, Mr. Speaker, Sir, is the question of water in the settlement schemes. We do not have water in the settlement schemes simply because the Government used plastic pipes to bring water to the settlement schemes and these pipes are now torn away. So, there is no water going to the people in the settlement schemes. Now, even if the Assistant Minister for Lands and Settlement goes there, he will still see that those plastic pipes are old and they have been torn away. Therefore, I want the Assistant Minister for lands and Settlement to bring us metal pipes and not plastic pipes for drawing water. Now, I do not know whether the farmers had been given loans to buy these plastic pipes and if that is the case, then I do not know whether those loans will be repaid because of the problem of water. We had been given loans to buy cows and these cows have no water to drink and, therefore, how can we repay these loans when we are still suffering? I think the Ministry of Lands and Settlement should go and make an investigation and see what can be done as far as the question of water is concerned. I understand that there were voluntary workers like the peace corps who were going round carrying out the investigations but, I am sure that some of them did not know what to say simply because they had come from school. So, when they come out from school and joined the Department of Settlement, they were given responsibility of water but they did not know what to do with it and they failed completely. I think these people should form a committee composed of people from this country and air

the grievances of our people. We are really faced with a big problem.

Mr. Speaker, Sir, we have title-deeds for our plots but when we apply for loans we do not get anything. When I come to see the Industrial and Commercial Development Corporation for a loan, I am told that I cannot be given. I am sure that even questions have been brought to this House in regard to this matter. We are told to go back because one person has not repaid his loan. Now, how can this work? Why should somebody be told to go back simply because somebody else has not repaid his loan? We cannot accept that. Therefore, I am urging the Ministry of Lands and Settlement to give back title-deeds to those who have already repaid their loans so that they can get loans elsewhere. Why are you refusing with the money and yet it is in our country? Why is the Ministry delaying our title deeds even those of trust land?

With these few remarks, I beg to support.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I would like to state that on the question of maintenance of roads the Ministry has earmarked an amount of money for these purposes. The only thing I cannot understand is why in 1974/75 we have a less figure than in 1973/74. That is a "staggering" point indeed. I feel that there should be co-ordination between the settlement officers in the field and the people who work out the estimates so that we do not have to duplicate the amounts involved.

The other point I would like to put across to the Minister is in connexion with the rates. The Commissioner of Lands is supposed to collect the rates; and therefore, I would like the Ministry to make sure that everybody in this Republic pays rates; and not only a section of people to be requested to pay rates while others do not pay the rates. I would like him to pay special attention to this one because I know some big people might not wish to pay the rates. This is very serious because this money belongs to Government and should, therefore, be paid by everybody. If the officers are cowards in asking these rates, they should be told to do their jobs irrespective of who is owning a plot anywhere in the Republic.

Secondly, I would like to put across to the Ministry the question of the "servicing debts". If you look at Vote 17 you will see that the area of the settlement controller is still earmarked to pay so much money. For example, the United States loan is about £554,000; the other one is £540,000; this means that we still have to pay a lot of money. Yet to date, we have not started repaying the actual loan; what we are repaying is the "servicing debts"; that is what I want the Assistant Minister to tell us. Have we actually paid the "servicing debt", what is the interest since 1963? If not, what method are we going to apply to make sure that this loan will be repaid? I am quite sure that Kenya Government has not even made an attempt to ask the British Government to write off these loans. I have reliable information to that effect and I am therefore, right in saying so. This is a very strong challenge to the Cabinet so that they can do it tomorrow.

[The Assistant Minister for Tourism and Wildlife]

The other point I would like to put up is in connexion with the Ol Kalou Salient. I have already written to the Permanent Secretary in this Ministry telling him that there is injustice done in this one. What is more serious is that the big people who own plots somewhere else are being allocated with other five-acre plots at Ol Kalou Salient. These plots should have been allocated to some clerical officers in the Ministry of Lands and Settlement. Instead, you find some people who are district commissioners owning plots there and yet they have been given other plots elsewhere. What a greedy situation!

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, Sir, do you not think that the Assistant Minister needs to substantiate his allegation on these gentlemen who are getting plots at the expense of the poor people?

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Yes, Sir, I can do that. I can lay a list of their names on the Table and the Permanent Secretary in that Ministry knows that. I did my homework in fact, this House knows very well that if I say something I always do my homework before uttering anything here. Directives come from the Ministry of Lands and Settlement. Normally, you expect a meeting chaired by a district commissioner and this meeting is attended by some district leaders who agree on the names of the landless people. Therefore, I would like the Ministry to tell us where the meeting was held; what date and who chaired it? There are so many people who are being settled there and who do not go through the meetings I have mentioned. Such persons get letters from big people and they go there to get plots. Mr. Speaker, Sir, I am prepared to lay a list of names on the Table of the House tomorrow to prove that the people who are well-to-do are being given plots which the poor people should actually get. This is ridiculous! This is greed, it is this greed that will put this country into chaos. Let me state here that this greedy attitude among the leaders is going to ruin this country and the damage will start with them. This is because the leaders are going too far. This greed should come to an end; if it does not come to an end, the time is too short for them!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, the allegation I want the hon. Member to substantiate is of a district officer who has another plot somewhere and who has been given a five-acre plot in the scheme referred to. This is important for the record. I may not know; and if I know I will take action.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): The district officer whom I mentioned is well known. When I produce the list of names here he will be able to see the name of this officer. Why do I have to name that district officer now when I have said that I will produce a list of names tomorrow. All I want the Minister for Lands and Settlement to do is to stop all those people who have been allocated with plots and yet they own land somewhere else from being allocated more plots. This is because the Minister gave

assurance in this same House that nobody will be settled from outside unless the landless people there are settled first. What criteria is the Ministry using to select the people who are to be settled there? We know that criterion No. 1 is landlessness; No. 2 is unemployed people. Are these the criteria being used by the Ministry of Lands and Settlement when allocating these plots?

Hon. Members: No.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Even in that Ministry there are very many people who are allocated with plots only to find that the plots so allocated to them have been given to some other people. I am aware of all these things because I am a politician of a long standing in this country. Therefore, I would like the Ministry to deny categorically that there are people brought from outside to be settled there. All I am saying is that we should consider the landless people first. For example, there is Loiso Settlement scheme, I have a list of names of people settled in this particular scheme that was supposed to help the landless people. Who are they? Are the masses of people in this country going to be so blind as not to know what is going on in this country? What does our Constitution say as to who should own what?

Mr. Speaker, Sir, I am sounding this as a warning and it should be taken seriously that this greed is going to ruin us! By saying this I am not implying that the Minister especially his Assistant Ministers here, is the one who has done that? Maybe he is not aware of this. I would have liked the Minister himself to be here personally as I was going to pinpoint and say a letter had been written by him. However, I would like to state that this is a very serious matter because it is the policy of the Government to settle people who are landless and not the people who own land somewhere else. Where will our poor men go if we are to continue at this rate? In fact, I can see this country is going to disregard the poor persons for good if leaders are being too greedy. They have even gone as far as Masailand saying that they are doing experiment whereas the whole of Masailand has been taken by these greedy people under the pretext of training the Masai to become farmers.

I call this "robbing" because, how can you take land as much as 3,000 acres under the pretext that you are experimenting for five years?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. That is a very serious statement. Following what one hon. Member said, that one of the Permanent Secretaries goes there with bags of money and cheats the Masai could we be told whether this is the same thing whereby big men go round with money? Can the hon. Member substantiate?

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): That is very true; that is well known. In fact, I would like to state that the majority of these people are well-to-do and hold high positions in the Government. If anybody wants to doubt that—I am sorry Mr. Speaker, Sir, I am not a Back-bencher to raise this—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): I respect the hon. Member and I expect him to have done his homework as he says. However, could he seriously say—without making wild allegations—who these people are because making allegations of this nature will not help us, nor will it help the House?

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, these have been mentioned here before and I can continue mentioning them. The Provincial Commissioner for Central Province has an experimental farm there. Some of our permanent secretaries have farms there. Some of the Cabinet Ministers have farms there. It is not a secret. The mistake in this country is that we are trying to hide a lot of things, and that is why most of these people will not be returned to this House.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Could we be told who are these Cabinet Ministers owning farms in Masailand? Could the hon. Member give us two or three names of these grabbers?

Mr. Speaker: If I heard Mr. J. M. Kariuki correctly, and also what Mr. Shikuku said at one stage, apparently some of these names have been mentioned here before. So, I do not think it serves any useful purpose just repeating the names.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): I am sorry, my time is up, but I was not going to support this Vote because I would have requested that a commission of inquiry be established to look into the activities of the Ministry of Lands and Settlement throughout the country.

Mr Muthamia: Thank you very much, Mr Speaker, Sir, for giving me chance to air my views. In the first place, I would like to thank the Ministry of Lands and Settlement for the work they have done.

Mr. Speaker, Sir we ought to know that this is one of the most difficult Ministries in this country because it deals with a very sensitive issue of land. We know very well that land is the back-bone of this country. The Minister, his Assistant Ministers and the heads of departments have done a lot of work since we attained Independence. I must say this because if this Ministry was given to some greedy persons to run, as hon. Kariuki and some other hon. Members have said, most of them would now be in prison. However, the Ministry is working properly because it was given to capable people, people who are not corrupt. As we know, when some of the present Ministers were given some statutory boards to run, it became necessary to have an inquiry set up to look into their activities. If this Ministry was given to a corrupt person, it could be in chaos because there is a lot of money which is handled by the Commissioner of lands, which comes to him in the form of rents and some other things. However, although I know this Ministry is run by capable people, I want to point out some weaknesses which I have seen in my area.

Mr. Speaker, Sir, I think the big officials in Nairobi do not know what is happening in the rural areas. If I may cite an example two or three officers from this

Ministry were demarcating plots in one of my areas, at Kaongo. Instead of demarcating plots for the people, they went and chose the best place for themselves. They allocated the best plots to themselves. However, there is no question for me being asked to substantiate because I have already written a letter to the Minister to nullify this allocation. The officer I am talking about is Mr. Ndwiga by name. He has allocated himself a plot of 24 acres in my area. He comes from Embu. He has taken this land from poor people and left them landless. When the Director of Adjudication discovered this, he moved this officer from Meru to some other place. To remove him from there is not enough because he still claims that farm. Right now there are three cases in court. When I was at home during the weekend, one poor person came to my home with notices from an advocate employed by Mr. Ndwiga to the effect that this person and two others should move away from his farm. He now calls it his farm. This is a very serious matter, where an officer entrusted to do Government work, goes to a certain place and tries to acquire a farm through illegal means. This is a very touchy issue and should be looked into seriously.

Mr. Speaker, Sir, I would like the Adjudication Department to continue adjudicating land in the area in the lower part of Makandune. I remember there was a dispute between my constituency and hon. Njeru's constituency. However, the dispute has now been settled and I do not see why the land adjudication officers should not be sent there to finish the work which was started some two or three years ago.

Mr. Speaker, Sir, there is an area in my constituency by the name of Kibirichia. This is a well known place because it produces the best potatoes in the country and also grows a lot of pyrethrum. However, there is a big snag in that area. When the area was first demarcated, there were people still living in the emergency villages. These villages were divided into plots of six acres each. The owners of these plots were given title-deeds. However, it happened that some people were still living in their houses, on these plots. The persons who were given title-deeds for these plots now want to evict these people. What they are doing right now is to sue the people who are living on these plots. However, it is not the mistake of the people living on these plots to be there, but they were built these houses during the Emergency, back in 1953. I think it is the duty of the Ministry of Lands and Settlement to see to it that these people are removed from these plots and given other plots in the former White Highlands. However, Sir to evacuate these people from where they have lived for the last 14 to 15 years without telling them where they are going to be settled, is very bad. Therefore, Sir, these people are taking this matter very seriously.

Now, Sir, the Ministry of Lands and Settlement has been employing labourers and paying them a salary of Sh. 120 per month. When these people have been with the Ministry for 364 days, they are expelled, so that they do not continue working for the Ministry for another year. This is done in order that these people will not claim to have worked for the Ministry for a continuous number of years. Mr. Speaker, Sir, some of

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these labourers have been working for the Ministry of Lands and Settlement for the last 12 years, and their salary is exactly Sh. 120, and they are not given any increment at all. Now, could we be told Sir, where else in this country a person works in one place for 12 years and he is not given any increment at all?

An hon. Member: Those ones are much better off because in Moyale they get only Sh. 80!

Mr. Muthamia: Mr. Speaker, Sir, I do not see why the Ministry should use such a dirty tactic, whereby a labourer is sacked from the Ministry after working for 364 days so that he is not counted to have worked for a continuous number of years.

Mr. Speaker, Sir, there are two pieces of land which were bought by the Government, one of them is Maranya Farm and the other one is Lewadau. Now, the county council has chosen good places for buildings on the plots. However, Sir, the county council has received Sh. 21 from every one of the 600 applicants or so, and they are making a lot of money from these plots instead of the Ministry of Lands and Settlement getting that money.

Mr. Speaker, Sir, with those few remarks, I beg to support.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I would like to make certain comments about the Ministry of Lands and Settlement. However, let me first of all say that it is not an easy Ministry to run because land matters are very sensitive. Land matters are also very crucial and political. Therefore, if anybody thinks that these are easy matters, then he is day-dreaming.

However, I would like to say that it is because of the same points which I have made here before that I feel obliged to make the following comments. First of all, there is the question of settlement. This particular Ministry is known as the Ministry of Lands and Settlement. Now, land settlement, in my view, Sir, has been handled in a very unsatisfactory manner so far because there are some people with more than five farms. That is bad land policy. It is also true that in the last five years—this is my fifth year in this Parliament—I have made this point here, that the Ministry should make a deliberate effort to settle some of the Nairobi landless people. I would like my colleague here, the Assistant Minister for Lands and Settlement, to stand up and tell us at least what has been done, what is being done and what is intended to be done towards this ends, because Nairobi cannot be ignored. I have said here before, and I will repeat it once more, that Nairobi is like the heart of a man. You cannot have a body without a heart, and neither can you have Kenya without Nairobi. Some people tend to forget this. Do you think that you can have a progressive and stable country if the people of Nairobi are unstable, hungry or landless? This is day-dreaming.

The other day, a lot of people were harassed by the Provincial Administration along the Nairobi River, and this seems to be done every time we are debating this particular Ministry, perhaps to remind us that those people are still landless. Mr. Speaker, Sir, what is going

to be done about the landless people of Nairobi? These are our own people; they are not foreigners and nobody can stand here and say that they did not fight for *Uhuru*.

Now, Sir, I would like to say that the Minister should—if they have not yet done this—have a scheme specifically intended to help the landless people of Nairobi. There is no need for a long debate on this because all you have to do is to drive down to the Mathare Valley or along the Nairobi River or to the Parklands area and see the number of shanties belonging to the landless people in this City. It is very sad indeed, that every year when we debate this particular Ministry, we must keep on reminding them about these people. I may be told that a few people have been offered plots here and there, but—

The Assistant Minister for Tourism and Wildlife (Mr. J. M.): A point of information—I would like to inform the hon. Member that the landless people of Nairobi could be settled properly around Karura Farm, which the Ministry of Education one day wanted in order to build an institution and settle some people there, but this area was re-gazetted, so that it could be given to three individuals.

The Assistant Minister for Education (Mr. Rubia): I am grateful to the hon. Member for that information. Now, if that was the case, it is truly criminal in the social sense. In the sense of African Socialism, it is criminal to do so. Therefore, Sir, I would like to say this—

Mr. Nthenge: On a point of order, Mr. Speaker. Do you not think we are entitled to know the three people who have been referred to here?

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, my time is very short, and I do not want hon. Members to make me miss out some of my points.

I would like to ask the Minister to consider this matter very seriously. The few people who may have been given a plot here and there in the City of Nairobi are not enough. I know I have sent many people to that Ministry, and a few of them have actually been given plots. However, the mere fact that they have given some of these people some plots here and there is not an excuse. We know also that there are some people in this country with more than one plot, but they have no more right than any one else here to own more than one plot.

Mr. Speaker, Sir, my other point is this: I think the Ministry of Lands and Settlement should come out with a very clear statement as to what is the procedure of applying for a plot of land, regardless of whether it is for building a house in Nairobi, for the purpose of a farm, for putting up a petrol station, building a flour mill or a factory. These are some of the very, very dubious things that go on in my own mind because every other day I see petrol stations mushrooming everywhere in the City. I have lived in the City for many years and every other day I hear that So-and-so has been given a farm. Therefore, what is the procedure that the ordinary man should follow to appeal to his Government in order to be given a piece of land? I think we should make this very clear to *wananchi*, so

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that they would really know what to do. Without this, Mr. Speaker, I think some people may deliberately have used the ambiguity to benefit themselves.

Mr. Speaker, Sir, there is a very sensitive question also on the valuation of land. We have said this for many years. Even our own beloved President has stated that we must have proper valuation for our land. That means there should be no inflation; there should be no question of "willing buyer, willing seller", and, therefore, the price can go up and so on. This is all nicely stated in the context of our politics. However, when you come to the home politics, it is nonsense. Therefore, Sir, the Minister should look into this and then let us know the position. We know that our President has said very clearly that we should have our own people as land valuers and not foreigners.

Obviously if a *mwananchi* is bad, then a foreigner is even worse! Therefore, I would like to assure the hon. Member that if a *mwananchi* is a bad valuer, a foreigner is ten times worse. If the hon. Member is doubting his own people, that is his own problem because I trust my people and that is why I am saying that we should have our own people as valuers of land. I am saying this because this question of "willing-buyer-willing-seller" policy has failed totally. We know that people are paying exorbitant prices for coffee farms because coffee is fetching a lot of money whenever it is exported. However, there is no relationship between the price paid by our fellow Africans and the price the white man paid for that farm or even the salary he is paying his workers. Therefore, this is why I am saying that this question of valuing our land should be seriously looked into. The same thing applies to land in and around our towns. I am saying this because it is becoming increasingly difficult to acquire plots in towns and in market places. You have to be quite a wealthy man with some connexion with the banks; you have to be known by certain people to be able to get sufficient money to buy a plot in Nairobi or in some large towns. This is happening because we are paying very high prices for our land and this must stop.

Mr. Speaker, my last point is this: I think the population of Kenya is progressively moving into towns and we have to look ahead and see how we can improve their standards. We cannot ignore these people because the fact that the majority of our people live in the rural areas does not mean that we can forget our people who are living in large towns. Therefore, we should devise a deliberate policy to cater for the influx. For instance, Sir, in my view it is idle and negative to think that the municipalities will be able to house our people. Therefore, we should set aside some land to encourage home ownership, and this can only be done by the intervention of the Minister for Lands and Settlement. Some land should be set aside to encourage the African home ownership—away from these grabbers who seem to want to take all land for speculation purposes—away from these greedy people we hear about and who want to speculate on land. This is very important because if we want stability in this country, we must work for it. Stability does not come from just mere talk and

you have to labour for it and also prepare for it because it is a very delicate "child".

Finally, Mr. Speaker, Sir, I would like to say this: like my hon. friend, Mr. J. M. Kariuki, I would like to say that we should have a committee of inquiry because we have heard a lot of allegations in the last few years on land matters.

With these few remarks, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I would like to join my friends in congratulating my hon. colleague here—the Assistant Minister for Lands and Settlement—who tried very well to move his Ministry's Vote. I hope in future, he will continue to do so and in a better way than today. However, I would like to know from the Assistant Minister how he issues letters of allotment with regard to plots. I would like to know from him how some people are able to acquire land in preference to others who may have applied for the land at the same time. Here, Sir, I would like to give an example and my hon. friend from Tana River South will bear me witness on this matter. Mr. Speaker, Sir, about 107 people from Tana River District applied for about 15,000 acres of land around Kipini area. However, Sir some other gentlemen by the name "Nairobi Ranching Company" applied for about 53,000 acres in the same area, covering also the land already applied for by the people of Tana River. Six months later, this land was given to this so-called Nairobi Ranching Company. This company is registered and gazetted and, therefore, if hon. Members are interested to know more about it they can go through the records. Mr. Speaker, Sir, I would like to say, straightaway, that I am not jealous about these people who obtained this land, but my question here is: what criteria was used, and yet the Ministry must have been aware of the case of the 107 people from Tana River since these applications were forwarded through the normal channels. However, the people in charge of allocating this land did not give the slightest consideration to the poor people from Tana River. They should have been given the 15,000 acres they wanted and the rest given to the other people. However, these other fellows were given the whole block of land. Therefore, the question we would like the Ministry to answer is: what is the criteria used in the allocation of land in this country?

Mr. Speaker, Sir, I do not want to speculate on what is going to happen in the areas neighbouring Lake Kenyatta and Garsen. However, I have of late noticed a number of strange vehicles in these areas. However, I know that the co-operative societies within Witu and Lamu have applied for the same land but for the last three years they have had no reply. I do not want to speculate that these other new gentlemen with strange vehicles are going to be given this land. However, if this happened, it would be the most sad affair because I know some of these gentlemen with strange vehicles bearing Kenya registration numbers have some land somewhere else. Are we really going to give our land to these people while our poor people are waiting for this land? Mr. Speaker, Sir, if this land was not applied for either by any co-operative society or by a

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group of ranchers there could be sense in giving it to some other people. However, here are poor indigenous people who have applied for this land and yet some other group from nowhere, and with land in some other places are given the land. Mr. Speaker, I hope that one day God will come to our aid.

Mr. Speaker, Sir, my second point is this: the Assistant Minister for Lands and Settlement when replying to a Question in this House, indicated to us that a certain Asian in Garissa had acquired about 100 acres of land. The name of this Asian is Nuldi; he was given this land, this resulting in the eviction of the local people who used to occupy this land. I would like to ask the Minister to revoke this decision because whoever took it, whether the provincial commissioner, the district commissioner or the district officer made a wrong decision. This Asian, Mr. Speaker, took over the land and evicted the local people with the permission of the Provincial Commissioner for North-Eastern Province. Mr. Speaker, Sir, the hon. Member for Iveti South says that the Asian has the money and, therefore, he has more preference than the *wananchi*. However, Mr. Speaker, we cannot forget that we, as hon. Members of this House, will soon be going to these same *wananchi* to look for votes. These fellows have nothing to lose. They even openly say that when there is a new Minister they will still serve in the Government with him, while others say that even if there is a new Government they will still serve in the Government as civil servants. These fellows cannot be called genuine workers in this country because if they continue saying that they do not mind even if we are toppled—I do not think they are genuinely serving this country. Therefore, my sincere appeal to the Minister is that he revokes the decision which gave Mr. Nuldi 100 acres at the expense of the poor people who were living there.

My third point on the Ministry of Lands and Settlement is that the people along the coastal strip feel that it is now time that the indigenous people took over the land owned by foreigners. Secondly, the Minister should provide the money to buy off some of these Arabs who continue to own this land while they themselves are outside the country. Some of these Arabs are in Yemen, Aden, Cairo and in some other places. They have left their land in the hands of their advocates, and I can name many of these fellows. Mr. Speaker, after 11 years of Independence we would like to be told whether there is money to buy off these fellows or not. Either our people are going to get the land back or not. Once we have this answer we shall be settled. We have been having working parties and even a select committee was appointed to look into this matter but it died in thin air. I think waiting for 11 years is just too much. Even our own children, Mr. Speaker—I happen to have about nine of them and I know that it will not be an easy life for them.

An hon. Member: How many?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Nine. I think the people at the Coast are entitled—

An hon. Member: You are too short to have nine children!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, my friend here says that I am too short to have nine children. Incidentally I have them.

In my final point I would like to request the Minister to do something—

An hon. Member: And how many acres of land do you have?

The Assistant Minister for Information and Broadcasting (Mr. Kase): In fact, I have nothing. I am, in fact, a squatter on Government land. Mr. Speaker, Sir. Finally, I would like to ask the Minister to increase his staff in the field. In the whole of Tana River District there is no person with a title-deed for his land and no market has been surveyed. I would like to challenge anybody to tell me any person who has a title deed in that area or any market which has been surveyed. How do you expect these people—

An hon. Member: Is that also Arab land?

The Assistant Minister for Information and Broadcasting (Mr. Kase): No, fortunately there are no Arabs there. They did not come up there. How do you expect these people to get any loans anywhere? We have a township at Hola and for the last five years we have been told that it is going to be planned or it is going to be surveyed. Since I was elected to this House in 1969 I have always been told that same language. Now, we are in 1974 and the same song is being sung to me. Could the Minister now tell us whether we are going to have this survey or not. We also have little towns such as Kipini, Garsen and Bololo which are also not surveyed. Let us have the officers of this Ministry serving people in these areas. If they do not want to do it we should be told so. We are told that there is a record of titles in Mombasa and many officers who can do this work. But can these officers not move out of Mombasa beyond Malindi? Our problem is that once these officers leave Mombasa and get to Malindi they say the next road is a murrum road and therefore, they cannot get there. They were given cars but they said cars were too weak for the road. They were later given Land Rovers, and I do not think such vehicles are weak for this road. I am therefore, requesting the Minister to do his utmost to see that we are able to get our markets surveyed and title-deeds issued. In fact, we cannot develop Hola Town at the moment. Every time we tell the Minister that we want to develop this town he tells us: "Wait for the survey and town planning work to be done" but nothing has been done for the last seven years. We either want our people to progress or we do not want them to progress. There are also very many other areas which need such services. I would like the Minister to seriously consider how in the final analysis, he can give plots to some people while others do not have them. When we speak like this we are not jealousy of others, but I think we need similar services.

Mr. Seroney: Mr. Speaker, Sir, while we appreciate that both the British Government and the Kenya Government have done something towards the transfer of

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land from the hands of *Wazungu* to Africans, I think after 11 years since that exercise started we are entitled to question whether the programme is going fast enough.

Mr. Speaker, Sir, it is strange that 11 years after we are supposed to have governed ourselves, our *Uhuru* which I am sorry to say that we got with strings attached, has still got those strings still going strong. I think it is time we in this House gave a warning to all those non-Africans who are still owning thousands and thousands of acres of land hoping that they will be allowed to continue to farm them indefinitely. We should issue them with notice to sell these farms now or else we nationalize them tomorrow. It is true that only a few farms remain in the hands of non-Africans. You will notice that I have used the term "Non-Africans" because under our Constitution, unfortunately it is possible for other people to get themselves registered as citizens of this country. I have no quarrel with that but I have seen in places like Nandi Hills that these people who are registered citizens are perhaps even worse than those who are still plain foreigners. I think we should be realistic and tell these people to read the writing on the wall, and if they want to continue staying in this country they should change their mode of living and transfer their industries away from agriculture to some other places. This is because *wananchi* want their own land back. The fact that we still have pockets of agricultural land which is still owned by non-Africans is in itself creating security problems. The few these farms become the higher the competition for them becomes. There are groups and groups of *wananchi* who are competing for them. The more these non-Africans are reluctant to sell these farms, just because, perhaps, Mzee Kenyatta has increased the price of milk, wheat and maize and they want to go on benefiting, the more they are endangering their own positions. I think it is time we had a second look at Section 75 of the Constitution. It is a pity that we have some Members in this House who have done their best to represent the interests of these people, to the extent that they are the best protected people in this country. It was on the Floor of his House in 1971 that I introduced a Motion asking for leave to amend Section 75 of the Constitution and the Attorney-General stood on the Floor of this House and assured the House that he was going to take steps to stop speculation in land. This was a headline in the *East African Standard*. We have waited for this move on the part of our Attorney-General but it seems as if we have waited in vain. I think he was only giving his assurance to the House so as to get hon. Members here to vote against my Motion. However, I think that the life of this Parliament is running out, and depending on my being here next time, I serve notice of re-introducing a Motion to amend this particular section because it is unduly exploited and I think it is time we became firm with these people.

Mr. Speaker, Sir, looking through title-deeds in the Lands Office I discovered that there is a big racket which goes by the name of Lands Limited.

An hon. Member: What?

Mr. Seroney: Lands Limited. This Lands Limited is a company which was set up at Independence and is selling or attempting to sell African land twice. They sold the first time and gave the money to *Wazungu*. and then they were given lease to continue occupying the land they have already sold and receive the money. overseas. I can see the Minister for Lands and Settlement nodding his head because what I am saying is true. These people, who are tenants of the Settlement Land Trustees, if you go to them and say that you want to buy their land they will quote a fantastic price for you while, in fact, they have already pocketed the money several years ago but they still want ten times or even 20 times more than that amount. Therefore, Mr. Speaker, Sir, I think we should take a drastic stand and make sure that these abuses are stopped once and for all because if we are really governing ourselves we are not answerable to anybody and if any foreign government does not like our policy they can close up and go where they want. Personally I feel very strongly that we should not allow these people to continue owning land in Kenya for yet another year. The time has come when all the land in the hands of non-citizens was given to *wananchi*.

Mr. Speaker, Sir, the other thing I would like to talk about is what other hon. Members have talked about at length, and that is in connexion with title-deeds which are given to settlers in Settlement Schemes. As a number of hon. Members have said, title-deeds should be given to all those farmers who have already finished repaying their loans. Personally, Mr. Speaker, Sir, I fail to see the reason why even those people who have not finished repaying their loans should not be given their title-deeds. There are some people who are denied the chance of getting their title-deeds on useless grounds. Most of the people who suffer greatly in this case are those who own small farms, let us say, farms which are not more than 70 acres. For the information of the hon. Members, there are some people who own more than 1,000 acres of land, but despite the fact that they have not finished repaying the Agricultural Financial Corporation loans advanced to them, they have title-deeds in their hands. Why are the small-scale farmers not treated in the same manner? I personally feel that all settlers in all the settlements in Kenya, for instance, Shirika, and Tharaka and what-have-you, should be given title-deeds for their *shambas* regardless of whether or not they have finished repaying loans advanced to them to enable them to buy those *shambas*.

Having said that, Mr. Speaker, Sir, I would now like to talk about the settlement schemes which the Assistant Minister referred to. In the first place, let me say that I do not like to entertain the idea that there exists a Shirika Settlement Scheme. I am not concerned with the other settlement schemes in the country. In Shirika Settlement Scheme people living there are only given two acres of land. However, I am made to understand that those people are supposed to be employees of the Shirika Co-operative Society. In the morning these people are supposed to do what the society wants them to do, but in the afternoons they are free to go and develop their own two-acres plots. If any of these people, according to the management of the society, is

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considered to be lazy he can be sacked at any time and that will be the end of the matter. I personally feel that these people should be given more acres of land in Shirika Settlement Schemes so that they can make a decent living. If this is done, these people can even keep cattle on their plots. I am also of the opinion that the Government should stop starting settlement schemes of this kind. That is the reason why I would like to appeal to the Minister to see that the Government does not start more settlement schemes of this kind in such areas like Uasin Gishu. In fact, the Government should be concerned with conventional settlement schemes which the Assistant Minister talked about.

Mr. Speaker, Sir, there is one point which affects me as the Member who comes from Nandi Hills region. Looking at the map of Kenya I can see the area which, for many years, has been referred to as Nandi Escarpment is being referred to as Nyando Escarpment. I am sure that the Minister sees that this is not only an insult to me as the hon. Member for the area, but also to all the people living in Nandi Hills region.

Mr. Speaker, Sir, with those few remarks, I beg to support the Vote.

Mr. ole Marima: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on the Vote of the Ministry of Lands and Settlement. In the first place, I am glad to see that the Minister for Lands and Settlement is in the Chamber today after a long time. In fact, for the last couple of years the Vote of the Ministry of Lands Settlement has been moved by an Assistant Minister instead of the Minister himself.

Hon. Members: Are you sure?

Mr. ole Marima: As far as I can remember, for the last two years the Vote of the Ministry of Lands and Settlement has been moved by an Assistant Minister. However, we should not waste more time on that point because it does not matter who moves the Vote because the Minister and the Assistant Ministers are all in-charge of the same Ministry.

Mr. Speaker, Sir, I appreciate what the Ministry of Lands and Settlement has done in Narok District. For the last four years since I was elected to this House over 30 ranches have been registered in Narok District. Further more over 30 people have been given title-deeds for their farms. This is something which has not been happening in my area. As far as I am concerned this is a step towards the right direction.

Most of the evils which befall this Ministry are created by the Minister for Lands and Settlement. In the first place, we should not forget that the Minister is in charge of very many departments, such as land adjudication, survey, Group Representative and what-have-you. On a number of occasions we have said that most of the mistakes which are done by a number of Ministers are not brought to the attention of His Excellency the President. Similarly, it is possible that some of the mistakes which are committed by the officials of the Ministry of Lands and Settlement are not brought to the attention of the Minister. It is within the nature of man that the stronger men will always be on top of the weak ones. In the same manner, the poorest will

always remain poor, whereas the rich ones will continue to be rich. In other words, who does not know that a man whose stomach is full has no time to think that there is man who is going without food for days? However, when there are chaos, the poor ones only lose their hair, but the rich ones lose a lot of wealth. This is possible because the poor people do not own houses and farms in the country-side, but the rich people have all sorts of properties throughout the country. All that the poor are interested in is to see that they have food to eat in the evening. In this country there are some people who are charged with the duty of distributing the wealth of this country impartially among all the people living in Kenya. This is exactly what is happening in all the Ministries, including the Ministry of Defence, the

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Ministry of Home Affairs and the Ministry of Foreign Affairs. However, the people who are supposed to be impartial in whatever they do in their official duties have failed in their duties. Normally, what happens is that these officers, be they districts officers or district commissioners, agree that each should protect each other in whatever they do be it illegal or otherwise. Some of them have a common agreement that none of them should reveal each other in whatever they do. If one officer helps the other one acquire something easily, then they have an agreement that he, too, shall be helped in something else. This is what is happening in the Government departments. One day the poor people in this country will reach a point of no return. It will be that either the rich people kill the poor people or the latter will kill the former first. Let us learn from the mistakes which have been made around us. I am not saying this to condemn anybody, but I am saying it with the hope that we shall correct the mistakes while we have the time to do so. Mr. Speaker, Sir, is this Government older, in terms of independence, than Ethiopia? In Ethiopia you have some of the wealthiest and the poorest people in the world. Pardon me when I say that there are some individuals in that country who have gone to the extent of having their individual armies besides the national army. What is happening now? What are we reading in newspapers today, and what shall we read tomorrow? Some people have marble mansions and unlimited wealth, but they cannot have more than three meals in a day anyway, nor can they live in all the ten houses they own! All the same, they want to own miles and miles of land and enjoy seeing some people squatting on it! That is what is happening here.

For my own safety and the safety of my own children, I wish and pray that we see sense to stamp out this greediness. History repeats itself. The Tsar Empire was destroyed because of stomach. The people became too greedy to be able to see beyond their noses. The same thing happened to the Roman Empire, as it has recently happened to some countries around us. A human being cannot be pushed so far for so long.

If you permit me to be parochial, I would like to say that in Narok District land is under the county Council. We have a system now whereby if you are in agreement

[Mr. ole Marima]

with the chairman of the local authority he signs a form to enable an old man in a certain family to lease his land to ole Marima for a period of seven years with the hope of being paid some money; but the old man never receives it. Such a thing has happened already. When land adjudication was started in my area, in Narok District, such a thing happened in my own family. When we registered our land as a group somebody approached one of our old men and told him that if he remained in the group he would not be able to get some money for his land. He was advised to break up from the group and get his own title-deed. This was done so that some people would be able to lease the land without paying anything for it. If this is the system which has been devised to take land in Narok, then let us watch.

Mr. Deputy Speaker: Mr. Munyasia!

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, is there any system whereby we can ensure that nobody is denied a chance of discussing at least one of the Votes?

Mr. Munyasia: Mr. Chairman, Sir, first of all, I would like to thank the Minister for Lands and Settlement.

Hon. Members: Some people are given a chance to speak on every Vote.

Mr. Munyasia: Mr. Chairman, Sir, there is a lot of noise in the House.

Sir, I would also like to thank the Assistant Minister for Lands and Settlement for the manner in which he moved the Vote of his Ministry. Furthermore, I would like to thank the officers of the Ministry of Lands and Settlement for having done their work quite well. All the people of Kenya get involved in the affairs of this Ministry because land questions are very serious. This is not something which should be played with. Last year we nicknamed the Minister for Lands and Settlement the "Minister for Action". I hope he still retains the title because he has heard the appeals which hon. Members have made to him, that he tries to eradicate some of the anomalies in his Ministry. We have heard of some people owning land in Masai and in Ol-Kalou illegally, and they must be stopped from owning it forthwith. If this does not happen it will be a very bad thing. Since the Minister is said to be the "Minister of Action", I am sure he will take this matter very serious.

Touching on what has been done in Kitui, where I come from, I would like to thank the Minister very much because during the last Ten Great Years of Independence no registration and demarcation of land had been carried out, but the Minister has now come in fully to do something. I am very grateful to him for that. The Minister started work in my constituency, my location, Matinyani, where the work is now about to be completed, and he has moved on to other locations in the southern, northern, western, eastern and central Kitui. This is a step forward.

However, I would like to appeal to the Minister to see that our people get the fruits of this exercise when it is completed. I would like to suggest to him that once a particular adjudication unit is completed he should not delay in issuing title-deeds. He should come for-

ward and make sure that title-deeds are issued so that the neighbouring locations may see the fruits of this exercise. If you wait for the whole district to be completed it might take you 15 or 20 years before you can issue title-deeds. I know, for example, that the people in Meru District have not yet been issued with their title-deeds for a long time after the completion of land registration there, and they have not yet had a chance to benefit out of the registration of their lands.

The other point is that I would like to appeal to the Minister to gazette areas, like Yatta Location where land has already been demarcated by the people themselves. All the Minister has to do is to move in and give registration numbers to the people there. The same thing applies to B2 Yatta in my constituency. The Ministry should give numbers to owners of the land there so as to show that a certain piece of land belongs to Mr. "X", "B" or "Y".

Mr. Deputy Speaker, Sir, there is one thing I would like the Minister to look into and I would ask him to tell me and the House something about it. We know that the Minister has set up very many committees to look into the question of land. We have the local land committee which deals with the affairs of the local people, then we have the administration committee which is composed of people from the district concerned, and the third committee which is chaired by the district adjudication officer. I would like the Minister to tell me whether the district land adjudication officer can hear a case which has not been heard by the other committees. If this does happen, then there is something wrong somewhere. I am not accusing anyone, but this has happened somewhere and I thought it was the wrong system.

Mr. Deputy Speaker, Sir, I would like to ask the Minister for Lands and Settlement to make sure that when land is being adjudicated the access roads are completed because when adjudication is completed and the people are given their title-deeds, then, the roads will not be constructed. Therefore, the work of adjudication should be completed before any title-deeds are issued.

Mr. Deputy Speaker, Sir, a question was raised here by a nominated Member from Kitui North, hon. Matiko that the plot-owners in all the markets in Kitui, which are Mwingi, Mutito, and Mutomo, have not been issued with title-deeds. Why does the Minister not issue title-deeds for the properties in these markets? When the Assistant Minister was answering the Question, he said that the local authority has failed to send the names to the lands office. I would like to tell the Minister that this is not true.

Mr. Abubakar-Mathbuti: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to sit in the way he is now sitting?

Mr. Deputy Speaker: He is not sitting but lying.

Mr. Kitonga: He is drunk.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member, Mr. Kitonga, in order to say that the hon. Member is drunk while he is not a doctor and, therefore, he does not know whether the hon. Member is drunk or not.

Mr. Deputy Speaker: Which hon. Member are you talking about?

Mr. Araru: I am talking about hon. Shikuku.

Mr. Deputy Speaker: Hon. Shikuku does not drink beer.

Mr. Munyasia: Mr. Deputy Speaker, Sir, a few days ago we spoke about markets and urged the Minister to make sure that all the markets in Kitui are demarcated and the owners of the plots are issued with title-deeds so that they can benefit. The Minister should make sure that the owners of the plots in these markets are given title-deeds for their plots so that they can benefit from them. As you know, when traders go for loans from the Industrial and Commercial Development Corporation they are asked to produce title-deeds as securities. How can these people produce these documents when the land has not been adjudicated and, therefore, they do not have title-deeds? The Minister should speed up the work and make sure that these markets are demarcated and the owners of the plots issued with title-deeds so that when these people build plots they are able to get loans. We do not want one section of this Republic to benefit leaving the other one behind.

With those few remarks, I beg to support.

Mr. Abubakar-Mathubuti: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to air my views on the land policy.

Mr. Deputy Speaker, much has been said regarding the land policy in this country and many hon. Members have said that we have very many landless people in this country but my argument is different from theirs.

Mr. Deputy Speaker, Sir, I would like to say something about Lamu. As you know, we have Trust Land all over the country except in Lamu District. We have been told that this was a mistake committed by the Colonial Government. I was elected to this House in 1966 and I have been asking the Minister to do something about Lamu but nothing was done until I invited His Excellency to come to Lamu and we explained to him the problems facing the district. I do not think that Lamu is different from any other district in Kenya; but whenever we put up a case that we want trust land in that district and that Bajuni should get title-deeds for their property we are told that a working party is doing something on Lamu District. This is the 11th year of our independence and nothing has been done about Lamu. I appreciate that the Minister for Lands and Settlement is a very busy man. In fact, I went to see him in his office and found him there at 8 a.m. in the morning busy working; but he has a very responsible Assistant Minister whom he can send there to see the problems that Bajuni are facing. Today, if one wants to buy a house in Mombasa he is asked to produce the title-deed of his property. I am an hon. Member for Lamu and I own about 3,000 acres of land but I do not have any title-deed. I cannot go for a loan from the banks or the Industrial and Commercial Development Corporation because I do not have a title for my property. You find a business imbalance at the Coast now, mainly because most of my people do

not have facilities to get loans. By the time we get title-deeds for our property the whole of Mombasa will have been bought by our brothers from up country. Any big business in that area belongs to a Kikuyu, a Luo or a Kamba and this is because our Government is not willing to give us title-deeds so that the people from up country can come there and buy the property and that is unfair.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member said that the Government is encouraging Kikuyu, Kambas and Luo to buy land at the Coast while Bajuni are refused to buy it. Are Bajuni not Kenyans?

Mr. Abubakar-Mathubuti: Mr. Deputy Speaker, Sir, there are no Bajuni in the Government. When I talk about the Government I talk about the Cabinet the people who fly the national flag which I do not do.

Mr. Deputy Speaker, Sir, I am appealing to the Minister for Lands and Settlement to visit my people even for one day. I am prepared to hire even a plane and take him there to see how my people are living. I wonder why they are not given title-deeds for their *shambas*? Whenever we ask the Government to give us title-deeds we are told that the land is not ours; that it belongs to the Government. Now, which Government? I do not know. Now, if it is this Government of ours, why do we not live in the city like other people? This is the question, Mr. Deputy Speaker, Sir. On the contrary, Sir, people are being brought from other districts to live in our areas. However, I have no quarrel about this because we have plenty of land, but why have those people who have been living on this land since time immemorial, since the days of Moses and Mohamed, not been considered? Nobody is taking care of us or thinking of how we can get our title-deeds. So, this is my quarrel. Let us be given title-deeds like other people and also let us have Trust Land so that we can compare Lamu with other districts.

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

Mr. arap Cheboiwo: Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to say a few words on the Vote of the Ministry of Lands and Settlement.

Mr. Deputy Speaker, Sir, before I say what I have to say, I would like also to join my colleagues in congratulating the Assistant Minister for Lands and Settlement for the way he has moved his Vote. I hope that there are no complaints as to whether the Vote was moved by the Minister or by the Assistant Minister because the Vote is the same. The Estimates will be the same whether the Vote has been moved by the Minister or one of his Assistant Ministers.

Mr. Deputy Speaker, Sir, the Minister for Lands and Settlement has been known in this House as the "Minister for Action" and, therefore, I would like him to continue being the "Minister for Action". However, there are a few weaknesses in the Ministry of Lands and Settlement. One of them, which the Minister has not taken action on, is this question of temporary workers. It was said by hon. Muthamia that there are some people

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who work for, say, a year and then their services are terminated. Now, I would like to tell the House that this is not only happening in Meru but all over the Republic. For instance, you will find that there are some people who have worked for, say, a year in the settlement schemes and then their services are terminated. Some of them have had their services terminated after six months. They are told that there is no more work for them. Now, I think this should come to an end because I think it is very unfair to terminate the services of somebody who has known the job without giving him any benefits. Therefore, that should come to an end. Let those people continue with their services like anybody else who is serving in the Government.

Mr. Deputy Speaker, Sir, title-deeds have been the major problem in this House this afternoon. This is very true. From Mombasa to Turkana and from east to west of this Republic, the question of title-deeds has not yet been solved. I have two examples from my own district of Baringo. If one goes to Sabati, he will find that there are some people who have paid up their loans but they have not yet been given their title-deeds. I think this is very dangerous because it is discouraging other people from finishing their payments. It should be encouraging other people by giving title-deeds to these people who have already paid up their loans.

I would like to take this opportunity to thank the Ministry of Lands and Settlement, particularly the Adjudication Department because they have already issued title-deeds to people in one of my areas known as Kasisit. These people can now enjoy loan facilities. They can now go to the banks and borrow some money. In fact, I was there the day before yesterday and they were very happy. People in other places like Bartolimo in Saimo Location or Kapchepkor in the same Location, have not been given these title-deeds and, therefore, the work must be speeded up. The land consolidation work is going on very slowly and when you meet the officers they always complain that there is a shortage of staff. Some of the staff are the ones whose services have been terminated. They have learned how to do the job; but then, they are told by those officers that their services have been terminated. However, I am sure that if they were to continue with the work, the job would have been speeded up faster than it is going on now.

I am appealing to the Ministry of Lands and Settlement to see to it that more staff are added so as to speed up the work of issuing title-deeds. When the Assistant Minister was moving the Vote, he talked about survey or the surveyors. Mr. Deputy Speaker, Sir, I can see from the Vote that even Kabarnet is also included—I want this work to be done very quickly because Kabarnet is among those few towns which have been promoted to urban councils and the people whose pieces of land have been taken for this urban area will claim compensation for their land. Land has not yet been consolidated, survey has not been carried out in the area where people want it done. Therefore, this work should be speeded up. There was a place which was declared an adjudication area but nothing is happening. We do not know what is happening in the

headquarters here. We have been bothering the district adjudication officer at Kabarnet and he tells us that the map is still in Nairobi. In fact, this should not be the only place where the survey team should be sent; it should be extended to Keturwo, Barwessa and other parts of the northern part of Kerio Valley. There is a lot of land which should be surveyed so that the people can be settled there. When we talk about Kerio Valley, we know it involves a lot of Ministries and the Ministry of Lands and Settlement is one of them.

On the question of settlement roads, I know the money is there but this is not enough. They should construct these roads and maintain them. There is also the problem of water in settlement schemes. Although the people are paid every month through the co-operative societies, they do not get the services and, as a result, they always complain about shortage of water. Something should be done about this problem of water. Mr. Deputy Speaker, Sir, I have only one question to ask the Minister for Lands and Settlement: what will be the future of co-operative settlement schemes? Will they continue in the way they are or will there be another method for these *Ushirika* schemes? This exercise is very confusing. In fact, some of us do not understand what will be the future of these type of schemes. Therefore, I am appealing to the Minister to tell us exactly what will be the future of these *Ushirika* schemes when he stands to reply. The district selection committees used to do their work very well but I highly doubt whether these committees are doing their work properly as they used to do. In fact, I do not think they are aware of the people being settled in these *Ushirika* schemes.

I will not forget reminding the Minister about the situation in Rungai settlement scheme where some people from Baringo and Nakuru were settled some time ago. Some of these settlers have been chased from their plots by a junior officer, the District Officer for Nakuru, without any information being given to the District Commissioner for Baringo North on what is happening. This is very unfair because these people were hard working. I would like to state here that if people have been settled in a certain scheme, they should not be threatened by Government officers. I hope that something will be done in these areas to see that the people who are resettled are not chased away from their plots.

While speaking on the Vote of the Ministry of Lands and Settlement, I would like to draw the attention of the Minister to the fact that to date there are people who are still living in emergency villages in this Republic; there are some still living in the forest, while there are others who are known as genuine squatters. However, when you check on people who have been settled in one particular scheme, you will not miss to find people who are not genuine squatters. Therefore, in future, before one is settled it should be ascertained that he is a genuine squatter or that he has no land.

Another point is that there was a settlement officer in Sabatia who was transferred to Dundori; and we wish this officer to come back. He should be brought back to Sabatia, because at the moment, when farmers

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are in a problem, they have to travel all the way from Sabatia to Dundori, which is very far away. They have to come to Nakuru first and then go up to Dundori—they spend a lot of money. I do not understand why that officer was transferred there. If the Government finds it difficult to have him at Sabatia, they should put him at Nakuru, which is the central place. He should be brought to Nakuru so that when farmers have problems they can reach him easily.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support the Vote.

Mr. Deputy Speaker: It is time for the Mover to reply

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, first of all, I would like to thank the Members who have contributed to this Motion. I wish also to thank them for the criticisms they have leveled against my Ministry because those criticisms have made us do a lot of work and improvements. I feel very happy when the hon. Members stand here and make constructive criticisms; without airing such criticisms they will not seem to be doing their work as they are expected to.

Mr. Deputy Speaker, Sir, my Ministry is not manned by angels and we expect faults here and there. However, with the help of the constructive criticisms made in this House by hon. Members, we are going to rectify them.

The hon. Member for Tana River, hon. Kase, talked about somebody by the name of Noordin and said he felt very, very strongly that we should withdraw or cancel all the papers which were previously given to this Asian by my Ministry. I would like to promise the House that Noordin has a temporary Occupation Licence but not a title-deed. I would like to assure the House that if other formalities are done, because this is a trust land, the County Council of Garissa will recommend to us what they want us to do. It is not our responsibility if the county council is open to corruption. My Ministry has no power to check on those type of activities. That is outside the jurisdiction of my Ministry, and we cannot do anything contrary to the wishes of the County Council of Garissa.

On the question of Mwambao, the hon. Member questioned as to why the Government has not acquired Arab land. It is our policy and all of us are aware that Kanu Manifesto does clearly state that all the lands which are abandoned or mismanaged will be taken over by the Government. In this process a lot has been achieved.

Another speaker was hon. Rubia, who questioned about plots in townships. I would like to remind the hon. Members how we go about the sale of plots in townships. In every Official Gazette you will notice that the Government has advertised plots in townships, and there is a committee in every district to allocate these type of plots, and this includes Nairobi as well. The only thing I would like to remind the hon. Members is that even in Nairobi we have a committee which deals with—

Hon. Members: It is not there!

The Assistant Minister for Lands and Settlement (Mr.

G. G. Kariuki): Now, Mr. Deputy Speaker, if one hon. Member would like to remind me of what he said, I will give way, but if three or five Members shout something, then it will be difficult for me to follow.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. Would the Assistant Minister who is now invoking certain imaginary committees mention these committees and say specifically how they are constituted?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): In the districts, Mr. Deputy Speaker, Sir, the committees are composed of local people, and one officer from the Department of Lands, and the chairman of every committee is always the district commissioner of a given area. Therefore, if district commissioners—

Mr. Wabuge: On a point of order, Mr. Deputy Speaker, Sir. Would the Assistant Minister tell us the names of these committees, because the committees we know of are known as the Land Division Boards, which are chaired by the district commissioners, and they have nothing to do with the committees he is referring to. Therefore, could he tell us which committees he is referring to and what they are called?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, in a district we have a number of committees representing various Ministries. However, as far as my Ministry is concerned we have a committee which deals with allocation of plots in every district, and which is chaired by the district commissioner. We also have the Land Control Board, which is chaired by the district commissioner. We also have a district agricultural committee, which is also chaired by the district commissioner. Therefore, I think—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister should give the country the correct information. Would the Assistant Minister specifically say whether that committee actually exists as such, and if it exists, whether it has ever met, and if it has ever met, whether it has issued any plots to anybody? Here I specifically mean in Nakuru.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, there are different committees in a district which come under my Ministry. Now, if the hon. Member is asking about the Nakuru Municipality—

Mr. Mwithaga: No, Nakuru District!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Well, in Nakuru District there is a committee which deals with plots. Now, Mr. Deputy Speaker, the hon. Member can shake his head, but he should go and ask his district commissioner about this because it is true that we have a committee in that district which issues plots to the people in some of the towns in Nakuru District. Now, the hon. Member does not know about this committee because he does not represent the whole of Nakuru. However, he can—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir. While the hon. Member now wants to become provocative for nothing, I am a Member of Parliament for Nakuru Town, which is in Kenya. Now,

[Mr. Mwithaga]

Sir, to get the record correct, would I be in order to inform the Assistant Minister that sometime ago the Minister himself wrote a letter to me, referring me to the district commissioner, who is supposed to be the chairman of that committee, but when I went to him he said there was nothing like that?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, maybe in this case there has never been a committee in that district, but it is a general instruction from our Ministry that before plots are allocated to the people they must first of all be gazetted by my Ministry, and then the district commissioner will appoint a number of people from that particular area, who will be responsible for the allocation of the plots.

Mr. Wabuge: On a point of order, Mr. Deputy Speaker, Sir. I think it is important that the Assistant Minister clarifies this position. For example, Mr. Deputy Speaker, Sir, in the case of Trans Nzoia District, the Assistant Minister only told us about the name of the chairman, who happens to be the district commissioner of the District. However, he did not tell us who are the Members of this committee. Where do they come from? Are they from the local council or from the municipal council or are they farmers? Could the Assistant Minister really tell us who these people are because it is my opinion that they do not exist at all.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, I am sure the hon. Member is not serious in what he is now saying because I have already given him the name of the chairman. He cannot expect me to know the names of all those other people, like Mr. Wabura and so on, unless he gives me time to go and check. I am not going to—

Mr. Deputy Speaker: If we go on like this, we are going to get very little information from the Assistant Minister. I think, Mr. Wabuge, you are concentrating on something very small which you can easily check at the district level. There is so much more important information which you would like to know and yet there are only ten more minutes to go.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): I am very pleased about the ruling you have given, Mr. Deputy Speaker. It is true that I have more important information which I ought to give the House but if the hon. Member wants me to circulate the names of the committee members, I am going to do that. This is not a problem to me at all, and I will definitely do that.

Mr. Deputy Speaker, the other point which was raised here is this question of valuers. I would like to inform the House that out of our 22 land valuers, 14 are Africans. We all know that this is a professional job which cannot be done through a crash programme. The people have been in the university for a long time. Therefore, I am sure hon. Members will agree with me that we have tried our best to get 14 Africans out of 24 officers. I am sure that next time we shall be able to Africanize the whole lot.

Mr. Deputy Speaker, when hon. Rubia was speaking, he asked whether we have given plots to Nairobi resi-

dents. I think Mr. Deputy Speaker, Sir, I issued a Ministerial Statement early last year and I think I clarified the position. At that time, Sir, I said that 25 per cent of the people who will be settled will have to come from Nairobi. This is what we have been doing and, therefore, there is no question of—

An hon. Member: Tell us about Karura Farm!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, coming to Karura Farm, since some hon. Members seem to be very interested—

Mr. Deputy Speaker: Order, Mr. Shikuku, you are not supposed to bang that part of the Bench!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, I do not know why hon. Members seem to be very much interested in Karura Farm. I am saying this because it is just like any other farm in the country. This particular farm was acquired by our fellow brothers, who happen to be Africans, under the law. It was not taken by foreigners and I think—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir. Now the Assistant Minister talks about fellow Africans who are our brothers and that they are the people who took over this land according to the law. Is he disputing the allegation which was made by Mr. J. M. Kariuki to the effect that this farm was earmarked for the poor people and was later on given to a few individuals whom he now chooses to call our brothers?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, I wish the hon. Member could be a little bit more patient because he is going to get more information from me. However if he continues arguing like this, he will not get anything from me. What I am trying to say is that I would like to challenge anybody who says that Karura Farm was earmarked for the poor people. This farm was not earmarked for anybody because it was previously a private farm. The Government had some interest in this farm and I am going to explain this further.

The Assistant Minister for Wildlife and Tourism (Mr. J. M. Kariuki): On a point of order, Mr. Speaker, Sir. I would like this House to be told the truth by the Assistant Minister as to whether that farm was not registered and gazetted to be given to the Ministry of Education to build schools and buildings of some international organizations? The other part was to be settled by landless people. Is it not true that this land was also re-gazetted to be sold to some other people?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, it is always interesting when we have some people who are interested parties in a case like this. I am saying this because—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! I am dealing with a point of order now.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, I am not trying to say that hon. Shikuku is interested in this land but what I am saying is that it is very unfortunate because hon. J. M. Kariuki himself was very much interested to buy that land. The hon. Member said that he wanted the truth to be told and I am going to do just that. Mr. Deputy Speaker, Mr. J. M. Kariuki was interested to buy this farm and another group of people was also interested to buy the same land. The Commissioner of Lands was also interested in the same land, Mr. Deputy Speaker, Sir. This is the truth, which I have to give to the House. We gazetted for this land to be taken over for the purpose of development in future but not for landless people or this and that. This was highly exaggerated. What happened is that it was later discovered that the people who own Karura, a certain company had dealings with the owner of this farm before my Ministry entered into any dealings with the owner. Then we could not help but withdraw from the deal. Our re-gazetting of this farm was for the benefit of those who first entered into dealings with the owner of the farm. It was a matter of first come, first served. This is the position of the matter, Mr. Deputy Speaker.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): On a point of order, Mr. Deputy Speaker, Sir. Now the Assistant Minister is trying to tell the facts but he is hiding again. Therefore, Sir, would I be in order to explain properly, on his behalf, where he has— Mr. Deputy Speaker, Sir, I am on a point of order to explain the position on this matter.

Mr. Deputy Speaker, Sir, the group the hon. Assistant Minister is talking about are the people who became interested in this matter after we, the co-operative society which wanted to buy this farm, had withdrawn. We withdrew from this venture because the Ministry of Lands and Settlement wanted to use it for public purposes. Soon after that the Government re-gazetted this land for development and three other people, namely, Mr. Peter Muigai Kenyatta, Mr. Duncan Ndegwa and other people, went there to buy this land. They went as far as to the top authority to get permission to have the place re-gazetted in their favour.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, hon. J. M. Kariuki has just used the words which I had used before but just because one wants to speak he slightly alters his wordings. I said that he was interested in this land. Whether it was on behalf of a co-operative society or not I still maintain that J. M. Kariuki was interested in this land. Another group was also interested in the

same land and my Ministry had a similar interest. There is no question of speaking the truth in this matter because the truth is already there. We had to re-gazette the farm because some people who have been mentioned here had been in negotiations with the owner of the land earlier on.

An hon. Member: Those people matter a lot!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Whether they matter a lot or not, I would like to say that we in the Ministry deal with land and see that the question of fair deal is followed in acquiring a farm. We are satisfied—it does not matter what one thinks—that this land was acquired by the group which I have just mentioned officially and according to the law and we are not going to apologize about it.

Coming on to the O'Kalou Salient, Mr. Deputy Speaker, Sir, the Government is going—

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir. There is a law in this country which allows the Government to acquire any piece of land in Kenya for the public interest; however, this afternoon we have learnt that it is not the Government but a few individuals who have the right to acquire land anywhere in Kenya for their own use. Is it in the interest of the public to have a few individuals acquire land which has already been declared as public land by the Government?

Mr. Deputy Speaker: That is not a point of order, Mr. Kahengeri.

It is now time we moved into committee. Therefore, I will put the question so that I can ascertain whether or not hon. Members are in favour of that.

(Question put and negatived)

Mr. Deputy Speaker: If the question that the Speaker do now leave the Chair is negatived, then it means that we cannot go into committee. This is a very strange thing to happen, because I will be forced to adjourn the House so that I can have time to study the Standing Orders which talk about the implications of the Government being defeated in a money issue. However, before I can adjourn the House I am going to put the question again.

(Question put and negatived)

ADJOURNMENT

Mr. Deputy Speaker: That concludes the business on the Order Paper. The House is therefore, adjourned until tomorrow, Thursday, 4th July, at 2.30 p.m.

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

Thursday, 4th July, 1974

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

[*Mr. Speaker in the Chair*]

PRAYERS

POINT OF ORDER

ADOPTION OF SWAHILI AS OFFICIAL LANGUAGE OF PARLIAMENT AND AMENDMENT OF THE CONSTITUTION

Mr. Marete: Mr. Speaker, Sir, I beg to give notice of—

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order, Mr. Speaker, Sir. Today, in a Kanu Parliamentary Group Meeting, we all agreed that the language to be used in the National Assembly will be Swahili. What is your ruling on that point?

Mr. Speaker: Order! I do not think this is called for really. It is quite possible that a decision was taken; but like all other decisions, preparations has to be made. One does not just jump into things like that. There are practical considerations to be taken into account. One has to make sure, for instance, that we have the means to record our debates in Swahili. One does not expect our Hansard Team, at this moment, to have been prepared for this.

There is another consideration which the House has to bear in mind. Section 53 of the Constitution clearly states that English shall be the language of the National Assembly, which means, therefore, that we have to amend the Constitution. Therefore, there are a number of things to be done before we can change over to Swahili.

Mr. Araru: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to refer to Kanu Parliamentary Group meeting and yet we had a Kanu Governing Council Meeting?

Mr. Speaker: Order! What you are now saying is not of interest to the House at the moment. The main point was the question of whether we could switch over to Swahili now. I explained that it is practically impossible because we have to make the necessary preparations before we can do that.

Mr. Muturia: On a point of order, Mr. Speaker, Sir. Since Kanu Governing Council has declared that Swahili will be used in this House, would you now give directives that preparations for the use of Swahili in this House be made as soon as possible?

Mr. Speaker: I do not have to give any directives to anybody here. We know how to do it but we cannot do it in the Chamber now.

Mr. Araru: On a point of order, Mr. Speaker, Sir, as far as we are concerned here the father of the nation, His Excellency the President, is above the law—

Mr. Speaker: Order, sit down, or I will order you out!

You are trying to argue for nothing because nobody has said that Swahili should not become the language of this House, but we must be sensible and realize that we cannot just switch over to Swahili automatically because nobody was prepared to record our debates

in Swahili today. Again, there is the question of the Constitution. We do not just override the Constitution, but we have to make the proper changes in the proper manner. The decision has been taken and steps will be taken to make it possible for us to switch over to Swahili in a sensible manner. We do not just have to come to this House and say that we should switch over to Swahili.

NOTICE OF MOTION

ABSORPTION OF AREA COUNCIL'S EMPLOYEES INTO GOVERNMENT DEPARTMENTS

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

THAT, in view of the fact that the Government has publicly announced that all area councils will be abolished and noting that the same councils have many employees with families to support, and considering that the abolition of the area councils will cause many of these people to lose their jobs, creating unemployment throughout the country, this House urges the Government to find ways and means of absorbing the same in the Government department.

ORAL ANSWERS TO QUESTIONS

Question No. 366

CONSTRUCTION OF METKEI CHIEF'S OFFICE

Mr. Kurgat asked the Minister of State, President's Office, why the construction of Metkei Chief's office has been abandoned; and whether he does not consider the work already done a waste of public funds.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

Construction of Metkei chief's office had been started by the *wananchi* on a voluntary self-help basis. The project had gone up to the foundation level when self-help spirit began to dwindle for unknown reasons and construction began to slow down. The project is now being revived.

The construction of the chief's office had never been a Government project as the hon. Member seems to suggest.

Mr. Kurgat: Mr. Speaker, Sir, I, being the representative of that area, know that at no time was a self-help project initiated at the place. This project was started by the District commissioner, who used Government employees from Tambach, and my people have not been called upon to build it on a self-help basis.

Mr. Munyi: Mr. Speaker, Sir, I would like to tell the hon. Member that a district commissioner or for that matter a district officer or a chief, and the *wananchi*, have the right of starting a project. Since there was not chief's office in that area, the district commissioner might have initiated the project on a self-help basis.

I would like to tell the Hon. Member that the Government is intending to construct a proper chief's centre for Metkei Location at a place called Kamosa for administrative convenience and not at Kapchorwa where the self-help office is now being constructed at present.

Mr. Kurgat: On a point of order, Mr. Speaker, Sir. Since only the foundation was laid at Kapchorwa, why is the Assistant Minister misleading the House? This was done in 1972 and there is nothing on the other side; I know the area very well because I come from there.

Mr. Munyi: I have already told the hon. Member that Government has a plan of putting up a proper office for the chief in the area. Meanwhile, Sir, if *wananchi* want to go ahead in putting up or completing the present chief's office which was started on a self-help basis, they can do so. Nevertheless, we have a plan to put up a proper office for the chief.

Mr. arap Chumo: Arising from the Assistant Minister's reply that *wananchi* are building a chief's office on a Harambee basis, is it not proper that the Government should complete the project instead of encouraging them to put up a useless Harambee project?

Mr. Munyi: According to the specifications of the Ministry of Works, Sir, it is not possible for the Government to give funds to a project which was started on a Harambee basis because there was no proper plan for the building.

Mr. Kurgat: In view of the fact that Government is now planning to put up a proper office, when will the work start and how much will the entire project cost?

Mr. Munyi: Mr. Speaker, Sir, I have already told the hon. Member that we have a plan for the building which will be put up during the current Development Plan. In the meantime, Sir, the people can complete their project while awaiting the proper Government office for the chief.

Question No. 494

REPRESENTATION IN KENYA MEAT COMMISSION BOARD

Mr. Hussein asked the Minister for Agriculture if he would tell the House who is representing the North-Eastern Province in the Kenya Meat Commission Board and for how long.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

The Kenya Meat Commission Act, Chapter 363, does not provide for appointment of members of the board on administrative boundaries as asked by the hon. Member.

Mr. Hussein: Arising from the Minister's reply, can he tell the House the machinery he is using when making these appointments? Sir, can he also tell us for how long these people serve on the board before their appointments are either renewed or terminated? Who is our representative at the moment?

Mr. Nyagah: When appointing members of the board, the Minister is guided by the relevant Act under Section 3(b). Here, Sir, provision is made for five members who should represent stock producers. The appointments are made from a panel presented by the Central Agricultural Board. At present, Sir, the present serving members, representing stock producers, have been selected on a country-wide basis. The five representatives from stock producers are: Hon. S. Amin, Member of Parliament, Mr. T. N. Malinda; hon. H. M. Kholkholle, Member of Parliament; hon. M. J. Seroney,

Member of Parliament and Mr. William Intimama.

In another section, Sir, the Minister is allowed to appoint three persons and not more than four—under section 3 (c)—who in the opinion of the Minister, possess qualities that will benefit the work of the board. Therefore, members who have been appointed under this section, and are now serving on the board, are: Mr. A. G. Cole, a rancher in Rimuruti area; Mr. D. Osare, Provincial Commissioner for North-Eastern Province and the Permanent Secretary to the Ministry of Agriculture.

Mr. Araru: Thank you, Sir. Arising from the Minister's reply, would the Minister consider appointing a representative from each province so that the entire country is represented?

Mr. Nyagah: I have no quarrel, at the moment, with the hon. Member's suggestion provided that he can convince the law-makers to bring an amendment in this House to amend the Act relating to the Kenya Meat Commission.

Mr. Ahmed: Mr. Speaker, Sir, does the Minister agree with me that certain members of the board who have remained there permanently? Why should they be there all this time? Why?

Mr. Nyagah: Mr. Speaker, Sir, I do not agree with the hon. Member because the law provides that every year three members retire in rotation. Those who retire are senior members of the board, but there is a provision that they can also be re-appointed.

Mr. Ahmed: If the Minister does not agree with me, why is it that hon. S. M. Amin has been on the board since 1964?

Mr. Nyagah: I do not know anything about the individual called Mr. S. M. Amin. All I know, Mr. Speaker, Sir, is that the Kenya Meat Commission Board is properly constituted and, therefore, I cannot answer why a given member has remained on the board for a long time.

Question No. 462

POWER GENERATOR FOR KARA-POKOT

Mr. Lotodo asked the Minister for Power and Communications, since Kara-Pokot Headquarters is coming up very rapidly, he would consider it for a power generator.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, before I reply. I would like to say that today is a great day in that I do not know whether to answer this Question in Swahili or in English.

Hon. Members: That matter has already been dealt with by the Chair. Therefore, answer the Question in English.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

Kara-Pokot is included in the 1974/78 Development Plan for electricity supply. I would advise the hon. Member who is the Questioner, to read the Development Plan (Part II Page 175—Kapenguria).

Mr. Lotodo: Mr. Speaker, Sir, I already know what the hon. Assistant Minister is talking about, but I am asking him whether he can provide us with a generator power plant now because the Development Plan he is talking about might be implemented either in 1977 or 1978.

Mr. Moss: Mr. Speaker, Sir, the question of providing a generator now does not arise because we are planning to install electricity in a bigger way and we want all those areas to be covered properly.

Mr. Mutunga: Mr. Speaker, Sir, can the Assistant Minister tell the House when he is planning to have electricity supplied to these areas? Which year will he provide electricity?

Mr. Moss: Mr. Speaker, Sir, that is very simple. The hon. Member just needs to read the Development Plan 1974/78 (Part II Page 175—Kapenguria). I had mentioned that before.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to tell the hon. Member that a reply can be found somewhere instead of him giving it? Is it not the right of this House to be told by the Government what things they have planned for the *wananchi* even if this is in the Development Plan or in any other document?

Mr. Speaker: No, you can read the document; in fact, you can refer to it and then if you are dissatisfied raise the question later on. But, you have not yet referred to the Development Plan which you have been referred to so that you might raise a question.

Next Question. Mr. Yunis Ali.

Question No. 499

NAIROBI BUS SERVICES

Mr. Y. Ali asked the Minister for Power and Communications, noting the fact that bus services in the City have deteriorated very much as a result of frequent mechanical break-down which cause serious inconvenience to passengers, he would, as a matter of urgency, ensure that better services are provided.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

I understand that the Kenya Bus Service Limited will place 65 new buses in the City this year. I am sure this will improve the situation.

Mr. Y. Ali: Mr. Speaker, Sir, can the Assistant Minister tell the House the actual cause of these frequent mechanical break-down of buses and what steps the Kenya Bus Service Limited is taking to remedy the situation?

Mr. Moss: Mr. Speaker, Sir, we do not buy buses as a Ministry. However, there are volunteer companies who buy buses for commercial purposes. Here I have just mentioned that the Kenya Bus Service Limited is prepared to supply 65 new buses in the City this year. I hope this will remedy the situation.

However, if there are any other persons willing to provide their own buses to carry passengers, they are not prevented from doing so.

Mr. Y. Ali: Mr. Speaker, Sir, is the Assistant Minister implying to the House that the existing buses,

which are operating in the city are now, all out of date, and that is the reason why the Kenya Bus Service Limited is ordering new buses? If this is the case, would the Assistant Minister agree with me that this mechanical break-down is happening because of the monopoly enjoyed by the Kenya Bus Service Limited, and it is now high time the City Council shares were increased so that more buses can be provided in the City?

Mr. Moss: Mr. Speaker, Sir, mechanical break-down is mechanical break-down and, therefore, it should be understood as such. Mr. Speaker, Sir, if one is rich, one is free to buy a car or even a Jumbo Jet, but he must expect mechanical break-downs. However, the hon. Member is advocating for the City Council, but as far as I am concerned and as far as my Ministry is concerned, we do not want to hamper the smooth transportation of *wananchi* within the City of Nairobi. Therefore, any proposals conducive to the proper administration will be accepted so long as the people are prepared to take up the challenge.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware of the fact that within the area of the City Council of Nairobi no country bus is allowed to stop and pick up passengers except at Machakos Country Bus Terminus? Therefore, is he telling us that he is amending that rule as from today?

Mr. Moss: Mr. Speaker, Sir, that is very simple, if not very cheap. The country buses bring people into Nairobi and, taken them out of Nairobi as well. However, nobody ever came to my Ministry and said that he wanted to operate his own bus services within the Nairobi area and was refused permission to do so. Now, if there is such a person, I am sure that nobody is going to bar him from operating his own bus services within the City.

Dr. Munene: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the House that nobody went to his Ministry requesting for permission to operate his own bus services within the City? Mr. Speaker, Sir, when one applies for a licence to operate bus services to and from Nairobi area, in the licence he is given it is specifically indicated that he should not stop or pick up passengers anywhere within Nairobi area. Therefore, he is in order to tell us that nobody went to his Ministry to apply for this licence?

Mr. Moss: Mr. Speaker, Sir, when one launches an application to operate bus services he has to provide the route and the timetable as well. Once you have done that, you are not supposed to go outside that timetable. You are supposed to adhere to it. Therefore, if there is anybody who wants to operate bus services within the Nairobi City area, then he has to apply for a licence in the normal manner, provide a timetable and the route and his application will be considered by the Road Transport Department like any other application for that purpose.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister now telling the public that as from today, those who want to operate their buses within the Nairobi area can apply for licences to do so? At the same time, is he now abolishing the monopoly

[Mr. Wabuge]

which has already been given to the Kenya Bus Service Limited as far as passenger bus services is concerned?

Mr. Moss: Mr. Speaker, Sir, I am abolishing nothing. However, so long as the *wananchi* are capable of meeting all the required conditions I do not see the reason why they should not be granted permission to operate their own bus services within the City. We are here to give them whatever assistance they want.

Mr. Karungaru: Mr. Speaker, Sir, what does the Assistant Minister mean by saying that *wananchi* cannot meet all the required conditions? Is he aware that the buses belonging to the Kenya Bus Service Limited are not inspected by the police like country buses and that is one of the reasons why they have frequent mechanical break-down? Is he also not aware of the fact that even if one applies to operate bus services within Nairobi area he cannot be given permission to do so because the Kenya Bus Service Limited have a monopoly, which is protected by the Ministry responsible for issuing transport licences?

Mr. Moss: Mr. Speaker, Sir, I am not going to argue on this point. Kenya is independent and, therefore—

Hon. Members: Question!

Mr. Moss: Listen! If hon. Members do not want to listen to what I have to say, then I am going to sit down!

Now, if such complaints are genuine, then the Kenya Bus Services Limited—

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir. Time and again we have had Assistant Ministers and Ministers giving us replies here which are their own replies and which do not come from the statements made in their own offices. Now, when we go to our Pigeon Holes we find that their answers differ from what we have received as Written Replies to our questions. Do I understand that the answer given by the Assistant Minister here, is the official reply so that we can take steps as from tomorrow?

Mr. Speaker: No, the Minister is not bound to repeat that written reply. He may, for some reason, decide to give you extra information, although you have the written reply. There is nothing wrong with that. What you might question is the accuracy of what he is telling you. If you challenge that, that is alright. But you cannot say that he must stick to what is written.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. The hon. Member has made a very serious statement, to the effect that Ministers and Assistant Ministers give their own replies, which have nothing to do with questions asked. Could he give us an example? I take a serious view of this because if a question was asked last month—and things have been improved—the Minister is not bound to go by the old reply; he will give the up-to-date reply.

The Speaker: That is wrong.

Mr. Moss: Mr. Speaker, Sir, ours is a Government elected by the people and therefore, whatever reply a Minister or Assistant Minister gives must reflect the policy of the Government. Therefore, whatever I have said must work, if this is a Government of the people.

Hon. Members: Hear! Hear!

Mr. Wachira: Mr. Speaker, Sir, it appears that the Assistant Minister has directly said that the Kenya Bus Services Limited has no longer a the monopoly of passenger transportation in the City and that the Nairobi City Council By-Law which bars other vehicles from transporting people in the City has been cancelled with effect from today.

Mr. Moss: I would like to state here that *wananchi* are allowed—

An hon. Member: Whom are you speaking for?

Mr. Moss: I am speaking on behalf of the Kenya Government.

(Mr. Moss banging the Table)

Mr. Speaker: No, Mr. Moss, I am afraid that interferes with the recording upstairs; you had better not do that.

Mr. Mutunga: On a point of order, Mr. Speaker, Sir. I am seeking your guidance here: what do we do with an Assistant Minister who behaves as if he is going to fight somebody here?

Hon. Members: No, no!

The Speaker: Order! Mr. Moss is not fighting anybody here.

Hon. Members: You are right. Hear! Hear!

Mr. Moss: Thank you, Mr. Speaker, Sir.

Dr. Munene: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: At least they are becoming too many.

Dr. Munene: This is a serious point of order. The Assistant Minister is speaking on behalf of the Government, which is elected by the people. Mr. Speaker, Sir, here is a statement made by the Assistant Minister, and here is a rule given, and we know it. Is the franchise given to the Kenya Bus Services Limited being cancelled as from today?

Mr. Speaker: That is not strictly a point of order, Dr. Munene. However, I think it would be helpful if Mr. Moss could clarify the position so that we do not have trouble later. I was, of course, going to suggest to Dr. Munene that the only way perhaps, if Mr. Moss insists that what he is saying is present position, is to go out try it; test it!

(Laughter)

Mr. Moss: Mr. Speaker, Sir, here are hon. Members who represent the masses of this country and who look after the interests of the people. What I am trying to say is this: the complaint is not new to me, nor is it new to my Ministry. We have received it several times. Therefore, without any ulterior motives, I would like to state that we are not going to give the Kenya Bus Service the monopoly to suppress any other up-coming transporters.

(Applause)

Mr. Speaker: Next question, Mr. Mohamed. He is not here?

Question No. 495

STAFFING OF A DISPENSARY IN SAKA

Mr. Speaker: Mr. Wabuge, will you ask your Question.

Question No. 504

EXPANSION OF KITALE HOSPITAL

Mr. Wabuge asked the Minister for Health, in view of the fact that the population in Trans-Nzoia District and its surroundings has almost doubled, and yet the Kitale District Hospital lacks a lot of facilities, he would tell the House:—

- (a) when the Government will improve and modernize this hospital;
- (b) when the Government will construct a good and roomy maternity ward capable of accommodating more expectant mothers; and
- (c) how many doctors the hospital has at the present moment and whether the present staff is enough to cope with the increasing demand.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker Sir, I beg to reply.

(a) In 1971/72 the Government spent £27,000 in building staff houses, and in 1973/74 spent £4,500 in improving the water supply.

(b) During 1973/76 the Ministry will carry out a master development plan of Kitale Hospital, and subject to availability of funds, the master plan will be followed by the construction of an out-patient department, operating theatre, kitchen, laundry, maternity and children wards.

(c) There are three doctors at Kitale Hospital at the moment. Considering the number of doctors we have at present in the country the present staff at this hospital is enough.

Mr. Wabuge: Arising from the Assistant Minister's reply, which in itself was inconsistent, could he tell the House, particularly as regards part (b) of the Question, why this work would not be carried out during 1974/75 Development Plan period?

Mr. Jahazi: There are various reasons. However, the hon. Member could as well ask why it was not built during the colonial time or why it was not built immediately after independence. However, we had a lot of work on our hands; it is certainly not because the Ministry has been doing anything. In fact, there has been a long queue with a number of district and provincial hospitals and we had to start with one. But I think the hon. Member is happy because the last time he was here, his main problem was that the hospital had not water. This was a more serious problem and one that would have forced the hospital to close down, yet he deems our action on this issue inadequate. We had to do everything to make sure that water supply was in order. It is true that you cannot expand a hospital when you are not even sure where water will come from. Therefore, we started by providing water, and the second stage will be what the hon. Member has asked. Although this seems to be taking too long, I am sure the hon. Member will be satisfied when we carry out all these programmes.

The Minister for Labour (Mr. Mwendwa): On a point of order. I thought Parliamentary Debates were to be in Swahili. I wonder what happened?

Mr. Speaker: Yes, I had already dealt with that one. It is true a decision was taken to switch over to Swahili,

but I said that for practical reasons, it could not be done today because even the replies we have from the Ministries are all in English. In any case, all the business for today has been put down in English. It will also require a bit of time to re-organize our own recording system. We will also have to deal with Constitution. You will need to amend Section 53 of the Kenya Constitution, which entrenches English as the language of the National Assembly. So, because of those reasons, we could not switch over to Swahili today, Mr. Mwendwa.

Mr. Wabuge: Mr. Speaker, Sir, arising out of the reply, relating to part (b) of the Question, could the Assistant Minister tell the House why this work, which was supposed to have started in 1974/75, has been changed to 1975/76? Why has this been done?

Mr. Jahazi: Mr. Speaker, Sir, this was due to unavailability of funds, that is why we had to switch over to 1975/76.

Question No. 469

KENYANS IN UGANDA SCHOOLS

Mr. Onyulo asked the Minister for Education whether he is aware that a Kenyan who studies in Uganda up to School Certificate level is normally discriminated against if he wishes to pursue further studies simply because he is a non-citizen of Uganda; and if he is aware, what alternatives he has for such a student in Kenya.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, on behalf of the Minister for Education, I beg to reply.

I am not aware that "O" level leavers are discriminated against in Uganda by not being offered further opportunities in Secondary Schools. However, we cannot quarrel with another country for their educational policies which might be aimed at catering for their nationals.

Any Kenyan students who wish to pursue higher studies here will be assisted to find a place in our schools if his qualifications reach the required standard. Admissions are highly competitive and every student must find a place on merit.

Mr. Onyulo: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, now that he is aware that Kenyan students are discriminated against in Uganda, and the position being that higher schools are fewer than secondary schools in every country, would he tell the House the position of the Ugandan students in Kenya who are aspiring to go to higher schools in Kenya?

Mr. Shikuku: Mr. Speaker, Sir, with regard to the Ugandan students in Kenya, we have had this exercise in the past, where a number of boys and girls from Uganda had not found places in their schools in Uganda and we managed to find them places here, both in Higher schools and Teacher Training colleges. However, as I said, the qualifications must be of high standards before we can get them places here in Kenya.

Mr. Amayo: Mr. Speaker, Sir, the question put before the House, for the Assistant Minister to reply is: "What is the position of the students who are coming

[Mr. Amayo]

from Uganda into our schools in Kenya, if what he has said is the position of our students in Uganda”?

Mr. Shikuku: Mr. Speaker, Sir, I have said that if there are students here, who are Uganda nationals, who come to Kenya with required standards of qualifications, we shall admit them into our schools. However, we are not going to have a Kenyan student who has failed in Uganda come here and replace a Ugandan student simply because he happens to be a Kenyan student who has come from Uganda.

Mr. Araru: Mr. Speaker, Sir, could we hear from the Questioner if there is any specific student who has come from Uganda to Kenya and has been discriminated against in our schools?

Mr. Lotodo: If I may help the hon. Questioner, I have a boy who has been chased from Moroto High School in Uganda, by the name of Martin Lokwe. Is the Ministry prepared to offer him a place in Kenya?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member is talking of a student who has been chased away while in Form III. We are talking about students in Form IV. If this student was chased away while in Form III, there may be reasons why he was chased away from there. If there are reasons, probably because of his failures or shortcomings, it is not our problem. We are talking about students in Form IV and not anywhere below that.

Mr. Lotodo: On a point of order, Mr. Speaker, Sir. We have students who have studied from Standard I to secondary level—for instance, in Kara Pokot, before the areas was returned to Kenya—and when they complete their schooling they do not work for Uganda. Therefore, the Uganda Government does not want to give them opportunities for further education in Uganda. What does the Ministry want to do with these students?

Mr. Shikuku: Mr. Speaker, Sir, in my reply I stated very categorically that we do not have to quarrel with another country for its own educational policy. Our babies are our babies and we must find ways and means of looking after them. I have already said that if a student comes from Uganda, and he has passed his examinations with the required marks for admission to Form V, we in this country will make sure that he gets a place in our schools. However, we are not going to look for a school for a Kenyan student in Uganda who does not have the required marks for admission to Form V.

Question No. 491

UTILIZATION OF A WATER PUMP

Mr. Odha asked the Minister for Agriculture since the Minister (in his letter LFMD/IRRIG/I/110, dated 3rd April 1974) has denied that he is aware of the purchase of a pump to start Butuma Irrigation Scheme, and yet the District Agricultural Officer for Hola had purchased this pump from the District Development Committee Funds and had undertaken to get the said Irrigation Scheme in operation in 1973, and since he purchased this pump in 1973 and left it idle at the Mororo District Office, what action

he is going to take to ensure that this pump is used for the benefit of *wananchi*

The Assistant Minister for Agriculture (Mr. Kalya): Mr. Speaker, Sir, I beg to reply.

I should like to make it crystal clear that the Ministry of Agriculture was not informed of the existence of the irrigation scheme the hon. Member refers to until April this year and, therefore, no decision to allocate funds for the purchase of the pump was reached. Consequently, the development of the said irrigation scheme has not been included in the Ministry's development plan. In view of the aforesaid, it is only reasonable to conclude that the District Development Committee erred in voting money for the purchase of a pump without first assuring itself there was adequate provision for only its maintenance but also for manpower forthcoming from the Ministry.

In the circumstance, as of now, my Ministry is not in a position to advise the District Development Committee what to do with the pump. Meanwhile, since the matter has now come to the attention of my Ministry, efforts will be made to carry out the necessary investigations with a view to assessing to what extent assistance can be given to the local people to ensure the success of the scheme.

Mr. Kinyanjui: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is it not true that district development committees work in conjunction with the head office of the Ministry, and that any expenses to be incurred by these committees have to be sanctioned by the head office of the Ministry? If that is the case, why did they sanction the spending of this money without ensuring that it would, in fact, be used?

Mr. Kalya: Mr. Speaker, Sir, any money that is given to any district development committee does not come from the Ministry of Agriculture. This money comes from the Treasury, and it is upon the district development committee, of which hon. Members of this House are members, to help in allocating the funds to projects which are viable. However, it is wrong to say that it is our Ministry which works in conjunction with the district development committee. Money is given to these committees by the Treasury, and it is upon the district development committees to decide what to do with the money.

Mr. Kinyanjui: On a point of order, Mr. Speaker. Is the Assistant Minister telling the House that the agricultural officer in charge of the district is not a member of the district development committee? If he is a member of the district development committee then the Ministry is represented on that particular committee. Therefore, since the Ministry is represented on this committee, why should the Assistant Minister say that they are not responsible for the buying of this pump?

Mr. Kalya: Mr. Speaker, Sir, we are represented on the district development committee, but our district agricultural officer is a member of the committee, and the decision that is made by the district development committee is a collective decision, and we cannot blame one person and say he is responsible for one

[Mr. Kalya]

particular issue like this one of buying a pump. If a blame has to be put on anybody it has to be put on the district development committee and not on one particular individual.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from that answer, it is quite clear that the Assistant Minister is running away from his responsibility because he, himself has referred us to these district development committees several times. How can a district development committee buy anything while his Ministry, which is represented on the committee, object to it? It was through the advice and direction of the Ministry that this particular development committee bought this pump.

Mr. Kalya: Mr. Speaker, Sir, I do not think I am running away from my responsibility. I said and I will repeat it that our district agricultural officer is a member of the district development committee wherever he is and that any decision on the monies to be voted for something made by all the members of the district development committee. Now, if a decision is made, it is made en-bloc by the district development committee, and not by a district agricultural officer as an individual.

Mr. Araru: On a point of order, Mr. Speaker, Sir. The Question here clearly states, "Since the Minister, in his letter LFMD/IRRIG/I/110, dated 3rd April, 1974—" Now, the Assistant Minister is now denying what he accepted in this letter. The hon. Questioner is here, and the Ministry's letter agrees with the fact that the district development committee was given money to buy this pump. However, this pump is just lying idle somewhere, and therefore, what he is now telling us is not true.

An hon. Member: What was your point of order?!

Mr. Kalya: Must I answer that question, Mr. Speaker? Well, if I have to, I will answer it. I think the hon. Member is making a mistake by saying that there is a letter which was written by the Ministry. However, even if there was a letter which was written by the Ministry, the purported letter was written to deny this. Now, even the Questioner himself puts it here, "Since the Minister, in his letter, has denied that he is aware of the purchase of a pump to start Butuma Irrigation Scheme——". Now, we know that a pump was bought, but it was bought after the district development committee had discussed and decided that a pump should be bought for that particular irrigation scheme. However, as I said earlier on, it was a mistake to buy it because they did not take into consideration other things, like its maintenance and other expenses that were going to be incurred. In that case, the pump itself should not have been bought because it is not serving any purpose at all. Therefore, to blame one individual officer or to blame the Ministry by saying that we have a representative there who should have known what was happening is wrong because the district development committee of any district is an entire body, composed of not only of Members of that particular area, but also several heads of other departments.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir. With all due respect to the hon. Assistant Minister

is he really not doing a lot of harm to the people who actually contributed money to buy that pump? If he sympathizes with them, would he go and give some kind of help to these people because they are still in need of water for irrigation?

Mr. Kalya: No, Mr. Speaker. The money that was used to buy that pump did not come from the people. It is the money that was in the hands of the district development committee. However, Sir, I said earlier on that my Ministry will now assist in trying to find out what assistance it can give to the local people, so that this project can succeed. We are not saying that we are going to vote any money for this particular project, but we shall think of what help we can give to this particular project.

Mr. Araru: On a point of order, Mr. Speaker——

Mr. Speaker: Now, Mr. Araru, these points of order of yours are becoming too many.

Hon. Members: Hear, hear!

Mr. Araru: If you will allow me, Sir, this one is very important. Now, when the Assistant Minister says that the district development committee in any area deals with several departments of the Government, we all agree with him. However, the hon. Member who has asked this Question has told me that Sh. 15,000 was spent in buying this pump, and that the district agricultural officer actually agreed with the purchase of the pump, and that he, in fact, did the actual buying of the pump which is now lying idle there. Therefore, whom can we blame for this, if his own officer is a member of the district development committee, and he actually agreed with the purchase of the pump and, in fact, did the actual buying of it?

Mr. Speaker: That is a question, Mr. Araru. You must distinguish between a supplementary question and a point of order. That is a supplementary question which you could have asked when I gave you an opportunity to ask a question.

Mr. Mutuga: On a point of order, Mr. Speaker. Is it in order for an hon. Member to ask Questions here on behalf of another hon. Member, particularly if that hon. Member is sitting next to him?

Mr. Speaker: No, Mr. Araru is asking his own supplementary questions. Mr. Odha asked the original Question.

Let us go on to Mr. Y. H. Mohamed's Question.

Question No. 495

STAFFING OF DISPENSARY IN SAKA

Mr. Speaker: Mr. Y. H. Mohamed not here?

An hon. Member: He is not here!

(Question dropped)

CONSIDERED RULING

EFFECT TO DEFEAT OF MOTION "THAT MR. SPEAKER DO NOW LEAVE THE CHAIR"

Mr. Speaker: Hon. Members, yesterday, when the Question "That Mr. Speaker, do now leave the Chair" was put to enable the House to go into Committee to consider in detail the Vote of the Ministry of Lands

[Mr. Speaker]

and Settlement, the question was negated. This meant that the House could not go into Committee, and it was, therefore, adjourned prematurely as there was no other business remaining on the Order Paper.

I would like to explain very briefly the effect of what took place yesterday. First of all, it is not correct to say that the National Assembly blocked the Government Plan to spend money on the Ministry of Lands and Settlement. Secondly, it is misleading and premature to refer to what happened as a defeat for Government. It is more accurate to refer to it as an expression of dissatisfaction. Therefore, whatever the motive behind it, it did not amount to a defeat or blockage of the Vote. It is more correct to say that the House blocked its own chances of dealing with the Vote more analytically and in detail, sub-head by sub-head. The Motion which was defeated was "That the Speaker do now leave the Chair" which, if agreed to, allows the House to turn itself into a Committee for the purpose I have already stated, but no resolution on the granting of the money required is finally reached until the process is completed and the question that the sum required be issued from the Consolidated Fund is put. It is the outcome of this question which may determine the fate of a Vote and not anything that comes before. The House can refuse to go into the Committee, as it did yesterday, and in this sense it is the only loser. What then happens is that the Vote is left in abeyance to be guillotined together with the other votes which will not have been debated through lack of time when the allotted days expire. Indeed, the Vote of the Ministry of Lands and Settlement could have been one of these Votes, if it had not been short-listed by the Sessional Committee.

Finally, hon. Members may wish to know that there is a Parliament Convention that if the Government is defeated on a money resolution, it may opt to resign. If the Government decides to do so, then Parliament is dissolved to allow the Government to seek a new mandate from the electorate.

PERSONAL STATEMENT

SUBSTANTIATIONS OF ALLEGATION ON MALPRACTICES IN ALLOCATION OF LAND

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir. Yesterday, the Assistant Minister for Tourism and Wildlife—Mr. J. M. Kariuki—promised to lay on the Table of this House the list of the names of the big people who grab the poor people's land. Could he read out these names now?

Mr. Speaker: Mr. Kariuki said that he was going to lay the list on the Table but he did not say he was going to read the list. Therefore, the list will be laid on the Table and not read.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, the correspondence which I referred to yesterday is here and also the list of the names is here. I am sure hon. Members will notice that even the names of the district commissioners whom I referred to yesterday, together with those of other people who were issued with letters of

allotment, are here, on the list. At the same time, Mr. Speaker, Sir, the letter which I wrote to the Permanent Secretary is here, although up to this time he has not replied to it to deny or accept that these people were allocated with plots. Mr. Speaker, Sir, I promised that I would lay these documents on the Table and I now beg to lay them on the Table of this House.

(Mr. J. M. Kariuki laid the papers on the Table)

Mr. Speaker: Order! Before Mr. Osogo moves his Motion, I would like to inform him that I have made some formal alterations to this Motion and, therefore, I hope he is going to move it in the amended version.

POINT OF ORDER

MEMBERS FREE TO ASK FOR CLARIFICATION ON DOCUMENT LAID ON THE TABLE

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir. I would like to seek your guidance with regard to the documents laid on the Table by hon. J. M. Kariuki. Mr. Speaker, would I be in order to ask whether my Ministry is expected to accept or reject these documents as official documents? Whichever is the case, Mr. Speaker, shall we be given any chance to comment on these documents?

Mr. Speaker: The procedure is that when a document is laid on the Table, it becomes the property of this House, and, therefore, it is open to hon. Members to inspect it to find out whatever they might want to find out from it. If they find something on which they would like some clarification, then they can raise the matter here on another day, but not today.

NO MOVEMENTS IN THE CHAMBER WHEN SPEAKER ON HIS FEET MAKING A RULING

Mr. Mutuga: On a point of order, Mr. Speaker, Sir. It is provided by our Standing Orders that when the Speaker is on his feet, no movements are allowed in the House. However, I have noticed quite a number of gentlemen in the civil servants leaving the Chamber and coming back when the Speaker is still on his feet. I know they do this due to lack of knowledge about our Standing Orders, but if we are going to maintain the dignity of this House, I think they should be told about this.

Mr. Speaker: Yes, it is out of order for anybody to be on his feet when the Speaker is on his feet. It might so happen that, perhaps, some of these people come in or move out when the Speaker is on his feet. However, the proper thing to do in such a case is to stand where one is until the Speaker finishes what he is saying. Many of the members of the Civil Service who come here nowadays are perhaps not familiar with our system. I hope that at least the senior officers in the Ministries will brief their officers before they send them here.

MINISTERIAL STATEMENTS

PROCEDURE FOLLOWED IN ALLOCATION OF TOWNSHIP PLOTS

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, yesterday, I promised to lay on the Table of this House, a document

[The Assistant Minister for Lands and Settlement]

showing the procedure followed in the allocation of township plots and the circular which we have already sent to the Provincial Administration. Therefore, Mr. Speaker, Sir, I beg to lay these documents on the Table.

(The hon. G. G. Kariuki laid the documents on the Table)

CHARGES FOR AUDITING DISTRICT JOINT LOANS
BOARDS ACCOUNTS

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, yesterday Members wanted more information as a result of the figures which I gave as payments to the auditor who audited the books of the District Joint Loans' Board. As I promised the House yesterday, I would like to give the figures involved.

Town	Amount Sh. Cts.
Kisumu	800,300.65
Kakamega	415,778.10
Kipsigis	467,048.40
Kitui	422,103.85
Garissa	297,541
Wajir	282,541
Machakos	401,098.55

Mr. Speaker, Sir, we were not able to obtain information as to what was paid for Wajir, but we have now obtained the figure, which is Sh. 54,101. Thank you Mr. Speaker.

MOTION

APPROVAL OF 1974 LEGAL NOTICES ON LOCAL
GOVERNMENT ELECTIONS RULES

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I beg to move.

THAT, this House approves the Legal Notices on—
The Local Government Regulations, 1963;

The Legal Notice of 1974—the Local Government Elections (Amendment) Rules, 1974; and

Legal Notice of 1974—the Local Government Elections (Postal Voting) Rules, 1974, which were laid on the Table of the House on 13th June, 1974 and 14th June, 1974.

Mr. Speaker, Sir, the first Legal Notice in connexion with the Local Government Elections (Amendment) Rules, 1974 are consequential as a result of the printed National Assembly and the Presidential Elections (Amendment) Bill which we passed in this House. The present Legal Notice, No. 202 of 1970, provides that the ballot box shall be on, while ballot papers shall be printed with symbols. The first Legal Notice brings in line the Local Government Elections with the National Assembly and Presidential Elections as provided in a Bill which was passed in this House recently. The other Legal Notice, Mr. Speaker, provides facilities for the people who are not in the areas where they want to vote in the Local Government Elections. This is only a provision, as we have seen, which is provided for in the National Assembly and Presidential Elections Bill. However, it had not been provided for in the Local Government Elections, and if hon. Members would look at the interpretation given in section 3 of the rules which I have already Tabled in this House, they will

find the type of people who are eligible to vote by post in the Local Government Elections. With your permission, Sir, I would like to tabulate them shortly.

A person who is certified by a medical officer to be incapable of attending to his polling station on the polling day may post his ballot paper to the polling officer; or a person who expects to be outside Kenya on the polling day or a person who is a Returning Officer or a Deputy Returning Officer or a Presiding Officer or a Deputy Presiding Officer at a certain station. These people are not able to physically go to their own areas to cast their votes and that is why they are given an opportunity to vote for whichever councils they want.

A person belonging to one of the classes of employees to whom section 13 (iii) of the Election Offences Act applies which requires employers to allow their employees time off for voting. The people who are exempted from the section I have quoted are those in the Armed Forces, for an example. Hon. Members will note that it is provided that when a ballot paper is received the Voter will put it in an envelope and post it as it is provided. This is given on page 5 of the rules which I Tabled in this House. He will then post that ballot paper to the returning officer of the constituency in which he wishes to vote. This ballot paper must reach the returning officer on the day before the polls close. This can be on the polling day but before the polls close. The officer in charge of the polling station must not open that envelop in case it reaches earlier, before the polls close and before he starts opening the ballot boxes at that particular polls. It also provides that any ballot paper arriving later than the day of the counting of the votes will not be counted. Therefore such a ballot paper will be useless. This was only a provision to ensure conformity with what is provided in the National Assembly Elections Act. The purpose is to enable those who cannot present themselves physically at the polling stations to vote in the Local Government Elections in the areas they are registered as voters.

With those few remarks, I beg to move.

The Assistant Minister for Power and Communications (Mr. Moss) seconded.

(Question proposed)

Mr. Gatuguta: Mr. Speaker, Sir, I support these Legal Notices but there are certain things that ought to be considered seriously by the Minister.

First of all, this question of postal voting is a good idea but it could be abused in several ways. The first way is that the Administration itself may not be able to post the ballot papers to the people in time. We have our people who are living in the United States, United Kingdom, and in many other overseas countries. There must be enough time for the people living in those countries to receive their ballot papers and to send them back here. We know that communications are very difficult these days. We can pass a law which can pass a law which can be very difficult to implement unless the machinery is set in motion quickly by people who know what they are doing. In fact, this is so important and that our people abroad have complained that this system does not work. This is because they receive the ballot papers too late and they are not able

[Mr. Gatuguta]

to post them back in time. That is one point which I think the Ministry will look into. Our people everywhere have a right to vote and this right is very fundamental and important. It should be taken care of thoroughly.

The other point about this postal voting is that a Returning Officer could also abuse this system by pretending that he has received so many votes from people outside and then give them to a candidate that he wishes to support. This ought to be checked thoroughly. There ought to be a machinery to ensure that postal voting is checked thoroughly by the agents of candidates before the envelopes are opened. A Returning Officer should not open these envelopes alone. He must only open them before either the candidate or their agents and check with the register that these people are actually registered voters. This is because they can collect ballot papers from non-registered voters and say that these have come by post and put them where they want. This is a very important aspect of this matter, Mr. Speaker, Sir. Apart from that, there is nothing much I can say about postal voting.

Mr. Speaker, Sir, I would also like to say that the local authorities as well as Parliamentary elections ought to be free elections. They must be democratic elections. We would like the Ministry to direct the Returning officers not to interfere with people while they are voting. The Administration must also not be allowed to interfere with the people when they go to vote. The question of putting an "X" on the ballot paper against the symbol of the candidate whom one likes is an excellent idea. But we know that a large number of our people do not know how to read and write. They will require the assistance of supervisors or candidates' agents. We know that some of the supervisors of these elections will bully the agents by telling them "You are not supposed to come here. Go away". After this the supervisors will mark an X against the candidate whom they favour. We do not want the supervisors of elections to interfere with the agents of candidates. The candidates and their agents ought to be there when the mark X is put on the ballot paper. Nobody should bully the others because if this kind of bullying is allowed, then, obviously, the elections are going to be interfered with. Illiterate men and women will be made to vote where they did not want to vote. This is a democratic state and we know that our President is a democratic man. He would like to see these elections conducted in a democratic manner. Therefore, those who are going to carry out this exercise must also have this democratic mind and they must do their duty, which is to follow the wishes of the people. This is very important seeing that most of our people are illiterate.

Mr. Speaker, Sir, there must be enough time for the candidates symbols to be publicized to the public. I am told that the Local Government Elections are going to be held on 17th August, and yet the candidates have not been given their symbols.

An hon. Member: They will be given symbols after nomination day!

Mr. Gatuguta: I am being told that they will be given their symbols after the nomination day. This

means that they will get their symbols after 12th July, which is the nomination day. I am saying that this is absolutely wrong. This means they will have exactly one month between nomination day and the election day. The period between nomination day and the day they are going to be given their symbols is important. They not going to get their symbols on the nomination day. I understand that they will be called after one week or so after nomination day to pick their symbols. If this is the case, then it is wrong. If they are given their symbols on the nomination day, this will help because they will have enough time to publicize these symbols to the public. If they are not given them on that day, then the Returning Officers may give them their symbols after two or three weeks.

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Speaker, Sir. I think it will greatly help the House if the Member for Kikuyu reveals where he got the information that symbols will be given to candidates a week after the nomination day.

Mr. Gatuguta: I am grateful to the Minister for the clarification he has just made.

The other thing I would like to say is about the tests all the candidates wishing to stand in the local authorities elections will have to undergo before they can be allowed to stand for those elections. Although I can remember very well that this matter was discussed at the recent Kanu Parliament Group meeting, I would like to take this opportunity to ask the Minister for Local Government to clarify how these tests will be conducted. In the first place, I would like him to tell the House whether or not candidates from rural areas like Baringo, Kiambu, Wajir and what-have-you, will be tested in both written and spoken *Swahili*, as is the case with those people who have an intention to stand for these elections in such municipalities like Mombasa and the City of Nairobi. The Minister should clarify this point because very many people do not know what the position is. That will help very many people in the country because at the moment they are all confused on this issue.

Hoping that the Minister is going to reply to all the points I have raised, with those few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Motion.

In the first place I am happy to note that we are soon going to have local authorities elections. I hope that after new councils are formed, after the elections, most of the problems the old councils have been facing are going to be minimized. Mr. Speaker, Sir, for the information of the House, Moyale, where I come from, is a division of the Marsabit District. Before the County Council of Marsabit was dissolved on 30th June, this year it had sacked 11 of its employees who had been working on permanent terms simply because it had some financial difficulties. Some of these people were working with the Community Development Department of the County Council—

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Speaker, Sir. Are you satisfied

[The Minister for Local Government]

that the dismissal of the officers the hon. Member is referring to has anything to do with the Motion we are now debating?

Mr. Speaker: Mr. Araru your point is completely irrelevant to the terms of the Motion.

Mr. Araru: Mr. Speaker, Sir, all that I am doing is drawing the attention of the Minister to some of the mistakes some of the county councils made so that he may try to make sure that the councils which will be formed after the coming elections will not make similar mistakes.

However, Mr. Speaker, Sir, in my district people will have a chance to elect 16 councillors. Personally I feel that the number is too high. In endeavour to make sure that this number is reduced I went to see the District Commissioner on the issue and informed him that as far as I was concerned four or six councillors could serve the whole district efficiently. I am sure that this is a problem which is common to all the county councils in the Republic. However, in some places the Minister reduced the number of councillors who should be elected during the forthcoming local authorities elections, but, unfortunately, in my area, he has added another ward. This is very unfair in the sense that the people of the area will be forced to pay these councillors some allowances. I am sure that if there were only six councillors in Marsabit District, we would be served more efficiently because, in the first place, we would have enough money to pay them.

Mr. Speaker, Sir, just as I have already said, before the County Council of Marsabit was dissolved it dismissed 11 of its employees on the grounds that it was broke. I hope that when the new county council is formed, after the elections, these people will be reinstated immediately.

Mr. Speaker, Sir, the other thing I would like to talk about is the question of voting by post. For the information of the House, in my area this will not be possible because there is only a sub-post office. All that we have is an agent of the Nairobi General Post Office. I personally feel that this agent cannot be entrusted with the work of taking care of voting cards which are posted by individuals to my constituency. In fact, at the moment—I am sure that hon. Members will be surprised to learn that—a letter posted in Nairobi takes even more than one month to reach someone in Moyale. That is the reason why I am wondering how postal voting will be conducted in my area. However, I am hoping that the Government is going to work out a plan on how postal voting will be conducted in my area. If nothing is going to be done to improve the postal services in my area, let nobody cheat you that postal voting will be a success. In fact, the present post office agent in my area has no means of transport and he has to depend on friends' assistance. Of course, we all know the danger such a situation can pose on the day of the elections we are just about to hold. I am sure that this problem is not confined to my area alone. Such areas like Turkana, Mandera and Wajir are experiencing similar difficulties. Unless something is done immediately to improve the situation, then we can as well forget

the idea that people will have a chance of voting by post in all parts of the Republic. However, I feel that the Government can work out plans to ease the problem by making arrangements under which all the voting cards registered in a post office can be flown or transported to their destinations on the very day they are posted. I hope the Minister is going to explain to the House what the Government has in mind on that question.

Mr. Speaker, Sir, with those few remarks, I beg to support.

The Assistant Minister for Commerce and Industry (Mr. Anyeni): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on this Motion.

In the first place, I would like to take this opportunity to thank the Minister for explaining to us how the local government elections will be conducted. However, the other day, when I was paying a visit to my constituency, one of the prospective candidates in the local government elections approached me and asked what they will be supposed to do after they are elected. In fact, I did not have a ready answer for that gentleman because I am also not aware of what councillors are supposed to do. In fact, I am not ashamed to say that the only work these people are supposed to do is just to allocate plots in market places. As far as I am concerned this is not sufficient work to warrant the expenses the Government is going to incur to finance these elections. Therefore, it is the duty of the Government to spell out the work these people are supposed to do. It is possible that urban councils councillors have sufficient work to do, but councillors in county councils have nothing to do apart from allocating plots in markets. After all, the job of allocating plots in markets is already over. What are the councillors who will be elected in elections supposed to do? However, nobody should get the impression that I am trying to suggest that there should be no councillors in the country. All I am saying is that they should be given some work to do. The time has come when the Government should hand back some of the functions it took over from local authorities. In fact, all that the Government should do is provide the county councils with money to enable them to carry on with such functions. I am saying this because there are small feeder roads which have not been graded by the Ministry of Works. These small roads lead to markets, and agricultural crop centres and co-operative societies offices. I am saying that services like this should be given to the county councils and money should also be given to the councils so that they can buy the machinery to be able to do the work and pay the people who work with the machines.

Mr. Speaker, Sir the other day there was an announcement that nursery schools were going to be taken over by the Central Government. I would like to say that the nursery schools should be left with the county councils and that money should be given to these councils so that they can employ the teachers who will teach the children. If this was done, then there would be cause for people to stand to be elected as councillors in county councils. In the absence of all this, I wonder whether

[The Assistant Minister for Commerce and Industry] the allocating of plots—since this is all that the councillors do—warrants the present hue and cry about the coming local Government elections. We should call them townships and municipalities elections and not county council elections because there is no work for these councillors to do. I understand that the Kenya National Union of Teachers has appealed to the President, and he has allowed teachers to stand for county council elections. This is quite good, but what are the teachers who are going to be county councillors going to do? Are they just going there to allocate plots in the markets? We are going to have shops lined up on every side of the road and then there will be no work. Is this worthy of a respectable teacher who is respected by the people, who is going to stand for elections in the county council elections. In fact, a teacher is supposed to be contributing more than just allocating plots.

Mr. Speaker, Sir, when His Excellency the President said that teachers would be allowed to contest seats in the county councils, he meant that there was work in the county councils which was to be done by educated people, and since the majority of our educated people who live in the countryside are teachers, they were allowed to contest the seats. It would be frustrating to these people to be elected only to find that there is no work for them. I am, therefore, strongly appealing to the Minister for Local Government that he defines the work of the local councils.

Mr. Speaker, Sir, we know that there are people who are employed by the Ministry of Local Government through area councils. These people have not earned their salaries for the last 28 months and now the area councils have been abolished. This, automatically, means that these people will fall under county councils. Therefore, are we going to conduct an election which will cost so much money and yet there are so many people who have worked for more than two years without being paid at all? I feel that the money we are going to use for the local Government elections should be used to pay these people. If there is some surplus, then we can conduct the elections. It is not good to elect somebody to a place where he has no work to do.

Mr. Speaker, Sir, since county councils do not have much to do, councillors always try to look for work, which is no work at all. Therefore, since the only work county councillors have is the demarcation and the allocation of plots, they then re-divide the plots, and this is creating a lot of commotion in the countryside.

Mr. Speaker, Sir, I would like the Minister for Local Government to clarify this. Since teachers have been allowed to stand for local Government elections, are they also—I hope hon. Wanjigi will leave the Minister alone for a while so that this is clarified because when we, hon. Members, go home we shall be asked by the prospective candidates what the position is. A circular was issued earlier some time back providing that teachers in the municipalities would not be allowed to stand for election and later on another circular came out saying that all teachers have been allowed to contest the local Government elections. There is also a regula-

tion providing that these people will have to undergo a Swahili and English test—I understand that there are counter directives, and yet we are so close to the elections that the prospective candidates may not be in a position to know what they are supposed to be doing. I would like to ask the Minister to make the final statement today so that we know what is really going to happen.

Mr. Speaker, Sir, we have heard that teachers have been allowed to contest for seats in the County Council elections, but does it mean that these people will be allowed to participate in politics fully? Are those who are not standing for county council elections going to be allowed to campaign for their candidates freely and yet they are quasi-civil servants? This should be made clear so that teachers can know whether they are allowed to campaign for somebody in order that we may appoint them as our agents when the General Elections comes. This should be made very clear because we do not know whether they are only allowed to participate in local politics and not in the national politics. The Minister for Local Government should make these things clear because one may have a situation whereby a teacher may involve himself so much in politics that parents may start complaining, and the school committee may suspend him for being involved in politics, when he thinks that he is free to go into politics. Therefore, these things should be made clear so that teachers do not land into unnecessary troubles.

With these few remarks, I beg to support.

Mr. Mulwa: Mr. Speaker, Sir, one thing I can assure the Minister for Local Government is that I am not envious of his position at present. I would not like to be in his shoes because I understand his problems.

Mr. Speaker, Sir, since the “ten great years” are over, I was hoping that it was time that we had a closer look into how we would save our local Government system because the experience we have had so far is that most of the county councils were unable to run their affairs, first of all, because of financial problems, but mainly because of illiteracy. I know that when I say this I will be very unpopular because we, politicians, tend to feel happy when we have councillors who support us in various councils irrespective of whether a fellow can read or write his name. This is the tendency with us, politicians, and that is why I say that one of the ailments of the county councils was illiteracy.

Mr. Speaker, Sir, I think there is a misconception as to what amounts of reading and writing is a necessity. Even if we say that Swahili will be used in the council meetings, it is also important that these people should be able to write and read well. Mr. Speaker, Sir, councillors have a big part to play in the development of this country. Therefore, when we have people who cannot understand what investments are, and yet they are the same people who are supposed to decide the future of a county council, we shall be taking the whole thing lightly and we shall not be doing what we ought to do here as a Parliament. The regulations which the Minister has put before us should strengthen the councils so that we have councillors who know what they are doing but not a platform for politicians who support

[Mr. Mulwa]

us. This is why I am saying that we should have taken more time in formulating these regulations instead of hurrying them through as the election time approaches. As the situation is now, we are going to have councils being dissolved because they are unable to run their own affairs. I think, as a Parliament in this country, we are not assisting them. We can assist them by ensuring that we have capable people in local authorities who can run affairs of councils properly. If we are serious about strengthening these councils, then we should insist on the requirement that councillors should be able to read and write. I accept that Swahili should be used in the meetings of local authorities, but they should have councillors who can read and sign their names.

Another thing I would like to talk about is with regard to the similarities of these Regulations with the National Assembly and Presidential Elections Act. I do not like the technicality of having two elections, namely, the preliminary election and the final election. At the moment, Sir, we have only one political party in the country, and, therefore, there is no need for these technicalities. Whom are we trying to satisfy? There is no other party which the ruling party is trying to fight. This is a waste of time and I was thing that we should do with only one election, especially in Local Government Elections. Well, it may be difficult as regards the Parliament Elections because this would involve the Constitution, but I think this can be done with the Local Government Elections. I think the Minister can do this by merely amending these regulations.

An hon. Member: I am going to form my political party tomorrow.

Mr. Mulwa: No, it will be too late.

There is no need for these technicalities because it is a mere waste of public funds. Why do we not accept the reality that there is only one political part in this country and, therefore, we can do with preliminary elections only? Why should we waste public funds by involving public officers who are paid extra money for conducting the final elections?

Finally, Mr. Speaker, Sir, I feel that the Minister is not handling the question of the language to be used properly. The right way should have been through these Regulations and not through the Press statements we read everyday in the newspapers. Even if the official language should be Swahili, this should be shown in the Regulations so that things are not changed every other day. It seems that everybody in that Ministry is able to issue directives concerning Local Government Elections. At the moment, Sir, everybody in the Government is issuing directives as to who should stand, who should resign and what teachers should contest the elections—I am going to issue mine tomorrow also!

Thank you very much.

Mr. Amayo: Mr. Speaker, Sir, thank you for allowing me to speak on this Motion. I have a few points in connexion with the Local Government Regulations which have been brought before the House by the hon. Minister for Local Government.

First of all, Sir, I would like to appeal to the Minister to ensure that the Jogoo symbol is not used by candidates. I say this because the symbol of Jogoo should only be used if there are two parties contesting the elections. The right time for the symbol of Jogoo is after the preliminary elections. So, there should not be a symbol of Jogoo in preliminary elections at all.

An hon. Member: Why?

Mr. Amayo: Mr. Speaker, Sir, the symbol of Jogoo represents the ruling party, Kanu. If the hon. Member does not know it and yet he was elected under that symbol, then he had better resign from this Parliament.

Another thing I would like to talk about is the symbols that are unknown in our local areas. If, say, one has a clock as his symbol this might prove difficult to local men and women because, perhaps, they have never seen a clock. Among the symbols which are given to candidates at district commissioners' offices, is a key. I request the Minister for Local Government to lay these symbols on the Table of this House together with the Regulations governing the Local Government Elections. I say this because some of these symbols may not mean anything to the local people where they are used. If, say you display a ship as a symbol, I am sure, that many people in my area have never seen a ship and, therefore, such a symbol does not mean much to them. Therefore, some of these symbols do inconvenience many people in the country-side.

An hon. Member: What about a hyena?

Mr. Amayo: As an hon. Member here says, Sir, even a hyena is not a common animal in certain areas. Some people in my area do not know how a hyena looks like. Similarly, Sir, some candidates are supposed to use the symbol of, say, a lion and yet they, themselves have never seen a lion; this may bring about failures of candidates. So, it would be better if these symbols are brought to this House before they are taken to the Returning Officers.

Mr. Speaker, Sir, area councils were abolished by the Minister sometime ago but up to now locational councils, which were supposed to replace area councils, are not functioning in my area. I request the Minister to establish locational councils, as he promised my people, so that they can decide their own affairs, particularly on how to spend the money of a given location. This will help the development of our locations. At the moment, Sir, the District Commissioners are the chairmen of local councils and it is not fair at all. After the Local Government Elections, therefore, Sir, we should allow locational councils to function under local chairmen.

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

Dr. Munene: Thank you very much, Mr. Speaker, Sir, for giving me this chance to also contribute to this debate on the rules for the Local Authorities elections.

Mr. Speaker, Sir, quite a number of hon. Members have spoken a lot about the meaning or purpose of the elections for the Local Authorities. I am with them on this particular point. It is high time we did an exercise that was going to pay in due time. Mr. Speaker, Sir, our people have often complained that the local authorities — When I am talking of the "local authorities", I am

[Dr. Munene]

talking of “county councils”. They have practically nothing to do. The little they have to do is inconvenienced because even those local authorities with money are not allowed to buy the instruments for repairing their roads or giving services to the people. For example, these people—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, I might be wrong, but I thought that we were debating the Local Government Regulations 1963 and, therefore, is the hon. Member confining himself within the Debate when he talks of implements being bought by the county councils and so-forth? Has that got anything to do with the Regulations?

Mr. Speaker: I did not hear what Dr. Munene said.

Dr. Munene: Mr. Speaker, Sir, the Regulations are there for electing people; they are not there to elect the—

Mr. Speaker: Dr. Munene, we are not going to discuss the character of the people to be elected! These are rules setting out the machinery for the elections. That is all we are concerned with and not the behaviour of those who are elected after the elections.

Dr. Munene: Mr. Speaker, Sir, I have not touched on the behaviour of those people who are going to be elected. All I am saying, Sir, is that if we are going to elect these people, and if these regulations are laid down for the benefit of electing these people, then these people must be elected and they must have something to do. There is plenty of work within the municipalities and townships.

Mr. Speaker, Sir, there was a Commission set some time back to go round all the towns looking into the possibility of elevating some of these towns to urban areas. The work of this Commission should be accelerated so that the elections which are going to be held in those areas can be done as quickly as possible.

Mr. Speaker, Sir, on the question of postal votes, as one of the hon. Members said about them, there can be quite a lot of abuse of this system. As all the hon. Members know, these postal votes are also going to use or spend money. Therefore, I believe that these forms should be sent out as soon as the nominations have been done and the candidates have been announced. There has been a lot of hue and cry as far as the polling booths are concerned. For instance, in locations where you have only one candidate standing for elections, in previous times, there has been only one place for holding the elections. This used to be either at the chief's centre or the nearest centre to the chief's office. In most cases— I do not know the reason why during the polls there is always quite a lot of heavy rain, as a result of which most of the candidates cannot manage to go to the polling stations. Now, that this year the Attorney-General has increased the centres where people will cast their votes, I feel that the Minister for Local Government should incorporate in the Regulations that polling stations will be the same places where people took election cards. There is no use asking the people to get the cards and then, at the end, they are

told to walk all the way, say, ten miles away, so that they can cast their votes. This is applied to the Local Government Elections as well as the National Assembly Elections. These polling booths should be close to the people. I would like the Minister for Local Government to clarify this point now so that we are aware of what is happening. This is because what is happening now is that when you go to a district headquarters somebody tells you that he does not know how many polling stations there are. He tells you that there might be three or two polling stations; nobody seems to be sure. Therefore, I think this should be incorporated in the regulations so that we may know exactly where we stand in this matter.

Mr. Speaker, Sir because of the decree by His Excellency the President teachers have been allowed to stand in either the Local Government or National Assembly Elections and yet we know that the local authorities currently meet from Tuesday to Fridays in the mornings and afternoons as well. Therefore, it will not be possible for the teachers to contribute to these county councils although they would like to do so. I do not really know what the Minister will do because in the case of municipalities, where he has refused them permission to stand, people meet after five o'clock because they live nearby. I do not know whether the Minister intends to put it in the regulations that the Local Authorities or the county councils will be meeting at the weekends from Friday to Monday, rather than from Tuesday to Friday, so as to enable teachers to contribute. I cannot even see how teachers will be able to serve the county councils in a really effective manner and at the same time do their work well if councils are going to meet from Monday to Friday every week. I am sure that teachers will not be getting permission to leave their work every now and again.

Mr. Speaker, Sir, on the question of language, as the hon. Member put it, I still insist that the Minister should clarify what he means by this “test” that the candidates will be asked to undergo. He should tell us whether candidates will be asked to read a passage from a Swahili book and then write it down or whether they undergo a test similar to that short-hand secretaries and typists undergo. Now, who is the person who is going to test these candidates? Is it the Education officer from the area or is it the Returning Officer from the area? At the same time, where would these candidates appeal against their failure if they felt they were failed by the first body and the second body? This is clear in the Parliamentary Elections but it is not very clear as far as the Local Government elections are concerned.

Mr. Speaker, Sir, as somebody said before, we have already abolished the area councils and, therefore, we have no local councils. I do not understand how the connexion will be from a small area, say, a location to a county council where we have already reduced the number of councillors. In some places, and especially in the district where I come from, we have, say, four locations with only one councillor. How will he go around all those locations when he does not have transport? How can he go around the locations and listen

[Dr. Munene]

to the problems of his people? I believe that if we reduce the number of councillors we shall have ineffective local area councils. I do not know whether the Minister for Local Government would like to—

The Minister for Local Government: (Mr. Osogo): On a point of order, Mr. Speaker, Sir. Did I hear the hon. Member right, that in his area where he comes from he has four locations returning one councillor to the county council— Did I hear him correctly?

Dr. Munene: Mr. Speaker, Sir, the hon. Minister heard me right and if he is not quite sure, there is already a memorandum in his office to this effect. In Makuyu area, there are four locations with only one councillor and there is already a memorandum in the Minister's office on this and, therefore, if he goes and checks this matter and rectifies the situation, I am sure that this will do the Murang'a County Council a lot of good.

Mr. Speaker, Sir, I was only bringing that issue as far as the local councils are concerned. However, there is a rumour that some of these people will be nominated, and then they will form a locational council. Now, if we have three locations and this councillor is going to represent the three locations, then he will be moving from one location to the other. So, it is high time we had elected local councillors and paid them a meagre allowance because they will have a lot of work in their locations. This councillors together with the chiefs and sub-chiefs, will advise the senior councillor who goes to the other upper council.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on this Motion. Sir, first and foremost, I would like to draw the attention of the Minister for Local Government to the fact that he failed to let us know what he is amending. Normally, Sir, even when the Attorney-General moves any amendment to the existing law, he gives us the old clauses and the amendment so that we may know what is being amended. Looking at this Paper, I do not know whether the Minister had any time: it would seem that he did not have time to do this. As a result, it means a lot of hard work for not seeing what is being amended.

Mr. Speaker, Sir, I would draw your attention to Legal Notice 202/1970 under the Local Government Regulations, (Amendment) Rules, 1974 and I quote:—

L.N. 202/1970 . "2. The Local Government Election Rules, 1970 (hereinafter referred to as the principal rules) are hereby amended by the deletion of rule 3 and substitution thereof the following . . ."

The point I wanted to know from the Minister is whether since he talks about the National Assembly and Presidential Elections, he is taking into account the recent amendment to the National Assembly and Presidential Election Act which we passed here the other day. Are these amendments in keeping with that Act?

The Minister for Local Government (Mr. Osogo): Yes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Having got that point clear in my mind, I would like to go on and add that I am sure that the Attorney-General will be coming here with other regulations governing the National Assembly Elections taking into account what we passed in the National Assembly and Presidential Elections (Amendment) Bill. Mr. Speaker, Sir, I am now referring to the proposed amendment in page 2 of this Paper and I quote:—

"(4) The forms for the time being relating to the registration of voters for elections to the National Assembly shall, for the purpose of registration of voters for elections to local authorities, be read with such amendments or modifications as may be necessary".

Which are these modifications? What shall we tell our local councillors when we go home over the weekend? What alterations has the Minister in mind? And will there be any time, anyway, in view of the fact that the nomination papers are going to be—

The Minister for Local Government (Mr. Osogo): (Inaudible).

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): All right; these are the sort of things that should be made clear to the people. This is because we get questions from *wananchi* who want to know some things. As far as I am concerned, we can understand each other very easily here; it is outside the House that you get into real problem because you have nothing to answer to the people. I hope when the Minister stands to reply to this Motion he will use this House to clarify the position. I hope, also, that the Press and the radio will publicize the reply so that the *wananchi* may understand what is happening. In fact, this should be repeated over the radio and, if possible, make plays— I think I should congratulate the Voice of Kenya, Television Department which had plays showing people how candidates were campaigning giving people promises and another one saying that he is going to do his best if elected; and there is a vote. . . This sort of thing educates our people and enables them to know what is happening. Therefore, I hope the Voice of Kenya and the Minister will give a clear picture of the situation.

Mr. Speaker, Sir, I am still on the same page, under 3.(2), and I quote:—

"Where registers of electors are compiled an electoral roll for each electoral area shall be similarly prepared. . ."

Mr. Speaker, Sir, I am wondering whether we could have the same system because during the registration there was a big relief for us in the rural areas. If I may speak specifically on this one, in my constituency we almost had registration centres in every sub-location. A team of registration officers went around in each sub-location to register people as voters. Therefore, it was so easy and so good that the people felt that during the election time, we should have polling stations where people were registered; that is in every sub-location. If we had people to go to each sub-location registering people, I think we should also have at least

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one polling station in every sub-location. This question of bringing three or four sub-locations to vote at one centre means a lot of travelling for some people. I know the Minister, who comes from a rural area, knows this. In fact, in his area sometimes there are floods and, therefore, his people have to travel by boats. Therefore, it would cause a lot of inconveniences to the people if the polling station was to be at a central position. If the Minister could allow us to have polling stations on a sub-location basis, that would be a very good move. In addition, it will make it impossible for the well-to-do candidates to give lifts to voters and thereby solicit support. This is a problem, although in some cases I have enjoyed the transport of my opponents. My voters just shout the name of the candidate who has the transport, get into his vehicle, reach the polling station, vote for me and then shout the other candidate's name and then get into his vehicle and get transported to their homes! This is the way I do things and the way I have been coming here every time.

However, Sir, I think it would be very ideal to have polling stations established in all sub-locations. I now draw your attention to page 3, and I quote:—

"5. Rule 12 (3)(c) of the principle Rules is hereby amended by the deletion of the word "ten" and the substitution therefore of the word "twenty-eight"."

I think the Minister was trying to go by the Act we passed in this House—the National Assembly and Presidential Elections Act—where we provided 28 days for campaigning. I was wondering whether this is really necessary for the Local Government Elections. Mr. Speaker, Sir, I can see the Minister nodding his head in agreement. If it is going to be 28 days—Well, some of the Local Government Elections candidates have been asking me; "Mr. Shikuku, how do you expect us—you are going for 28 days—who are just going to campaign locally here, to have 28 days?"

After all, Mr. Speaker, these people are always at home and, therefore, they know the people and their needs. Why should they campaign for 28 days? I was wondering whether it was not possible to lessen these days and give half of this period or at most 21 days. I stand for correction since I am not sure that this is allowed. If this is not in-keeping with the Act we passed, then I might be asking for too much. However, my observation is that 28 days for the local authority elections are rather too many because the campaigns will be held within two or three sub-locations.

The other point I would like the Minister to comment on is that these days there is a difference as far as electoral areas are concerned. For instance, if I may refer to Kakamega District, we had five councillors in Vihiga Division and now they are only three. There are many other divisions where some seats were done away with and, therefore, it involved a councillor representing a bigger area than ever before. Could the Minister tell us what this meant? This is because we thought our people could be represented better if we had these wards catered for at a close range. I think people are better represented by people who know

their little difficulties. The Minister should not try to turn these wards into some small constituencies. Some of these wards are as big as some of the constituencies in the Republic. In my area, I represent well over 110,000 people and I have only four councillors. If you divide the population around there with the number of councillors you will find that a councillor is representing well over 25,000 people. I think this is a bit too much. I am wondering whether the Minister could reconsider this situation because I know some constituencies in this Republic have slightly more than 25,000 people. A person representing such a constituency earns over Sh. 4,000 per month while a councillor in my area is earning something very little per month. I, therefore, feel that the Minister should re-consider the question of representation in the county councils.

Mr. Speaker, Sir, an hon. Member says this is done because there is no money. I do agree with him because most of the county councils are in the red permanently. However, if it is a question of unavailability of money, what is the Minister going to tell the House as far as the teachers are concerned? Teachers are paid by a parastatal body, the Teachers Service Commission, and are paid out of the Government money. If they are paid using the Government money, are they also going to enjoy the allowances which are paid to every councillor, just like those councillors who are not teachers and who are earning nothing else apart from that allowance? Is the teacher going to draw that allowance in addition to his normal salary as a teacher?

An hon. Member: Yes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, an hon. Member says "Yes". This is not allowed. If I am earning from the Government, I am not allowed to get any other salary from the same Government. I may, however, be given some transport allowance, when I am travelling to a particular point for a meeting, but I will not get a fixed allowance like any other man who is not earning from the Government. This is a very important question and I would like the Minister, when he stands up to reply, to answer it. I think these teachers should actually give free service and should only be given travelling allowance, when they are coming to attend a meeting. He should also get sitting allowance, because I suppose he needs a lunch when he is attending the meeting. However, he should not get a fixed allowance because that would mean that he would be earning two salaries from the same Government. This is a very crucial point which the Minister should clarify. If the Minister said here that he is reducing the number of councillors because of shortage of money, then he can save further by paying the teachers travelling allowance only and have then the rest of the money paid to those councillors who are not teachers.

Mr. Speaker, Sir, I am now going to say something about Rule No. 45, where the Minister talks of this question of depositing ballot papers into the ballot box. I remember when we were passing the National Assembly and Presidential Election Bill, which has become an Act now, we did agree that candidates' agents will be present at the polling station, and that

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if an old woman who does not know how to read or write and she wants to vote for Mr. B, the presiding officer will ask the agents there to witness the marking of the ballot paper. I do not know whether this is provided for somewhere. I have not seen it, but I think it should be made very clear that in the Local Authorities Elections this should also be the case. You will find that some of the Presiding Officers assume such powers as you have never heard of; they cannot allow anybody to be anywhere near the polling station and they make their own ruling and do anything they like. It should be made very clear that to these people that candidates' agents shall be present all the time with the Presiding Officers to make sure that somebody votes for whoever he or she likes.

I remember that in 1963, my symbol was a palm and my opponent's symbol was a pen. However, the Presiding Officer was in favour of the pen. So, whenever women went there and shouted my name, they were asked to hand over their ballot papers and these papers were marked for Mr. "Pen", instead of Mr. "Palm". I tricked him by sending some women there, who pretended they did not know how to write; he took one ballot paper from one woman and marked Mr. "Pen" and then the woman shouted. So, we rushed in and we caught him red-handed, because he had not pushed the paper into the ballot box. Now, I would like to be assured by the Minister that in accordance with what we had passed here, the agent of candidates will be there to witness the marking of ballot papers before the papers are put into the ballot box.

I am told that this is shown somewhere in here, but some of these people at the polling stations give our people a lot of problems and they think they are beyond reproach. We would like this election to be done in a fair manner so that there will not be a lot of complaints and appeals after we have finished with it.

I have read a lot in this thing and I do not have much to quarrel with what it contains, but I would like to finish by asking the Minister to allow the candidates' agents to also accompany the officers to the place where votes will be counted. I remember in 1969 the officers were so bad that they never allowed anybody into their cars; they went away alone with the ballot boxes and, of course, we know what happened. Some of the tins found their way into rivers and others disappeared into the blue. Since we have now corrected that with the Bill we passed here the other day, which is now an Act, the officers will have to allow the agents of the candidates to accompany them to the counting places if we are to avoid complaints.

With those few remarks, I beg to support.

Mr. Karungaru: Mr. Speaker, Sir, I would also like to make the following observations. During the last General Elections, we passed regulations in this House to govern Local Authority Elections. Now, at that time, we agreed that each given prospective councillor was only allowed to spend Sh. 2,000. However, Sir, I am wondering whether this is still the amount that is allowed to be spent. I am saying this, Sir, because of late, I have discovered that some of the prospective

candidates spend much more than that amount. Therefore, when they are told to go and campaign, that is the same as asking them to go and spend five times as much as that. That would amount to saying that the regulation in question has been violated. That is what it would amount to, Mr. Speaker.

Now, Sir, that is not all. We know that in other democratic countries, for instance, Britain, a Member of Parliament is only allowed to spend £450, and that money is entrusted with the agents of that prospective candidate. Now, it appears as though here in Kenya, a prospective councillor is going to spend more than that, whereas we know that Britain is a progressive country—while we are only a developing country. I fail to understand why we cannot think of a method by which we can curtail this spending, which has become extravagant, and which in the end may introduce what we call maladministration or malpractices.

Mr. Speaker, Sir, I am told that these people do not care even if they spend a lot of money because as soon as they get elected, they will organize themselves into a committee of allocating houses, whereby they will give themselves houses, shops, bars, restaurants, as well as loans without having to offer any security. I understand that they will also be able to recruit their brothers, sisters, relatives and the rest of their friends to jobs. You can see that the dividends are quite wide. Mr. Speaker, Sir, I also understand from the hon. Member here that even the deposit for prospective councillors should be raised to the tune of Sh. 1,000. I do not actually agree with him because I know that some of the councillors are quite sincere councillors, and they are aware of the malpractices in the councils, and therefore, they do not get themselves involved in these things. Therefore, I disagree with the hon. Member for Kisumu Rural that the deposit for prospective councillors should be raised.

Mr. Speaker, Sir— You suggested that we should ask them to pay Sh. 1,000 as a deposit, instead of the normal Sh. 200.

An hon. Member: Address the Chair!

Mr. Karungaru: Mr. Speaker, Sir, the other thing that I would like the Minister to tell this House is whether or not he has any system, whereby he is going to identify the mobile registered voters. I am now giving the example of Nairobi, where people were imported from Kiambu and elsewhere, in order to register as voters here. Now, these people, according to the regulations governing the Local Authorities' elections, are not eligible to vote in Nairobi because they do not fall under the category that the law provides for. Therefore, I would like to ask the Minister to tell us what method the Government is contemplating to use, in order to detect some of these malpractices which are likely to be found in all the polling stations during the local authorities elections in Nairobi.

I have also seen that in the voters registers you find things which leave a lot to be desired in this country. You will find that in a given area one woman has actually registered more than four times, and the following is the method that is used. For instance, today, she may come and register herself as Mary Wanjiku, and gives her post office box number as that of the City Council of Nairobi. Then tomorrow she comes and registers herself as Leah Wanjiku, and she gives her

[Mr. Karungaru]

address as care of the District Officer's Office, Makadara. Then on another day, she comes and registers herself as Elizabeth Wanjiku, and she gives a fictitious address, which you cannot even trace in the directory. Finally, she comes and registers herself as Margaret Wanjiku, and she does not say whose daughter or wife she is. Now, many fictitious voters have registered in this manner.

An hon. Member: How did you know all that?!

Mr. Karungaru: Well, that is what I have seen in the voters' roll. Now, Sir, if the Government can use the knowledge provided by these fictitious voters in the form of false addresses, it can be possible to detect some of these people who are now trying to employ corrupt methods in registering themselves several times as voters. This is what I mean.

Now, there is also another problem, and I do not really know what the Minister is going to do about it. You may also find in the same voters' roll that there are names of registered voters, but there are no numbers against them. Now, I fail to see how such people are going to vote. I am quite sure that this could be a way of eliminating some of the would-be voters. Maybe, this is all calculated because we even witnessed that there were some people during the time of registration, who happened to be prospective candidates in these elections, and who used to buy votes. They had gone as far as asking some of the people I have mentioned to register in various places, so that they could buy their votes.

I also understand that there is another thing taking place in Nairobi now. If a prospective candidate in a given ward thinks that another candidate there is stronger than himself, he buys votes from the voters who do not support him, and then he burns them. Now, I would like you to tell me whether there is any justice in some of these things? It is up to the Minister—

An hon. Member: That is politics!

Mr. Karungaru: That is unwelcome politics, because it has no element of real politics at all.

Mr. Speaker, Sir, it is up to the Government to help the voters who have now been victimized by these unscrupulous so-called prospective candidates for the local authority elections. Mr. Speaker, Sir, I am very serious because we have learnt with great interest of what had happened previously. Mr. Speaker, Sir, in order to stop some of these things from happening, I would like to suggest this.

Mr. Ayah: On a point of order, Mr. Speaker, Sir, the hon. Member for Embakasi is making what I consider to be a very serious allegation that there are some people in Nairobi who are buying voters' cards from prospective voters and burning these cards. Could the hon. Member substantiate this?

Mr. Karungaru: Mr. Speaker, Sir, the Member for Kisumu Rural is a man with broad understanding and he should know that I am always very careful in selecting my words. Mr. Speaker, Sir, what I have said is a fact and therefore, the hon. Member cannot ask me to substantiate it.

Mr. Speaker: Order, Mr. Karungaru! You made quite a categorical statement and, therefore, you must

know what people you are talking about. If you go to the extent of knowing that they are burning these cards, surely, you must know who these people really are. You also told us how certain women are able to obtain cards illegally and I think you must know at least one woman who has done this; otherwise, you should stop making these very serious allegations.

Mr. Karungaru: Mr. Speaker, Sir, this issue was reported by the Press many times and I would like to inform the hon. Member that I even went to the Supervisor of the Elections with some of these people to report the matter. Therefore, I do not know what the hon. Member wants me to substantiate.

Mr. Speaker: Order, Mr. Karungaru! Will you distinguish between the office of the supervisor of elections and this House! You are being asked in this House to tell us who these people are and not what went on in the supervisor's office.

Mr. Karungaru: Mr. Speaker, Sir, I am saying that I went with the people affected to the Supervisor of Elections to report this matter and I think this is enough substantiation.

Mr. Mwicigi: On a point of order, Mr. Speaker, Sir, hon. Karungaru said very clearly that these things are being done and described the whole affair as if he has himself seen men and women burning cards. Could he, therefore, give us the names of these people because if he has gone all that far with the story, he should be able to give us the names.

Mr. Karungaru: Mr. Speaker, Sir, I mentioned the names of the women whom I had in mind and for the information of the hon. Member, these things were going on in Jericho even during the time of the registration of voters. You could see fictitious voters being recorded and this was reported to the police. Therefore, if you are interested in following up the matter, you can find out from the police because they are aware of everything as we have reported to them. I am not saying things which I have not seen! However, Mr. Speaker, Sir—

Mr. Amayo: On a point of order, Mr. Speaker, Sir, could the hon. Member withdraw his allegation and apologize to the House because he has totally failed to substantiate the serious allegation he has just made?

Mr. Speaker: The names Mr. Karungaru gave sounded rather hypothetical to me. In fact, although they sounded so fictitious although he was just giving examples and it does not mean he was referring to any particular women. However, as he says, it is known that some people were arrested for doing some of the things he is now saying and this is quite clearly common knowledge because the issue was reported in papers and therefore many people know about it. Therefore, I think Mr. Karungaru may get away with this one, but I would like to warn him to be more careful in future.

Mr. Karungaru: Mr. Speaker, Sir, when I am trying to say something which may be of help to the country, some other people are becoming sensitive for nothing.

Mr. Speaker, Sir, due to the experience I have gathered, I would like to appeal to the Minister to devise another method of electing councillors. In other countries, it is only the Mayor who is elected while the

[Mr. Karungaru]

councillors are nominated. In order to avoid some of the malpractices which we have already witnessed with the present procedure of electing councillors—

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, with all due respect to the hon. Member on the Floor, are you really satisfied that what he is now saying is relevant to this Motion? I think what he is now saying would be relevant if we were discussing the principal law and not the rules for conducting elections.

Mr. Speaker: Yes, in fact, what Mr. Karungaru is now saying is beyond the scope of the Debate before the House because if he is trying to suggest a new method of choosing the councillors by nominating them instead of electing them, then that is something completely different from what we are supposed to be discussing. We have already decided that we shall have an election and what we are now discussing is the machinery to effect that purpose and, therefore, we cannot talk about nomination because that would be irrelevant to this debate.

Mr. Karungaru: Okay, Mr. Speaker, I will leave it for the time being, but I hope the Minister will in future do something of this sort.

Mr. Speaker, Sir, the other thing which I would like to ask the Minister to do is to tell us what is going to happen to the officers of the Government who have shown openly to take sides with some of these people. I am saying this because I witnessed a case in my area where some civil servants were involved in some of the things I have already said. If the prospective councillors think that a certain office is in favour of a certain candidate, what is the Government intending to do in order to make sure that we have fair and democratic elections? If there is any element of interference in the elections, it is only fair that we point it out here because the registration of voters has already revealed something of the sort. We are afraid that if the same things are repeated during the elections, this matter would be taken very seriously. Therefore, I would like to appeal to the Minister to think of the best method of holding these elections. In fact, some of the officers who happen to have had something to do with favouring certain prospective councillors in certain areas would be transferred to other areas. If this would be done, I think we would have very good democratic elections.

At the same time, Sir, we would like the Government to tell us whether after the elections they will give the councils certain guidelines on the duties that the councillors are supposed to carry out. In this way, the running of these councils will be improved.

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

The Minister for Natural Resources (Mr. Omamo): On a point of order, Mr. Speaker, Sir, would I be in order to move that the Mover be now called upon to reply?

The Speaker: Well, I had already called upon Mr. J. M. Kariuki to speak.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I am going to be very brief in order to allow the hon. Member for Bondo

to put his question. First of all, Mr. Speaker, Sir, there is a mistake here. I have been going through the Rules and the relevant Act and I think the hon. Minister ought to have been able to brief hon. Members so that they may know what they are required to amend in order that they may in turn be able to explain to the people in their constituencies. Therefore, I would like to appeal to the Minister that in future, it will be very important for him to brief hon. Members so that they may know what they are supposed to be amending. I am saying this because if you look through these rules and regulations, you will find that we are supposed to be amending quite a number of them and it is very important the hon. Members know which ones they are supposed to be amending. Because of the shortage of time it is not possible to do that now. However, I would like to say that this time I will give my friend, the Minister for Local Government, the chance of doing that in future because he means good. This House is quite aware that the Minister for Local Government cannot put us into a mess. I hope and trust that in future when the National Assembly regulations will be Tabled nobody will bring a Motion here and say that he is amending such-and-such a rule without first of all discussing this thoroughly with the Members. That is where Members can scrutinize such regulations. I have been in this House since 1963 and I have noticed many mistakes which can easily be made by Members by not knowing which rule they are amending or which section of the rules they are amending. If the hon. Members read this documents they will be able to see that we are inserting such-and-such a rule. They will see that we are removing the word "candidate". In rule No. 46 you will see that we are removing the word "candidate" and inserting in place thereof the word "party". I think the Members should have more time to discuss that and be explained why this is being done.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

The other point which I would like to make is in connexion with teachers. How many rules and regulations do we have in the Government? Do we have different rules for the civil servants who are in the lower salary scales from those who are in the super scales? This is because the civil servants who are in the super-scale are not allowed to get another salary when they are working somewhere else. I know this is a very touchy point. The teachers who will be elected in the local authorities will continue with their teaching jobs but there will be a problem with the teachers Service Commission on transferring these teachers. It means that if a very senior teacher is in a particular district, and he is doing very well, and he is a councillor, it will not be possible to transfer him. It means that such a teacher will remain in that area all the time because he cannot be transferred. I think the Minister can see the danger there. If a particular teacher is very good, and he is liked by his people, and he is elected a councillor while he is teaching in a particular school, that teacher cannot be transferred to another district because if you transfer him he will find difficulties in attending the council meetings if he is for example in Kitui. That is why I was saying that it would be much better for us to dis-

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discuss some of these points because they are very important. I do not say this because we do not want teachers to participate in these elections. We want them to do so. In this Government I have seen some of us receiving directives that we are not allowed to be this or that and when you are a chairman of a statutory board you are not allowed to draw the salary of a chairman. At the same time we see another person of an equal status who is a chairman of a similar board and he draws the salary of a chairman. We fail to understand as to who makes the policy in this country. I think we had better streamline things in this country. It is wrong to make a policy for a certain group of people which does not apply to some other people.

Mr. Karungaru: But you are responsible for making these laws!

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Deputy Speaker, Sir, there is an hon. Member whom I respect very much but because of the noise of aeroplanes I cannot complain about him today. He is interrupting my speech with some insinuations at the back. He is saying that I am responsible for making these laws. I thought the hon. Member wanted to raise a point of order but he could not do so because he knew I could reply to it.

Mr. Deputy Speaker, Sir, what I am trying to say here is that hon. Members should have been given time to be able to express their opinions on these rules because they are there and to be able to give some guidance to the Government. I think the Minister should very much be concerned with these rules because they are going to cause some problems. I am not saying that they are going to cause trouble but they are going to cause some problems to teachers, especially those teachers who will be elected to the local authorities. This is because of their transfers. You cannot tell the Teachers Service Commission not to transfer their good teachers. This is one problem which needs to be solved. We would like to hear whether this has been a directive or something else so that the country knows that once you become a councillor, and you are a teacher, the Teachers Service Commission will not transfer you. The teachers will also know that once they are elected to the local authorities they have one advantage of not being transferable. They will also rest assured that they will get their salaries as teachers and also earn as councillors. Then that will be a very good career for one to join.

The other point which I would like to raise is in connexion with this Legal Notice. I can see that we still have very many legal notices which have not been amended. May I take this opportunity to request the Minister to discuss with his colleagues in the Cabinet so that we do not have to come and keep on bringing these legal notices now and then for amendment. We could actually amend them straightaway so that when we have a thing like the regulations we have before us in this House today we cannot take a long time in getting them through. But as you can see there are some few loopholes which I feel can be misused easily. The balloting and other things which have been discussed by other hon. Members will not receive my attention at the moment but if you look at the copy of the regula-

tions you will find that near the end there is a place which states clearly that a ballot paper cannot be spoiled. Even if somebody has marked the ballot outside the box provided for—

Mr. Ogalo: It is not important to explain anything on that!

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): The hon. Member does not want me to explain this point. It is very important for the people of Nyando. I think it is very important for the people of Nyando to hear what I am going to say but I do not think they will like to hear their Members of Parliament arguing with me here.

Mr. Deputy Speaker, Sir, if you look at that particular section you will find that it is stated that the ballot paper cannot be declared void. Hon. Members can see this anomaly. I think that section can be misused by some people. I think it would be much better for a solution to be found even before we pass these regulations. This is because somebody can mark so many of these ballot papers from outside and come with them. He will say that so long as they are not void nobody will complain. This is contained near the end of that particular document. I may be wrong in what I am saying as I have been wrong on many occasions but I still believe that this can actually be misused. We want democracy and the Minister, who is very reasonable, knows that in this country we are heading for very serious elections. I have put them in plural because even the local government elections will determine a great deal of the pattern which will be taken by the National Assembly and Presidential elections. The way the local government elections will be conducted will clear the way for the other elections. If we allow the loophole now it is going to be a mountain moving job for us to change the other elections. Therefore I just wanted this anomaly to be rectified.

Mr. Deputy Speaker, Sir, as far as the languages are concerned, I understand that there are some people who are deciding that the languages are now going to be something else. Good luck to those people. However, what I would like to say to those people who would like to change these official languages is to read the Constitution and see that before any decision on language is made we have to change the Constitution. We also have to change the Standing Orders of this House.

Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, I will be very brief in my speech indeed.

First of all, I would like to say that it is very unfortunate that even when we draw up some of the best and most commendable programmes of Government, programmes of development, we insist on doing them the untidy way. We insist on being very naughty. In this regard, Mr. Deputy Speaker, Sir, I want to say that one of the most fundamental changes was made by the Minister in changing the electoral areas overnight. Over a period of 24 hours it was decided that the electoral areas will be like this and that. The district officers and the district commissioners were running around on a Sunday trying to chase up these changed boundaries. Why should we allow ourselves to continue

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to be in a messy and untidy state of affair? Why did the Government find it difficult to wait until a special boundary committee was formed so that it could look into the whole questions of boundaries in the whole Republic? In fact, we should have waited until a proper programme was worked out so that we could make fundamental changes. In fact, that is the only time we consider whether it is necessary to increase or to reduce the number of the existing wards in the country. Before we can increase or reduce the number of wards we should consider whether or not the population in a given area has increased. In fact, in some areas the population has doubled. In some cases we are at a loss to know what has led the Government to combine two locations together into one ward. In fact, in some locations which have less number of people living there the number of councillors has been doubled. Is this the way we should be running this country, Mr. Deputy Speaker, Sir? Why does the Ministry of Local Government seem to be in hurry to such an extent that it does not mind whether or not they do things haphazardly? I still feel even after the elections are held an electoral commission should be appointed to look into the whole question of boundaries of wards and constituencies. I am personally not sure of what led hon. Osogo and his officers to fix the boundaries of wards on a Sunday. I am very bitter about this matter because it appears to me that we are trying to run this country as though it is our home. When a person is in his home, he has to give his wife some time to finish whatever she is doing before he tells the next thing which she should do. If for instance, you are going for a walk you have to give your wife some time to dress up before you can start setting off. I am not ashamed to say that this country is not being given the concentration it deserves. We are also not giving ourselves the attention we need before we can decide on a major issue. Why should this sort of thing be happening in an independent country? One only needs to look and see the manner we have handled a small thing, that is, the question of language. Two days ago, in a Kanu Parliamentary Group meeting, we agreed that any one wishing to stand as a councillor in the forthcoming local government elections should be able to write and read in *Swahili*. However, on the following day, we are surprised to read in the local newspapers and hear over the Voice of Kenya that anyone wishing to contest a seat in the forthcoming local government elections must be literate and be able to write and read in English Language. Who passed such a resolution? Why should such nonsense be allowed to linger in our minds?

Hon. Members: What happened today!

The Assistant Minister for Agriculture (Mr. Wanjigi): For instance, before we adopted the metric system in Kenya we gave ourselves time to consider how we should adopt it. In fact, we spent months studying how metric system could be adopted in Kenya. As far as I am concerned the adoption of metric system is not important as the adoption of a new language in Kenya. If, for instance, we decide to adopt Swahili as the official language, then we should give ourselves time to study how we can adopt it. I think these are the sorts of things which require a lot of study and programming.

In fact, we should work out a programme so that we can know where we should introduce Swahili in other words we should know where Swahili should be introduced first, in courts, schools or in Parliament. Let us not forget that in this country we have very many people who have brains to know the truth. We also have very many people in this country who have good will. However, unfortunately, these good people are being let down very badly. Some people have no time to ponder before they do things haphazardly. This is a shame.

Coming back to the electoral rules, I would like to appeal to the Minister, regardless of whether or not he will be appointed the Minister for Local Government after the General Elections, to try and ensure that a proper machinery is followed to increase or reduce the number of wards in the country. I hope that in future we shall have the proper representations in the local authorities. Before a ward is created we should try and make sure that there is enough population to warrant its creation, but a ward should not be created simply because one person wants it.

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

Mr. Ogalo: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to speak on this Motion.

First of all I would like to thank the Minister for Local Government for the work he has done since he was appointed a Minister for Local Government. I hope the Minister is going to fight very hard so that an electoral commission is appointed to look into the question of boundaries of wards. In my opinion such a commission should be composed of such people as hon. Rubia, who has worked closely with local authorities.

Mr. Deputy Speaker, Sir, I am of the opinion that the candidates for the local government elections have been given too much time to campaign. Some of these people are going to drain the resources unless this period is shortened. In the first place we should not forget that councils have no money. Some of these people might be tempted to recover the money spent during their campaigns from the resources of the local authorities. In my opinion this period should be reduced to 14 days.

The other point I would like to talk about is the demarcation of wards. For instance, in my constituency nothing was done about the division or creation of new wards. My constituents are wondering whether or not they are supposed to elect councillors to represent them in the old wards. That is the reason why I feel that the District Commissioner or his District Assistant in the area, or for that matter, the Voice of Kenya, should inform my people the truth.

The other thing I wanted to talk about is the election of chairmen of councils and mayors. In my opinion the election of chairmen of councils should be done by all the people in that county council. There is no reason why we should leave that responsibility to a few councillors who can easily be bought. For the information of the House, I am talking from experience because at one time I was a chairman of a county council. At that

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time the county councils were responsible for paying teachers their salaries.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to suggest that councillors can be bought when we know that they are elected by people who have trust in them?

Mr. Deputy Speaker: That is not a point of order, Mrs. Onyango.

Mr. Ogalo: Thank you very much, Mr. Deputy Speaker, Sir, for saving me from the cruel words by the hon. Gracious Lady—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to refer to the hon. Gracious Lady's words as being cruel?

Mr. Deputy Speaker: That is not a point of order, Mr. Shikuku.

Mr. Ogalo: Thank you very much, Mr. Deputy Speaker, Sir, for saving me from the hon. Member for Butere who is very critical. I am quite afraid of him but this time you have saved me.

Mr. Deputy Speaker, Sir, when teachers were councillors, they ceased to be councillors when they were transferred to other districts. The existing rule then said that when one was transferred from one district to another one, he or she ceased to be a councillor. If therefore say that when teachers are elected as councillors, they should cease to be so when they are transferred to other districts.

With these few remarks, I beg to support.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Deputy Speaker, Sir, may I move that the Mover be now called upon to reply.

Mr. Deputy Speaker: I think a lot has been said about these rules and I will therefore put the question to the House.

(Question, that the Mover be now called upon to reply, put and negatived)

Mr. Migure: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to air my views.

Mr. Deputy Speaker, Sir, I would like to say something about presiding officers who arrive in polling stations late. Sometimes you find that presiding officers arrive in the polling stations about noon. These people are supposed to be there at about 8 a.m. I would therefore ask the Minister for Local Government to be very strict on this because there are very many voters in the country and they should be given enough time to cast their votes.

Mr. Deputy Speaker, Sir, sometimes you would find that the returning officers have to travel to various parts of the country but some places have very bad roads and these people find them impassable during the rainy season. I am, therefore, appealing to the Minister to see that something is done, otherwise we shall find that these officers will not be able to get to the polling stations. This point should be noted because it happened in my constituency during the last elections.

Some places were impassable and I am sure the Minister will see that something is done.

Mr. Deputy Speaker, Sir, the other thing that I am worried about is the voting card. I do not know what will happen if some of our voters are in London and they would like to vote for Mr. X. I do not know whether their voting will be done before ours here because in our system if the voting is done today, the votes are counted immediately. I, therefore, do not know how the votes coming from overseas will be reconciled. I am sure that when the Minister goes to reply to that point he will say something about it. This is quite a technical problem because one vote is very important. If an hon. Member misses five votes which had been posted I am sure he will be quite disappointed.

Mr. Deputy Speaker, I do not believe that some of our county councils are in trouble because the people who are there cannot read or write properly. I am sure that most councils have people who can read and some of them are quite mature. We should realize that the sources of finance given to the county councils are quite limited. For example, if it was the question of collecting rates from the markets, this would not enable the council to maintain its services. I think our Government should sit down and find out the solution to the problem of maintaining the county councils. Mr. Deputy Speaker, Sir, I think the Minister for Local Government has tried to improve the Local Government system in this country; being a human being he has tried his best to do what is expected of him. However, I think that our Government has to decide whether or not we should continue having local authorities because there is no point in keeping people in the employment of local authorities and yet you do not pay them.

Regarding distances of polling stations, I would like to suggest that these should be made as close as possible. Many people have voting cards and unless we do this, we may find that the turn-over of votes is not good. It is not good for voters to travel, say, six miles to a polling station.

The other point I would like to touch on is with regard to the participation of teachers in politics. I am talking as a parent because I have children at school. If, say, six teachers in one school in Mbita constituency stood for elections in their locations how are our children going to be taught? I hope that the Minister for Local Government will answer this question when he stands up to reply to this debate. I do not know how, say, four or two teachers from the same school can participate in all meetings of a county council or even a locational council and at the same time prepare lessons to teach pupils who are preparing to sit the Certificate of Primary Education. This is a serious situation and I do not know how some of the decisions we make in this country are going to help us? If a teacher is elected to serve as a councillor in his locational council and at the same time he is a teacher in a school in a different location, how is he expected to teach properly when in fact, he is supposed to be in a committee room for, say seven days? How can a teacher prepare our children for future responsibilities when he is running around as a councillor carrying out political activities?

[Mr. Migire]

If he is selected to, say, lead a delegation to Nairobi and he stays here for one or two weeks, who will be teaching his subjects? If a teacher who is also a councillor teaches, say, arithmetic, Mr. Deputy Speaker, Sir, you do not expect another teacher to take it for one or two weeks every now and then the councillor is away. This cannot happen. Sir, I am talking here as a parent and I am extremely worried about this situation. It is my view that we should be careful with the decisions we make in this country. I appeal to His Excellency the President to consult his Ministers before making an announcement; it does not matter even if delegations go to see him over a given issue. If we are going to make announcements just like that, then we are going to run into trouble.

Talking about the use of language in local authorities, Sir, I thought we agreed sometime ago that anybody who is aspiring to be councillor should, at least, be able to read and write Swahili. He should also be able to speak a little English so that if he is sent to a country such as Zambia, he should be able to communicate with his hosts very well. Although we say that we would like to abandon English as an official language even here in Parliament, I think we should ensure that we have competent reporters who can report in Swahili. I do not oppose the idea of making Swahili an official language, but I think we have a lot of formalities to go through. It is also important that our councillors should be literate, as is the case in United Kingdom, so that they are able to question the treasurer's reports. Mr. Deputy Speaker, Sir, I am talking as one who has worked in a county council. I have worked in a county council for two and a half years and I know their problems. Forget about my being here. I remember that there was a time when the councillors used to come and examine our accounts and see the way we used to spend our money and so on. However, you could only find this in some of the educated councillors who knew what was happening. Now, if you have somebody who is not educated and then you make him a specialist, like a treasurer who should have done all sorts of accounts and administration. Then, he will just bulldoze the other workers saying that this should be done like this and that. However, if we have an educated person as a treasurer, I am sure that he will be able to detect the mistakes. This is the same thing as when one is dealing with members of a board of governors of a secondary school. You will find that some of the members of the board are not educated— I am speaking from experience because I have been a chairman of boards for about four years. You will find that some of the members of the boards are not educated and when we are discussing financial problems of the school, they do not seem to understand a thing. However, when you find some of these members who have been to school, and they are able to read and write, they begin to ask questions: "How about this one? What about this voucher? Why is it not signed?" However, where you are dealing with illiterate persons, it means that you just want this country to go back to square one.

Mr. Speaker, Sir, I am much more concerned because we are managing the affairs on behalf of the members

of the public. Therefore, I am appealing to all the hon. Members of Parliament, particularly those who are in charge of law making, to see that they are not taken for a ride. Even those who will be elected to this Parliament must also not be taken for a ride. I am appealing to them to see that when it comes to the question of changing the law then, they must take these things very seriously. We must be able to protect the *wananchi* and we must not be taken for a ride. Parliament should be the last place to be taken for a ride. One can do anything in any meeting one likes in fact, but, when we come here, even if we agreed in the meeting that this is the solution, I shall have to defend my right. I shall have to discuss the matter fully and oppose it if I have to. It is very bad when we are being taken for a ride and I do not agree with this.

Mr. Deputy Speaker, Sir, the conditions imposed on the former K.P.U. members—I think this question of three years is too much. Unfortunately, we have some meetings whereby even if you want to bring amendments, it is not possible. However, this is politics in Africa, what can you do? I am waiting until my time is over. It is true that in Africa, when the situation is favouring you then it is good but when it is not, then politics are not good. Mr. Deputy Speaker, Sir, I think this question of three years is too much. I am now talking as a Member of Parliament and not as a member of a delegation. Sir, I do not support this question of three years at all. This three years is not very good because—

The Minister for Local Government (Mr. Osogo): On a point of order, Mr. Deputy Speaker, Sir, are you satisfied that the question the hon. Member is talking about is included in my Regulations?

Mr. Deputy Speaker: It is not in the Regulations!

Mr. Migire: Mr. Deputy Speaker, Sir, I am talking about the question of Local Government Elections. I am saying this because we are going to elect people and they will— Mr. Deputy Speaker, Sir, can I be protected. Why do hon. Members become so sensitive when we are speaking of conditions imposed on other people and particularly on the former members of the K.P.U.?

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, —

Mr. Migire: What is wrong with you hon. Member for Nakuru Town?

Mr. Mwithaga: Do not worry! Nothing is wrong with the hon. Member for Nakuru Town. However, all I am trying to find out is what section of these Local Government Elections Regulations—because we are supposed to debate and pass them today—has anything to do with the conditions laid down by the Kanu governing council related to the National Assembly Elections

Mr. Migire: Mr. Deputy Speaker, Sir, I think the hon. Member for Nakuru Town should also tell me what section that deals with things like arriving in time and so forth for a meeting. There is no such section. Therefore— Anyway, I will excuse him and go on.

Mr. Deputy Speaker, Sir, I hope that the Minister for Local Government will note some of these things

[Mr. Migire]

down and let us know of the outcome. However, I would like to ask him to give us a standard form of examination for language because we are just going to end up like that and then, put the Minister for Local Government in trouble because he will find that tomorrow he has to dissolve a certain council because it is full of people who are not able to understand anything. They do not know what they are doing. Therefore, I would even appeal to the Government to give the Minister for Local Government a bit of time to deal with some of these problems. However, I am very happy to see that most of the locations in my area have to appear on the Order Paper on Thursday unless hope that the Minister will take some of these points into consideration.

With these few remarks, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Sir, if we do not pass this one today it means that there will be no nomination on the 12th July; it will mean that this will have to appeal on the Order Paper on Thursday unless we have a special resolution of the House.

Mr. Deputy Speaker: That is a fact and that is why I agreed to put the question earlier on. I think I will have to put it again; the hon. Members have to be more reasonable about this one.

(Question that the Mover be now called upon to reply put and agreed to)

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I very much thank the hon. Members who have contributed during the course of debate on these regulations. I also thank hon. Members for having seen it fit to accept the closure of the debate because I was becoming very concerned in that if we were to finish it next Thursday, it would not be possible for me to publish these regulations ready for nomination next Friday.

Sir, before the Speaker left the Chair for you to take over, he had agreed for me to move an amendment to the regulations on a point which was raised by the hon. Member for Butere and which I noticed that my officers overlooked when I had indicated it on my original and existing Rules. This is Rule 30 of the Elections Rules.

I therefore, beg to move the amendment that in Rule 30 the word "may" that appears after sub-rule be deleted and in its place substitute therefor the word, "shall". This is in connexion with the presiding officers being forced to accept agents of the candidates choice in the polling booth.

In the same paragraph, delete the words "a poll clerk" in the present regulations the presiding officer may help such a person who request such a help in the presence of a poll clerk. In the place therefor insert the words "an agent or agents of the elector's choice".

Hon. Members: Hear! Hear!

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, having moved those amendments, I would like briefly to comment on what the hon. Members raised in the cause of debate. First of all I would like to begin with what the hon. Member for

Kamukunji raised. I wanted to stand on a point of order and point out to him that what he was telling the House was not true.

Mr. Deputy Speaker, Sir, a commission was gazetted according to the law, to determine wards or electoral areas for the purpose of the Local Government Elections. I did that and if hon. Members have been following up the Kenya Gazette notices, they should have seen that I gazetted a Mr. Musembi, Mr. Adrea and a Mr. Waitete as commissioners to determine the local Government Elections. They undertook this job in a period of one year to reach what they reported. The fact that the Provincial Commissioner, Nairobi did not inform his district officers who were running down on Sunday— They were not running with me nor were they "running" with my officers. The district officers were running because the Provincial Commissioner had not told them what had been happening. However, all the district commissioners—and in the question of Nairobi it was the Provincial Commissioner or his representatives—attended meetings of this commission which was determining the wards in every division in the Republic. Therefore, the accusation that I was "running about" on Sunday with my officers "pegging" boundaries for the Local Government Elections is not correct. Having said that I will now go right to try and answer a few points that were raised by hon. Members. Mr. Deputy Speaker, Sir, the hon. Member has stated that symbols should be given to the candidates. I wish to inform the hon. Member that on 12th, when the candidates will present their nomination papers, with a fee of Sh. 200 they will choose, by way of ballot, their symbols. At the moment, the symbols already recognized by the Electoral Commission, according to the Constitution are 21. I am eliminating these to 15, for the purpose of Local Government elections and there will be 15 symbols in every ward for selection. I can assure hon. Members that these symbols will not be those of abusive nature in any areas at all. I would like to say that the standards of candidates, as pointed out by hon. Gatuguta, where he wanted me to clarify the position, in all county councils—

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir, we need a clarification here. If the number of the symbols will be reduced to 15, will these be based on a given constituency or how will they be based?

The Minister for Local Government (Mr. Osogo): These symbols will be for a whole district. They will be with the returning officer. He will put these 15 symbols into a ballot box and in every ward, candidates will pick these symbols from among the 15 symbols. When they have finished and have known their symbols, they will return them into the box and then these symbols are taken to another ward.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, the Minister does not seem to be clear on this matter. If there are more than 15 candidates in a given ward, what will the rest of the candidates do. Is he taking into account the number of the intending candidates?

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, if there happens to be more

[The Minister for Local Government]

than 15 intending candidates in a single ward, then that is a different case. In that case, I would allow all the 21 symbols to operate.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, could we get further clarification to the effect that, supposing in Nairobi alone there will be 200 prospective candidates—

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, it seems the hon. Member for Embakasi is not satisfied. Can I explain further?

Mr. Karungaru: I am satisfied now.

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, hon. Members will remember that the Kanu Parliamentary Group meeting which was held on Tuesday directed me that there should be certain standards set for the City of Nairobi and all other municipalities, of Swahili literacy. I gave these instructions to the Supervisor of Elections with my Permanent Secretary and he also received instructions from the Office of the President, who naturally takes the minutes of the Parliamentary Group meetings and that caused the statement that came out in the Press. Today, hon. Members are aware that at the Governing Council, which has overruled the directives I was given by the Parliamentary Group, it was decided that there should be no standards at all set for any council including municipalities.

Mr. Mwithaga: On a point of order, I was in this Governing Council meeting just like this Minister, unless he was very far on the other side, is he sure that he is telling us the truth because if I recall very well there was not any overruling of the Parliamentary Group decision other than clarification that English is not going to be required?

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, I am saying it as I heard it—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, have you noticed the behaviour of the Member for Kitui East? Is he allowed to jump up and sit down?

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, if I heard it correctly, I remember that the President of the Party, who is also the President of the Republic, said that even if a candidate is only able to write his name, he should be nominated, and I think my ears heard that correctly.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, this issue is creating a lot of mess in the country, and the country is panicking because people think that Nairobi is misleading them by saying one thing today and saying another tomorrow. Now, the Kanu Parliamentary Group meeting discussed Swahili literacy, that is being able to read and write Swahili, and decided that the candidates would appear before a certain panel or a board in the municipalities and town councils. Now, the Governing Council, having known that the Press which was given a new story by the Director of Elections from the Ministry, invoked English. This one was ruled out by the President himself, leaving Swahili alone, and the condition was that

somebody must be able to read and write it. However, the Minister is issuing a new directive here, whereas the people have gone home, knowing that there was a certain directive by the President. Now, who is going to direct these people, and who are they going to follow.

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, I do not think the hon. Member for Nakuru Town is right. However, I will not argue over this point because minutes were taken at that meeting, and I will consult those who took the minutes.

Mr. Deputy Speaker, Sir, the hon. Member for Moyale talked about the staff of the councils. Now, I think he was out of order to talk about the staff of the councils—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, I am sorry to interrupt my hon. friend. However, we should not allow the Minister to go and consult somebody else when he heard his own President talking about Swahili being the only necessary language, and the condition was that somebody should be able to read and write it. Therefore, why should we allow him to go and consult somebody else? Is he going to report back to us, and say that the minutes were taken to the contrary? Is there any more time for this really?

The Minister for Local Government (Mr. Osogo): No, Sir, I will not come back. I am going to consult the people who took minutes of that meeting, and I must be certain in myself that my ears did not convey the wrong things to me.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I pity the hon. Member speaking now, but since we were also there, the Chair was also there, could we not, in a brotherly way, solve this matter here now because I was there and I heard the President saying this, and rebuking the Press for including English? All the President said is that somebody should be able to read and write Swahili, and not English. Now, can the Chair not help the nation?

Mr. Deputy Speaker: In my own understanding of this thing, in the Kanu Parliamentary Group meeting, the President himself was opposed to the presence in councils, especially such councils as Nairobi, of what he described as *sanamu*, and these are people who cannot read or write, and whom he said would not understand by-laws, even the (Inaudible) by-law. This morning, as far as I could hear, he was annoyed about the fact that in the Press, it has been put out that he said that candidates must be literate in English and Swahili. He objected to the English part of it, but he did not seem to object to the fact that they should at least be able to read and write Swahili. That is my understanding.

Hon. Members: Hear, hear!

Mr. Deputy Speaker: I have a feeling that his speech was recorded by the Voice of Kenya live, and if that is the case, then it is quite easy to check.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): On a point of order, Mr. Deputy Speaker, Sir, you will recall that in the same Kanu Parliamentary Group meeting, the President also directed that there should be a test for literacy for these candidates. Now, I think, Sir, if we are fair to ourselves, we must take what the President says seriously, otherwise, if we ask the Minister to do what the President does not intend, then we are asking him to take on a responsibility that is not his.

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, I think it is very important that hon. Members should agree with me that I should go back and check on the records and at the same time consult the President over this issue. The testing pannels have already been set for swahili literacy.

Mr. Speaker, Sir, I would like to go on by touching on the point raised by the hon. Member for Moyale when he objected to voting through the post office saying that this is going to confuse people. I would like to inform the hon. Member that this is not going to confuse anybody because the people who are going to vote through the post office, and I hope it is not going to be necessary to do this, are specified in the regulations. It is stipulated that they will have to apply to be allowed to vote through the post office two months before the polling day. At the same time, they will have to send with their applications, their voters cards so that they are stamped after which a ballot paper will be sent to them marked in the counterfoil with the number of their cards. When they post the ballot paper in special envelopes, they will not be opened until the time when the votes are being counted. Therefore, there will not be any form of confusion and this is all explained in the rules and regulations.

Mr. Deputy Speaker, Sir, the hon. Member for Majoge Bassi wanted to know the work of councillors and whether the councils should be there or not. Mr. Deputy Speaker, Sir, I thought the hon. Member would have introduced this type of question during the time we were debating the Development Plan. I am saying this because the functions of the Local Authorities were specified in the Development Plan and if the hon. Member had the chance to speak at that time, I would have clarified the position by quoting the section of the Development Plan which refers to this particular issue.

Mr. Deputy Speaker, the hon. Member is right to say that when the teachers are elected to the councils, they will not find enough work to do there. I would like to cover all hon. Members who raised this particular point by saying first of all, that I am not an employer of the teachers. This should be quite clear. This being the case, therefore, I cannot give directives whether or not the teachers are going to hold council meetings over the weekends or not. What I cannot do is to sacrifice the time of the Local Authorities for the convenience of the teachers. The Local Authorities are going to meet as scheduled without any alternations. The employer of the teachers will see the need to avoid the suffering of the school children as a result of being in school without teachers. I am saying this because over the weekend the officers of the councils, who must also get

some time off, should be free just like anybody else during the weekend. Therefore, I am not going to direct that the councils should meet over the week-ends just to accommodate the teachers.

Mr. Deputy Speaker, Sir, as far as their remuneration is concerned, I would like to leave this whole question to the employer of the teachers. However, we shall make sure that we adhere to the regulations of the Civil Service and if there is any civil servant, like the district commissioner, on a council, he should not be paid anything. Therefore, no civil servant should be paid anything and all they will get is transport to the councils but not salaries. Again, as I said before I will leave this to the employers to decide what code of regulations they are going to follow. I am going to request them to give me their code of regulations and if it is different from that of the Civil Service then they might be exempted but if it is the same I can assure the House that—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, with your permission I would like to ask the Minister to tell us whether teachers will be transferable after they have been elected to the local authorities.

The Minister for Local Government (Mr. Osogo): Mr. Speaker, Sir, I have stated in my speech very clearly that I am not an employer of teachers. My Ministry does not employ teachers. Whether they will be transferable or not transferable for the fact that they have been elected I will leave this to their employer to decide. Mr. Deputy Speaker, Sir, I will continue with my speech.

Mr. Deputy Speaker, Sir, the hon. Member for Majoge Bassi raised a question as to whether teachers—

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I would like to help the Minister for Local Government by informing the House that teachers are and will continue to be transferable.

The Minister for Local Government (Mr. Osogo): Hon. Members can now hear the employer of teachers giving them the answer they wanted to know from me.

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir, we have heard two statements from the Minister for Local Government and the Minister for Education about the fate of the teachers. Do you not think that we shall be faced with very many by-elections when teachers who are elected to the local councils are transferred from one district to another? What can the Minister say about this?

Mr. Deputy Speaker: The Government is making their position quite clear. It is now up to the electorate to hear and think. Obviously, if a teacher is going to be elected to a local council from which he is likely to resign by virtue of being transferred it will not be worthwhile for the public to elect him but he must decide to resign from teaching and then he remains a member of that council.

The Minister for Local Government (Mr. Osogo): Thank you for helping me.

[The Minister for Local Government]

Mr. Deputy Speaker, Sir, the hon. Member for Majoge Bassi continued and asked whether the teachers will play national politics or they will only be confined to local politics. Again I will leave this matter to the employer to decide whether they should participate in the national politics or in local politics because they are not my employees.

Mr. Deputy Speaker, Sir, the hon. Member for Makueni spoke at length on illiteracy. I have spoken about that, Mr. Deputy Speaker, Sir. Unfortunately the hon. Member did not attend the Kanu Governing Council today. He still wanted standards to be set in the English Language. He said that we should avoid technicalities of other nominations. Hon. Members know that the nomination for the local governing elections will be on 12th of this month and the preliminary elections will be held on 17th of next month and the other nomination will be on 5th of September. This is provided for in the law. The hon. Member for Makueni said that these are technicalities that should not be included in the regulations. We are not, by law, a one-party state. Therefore we cannot provide for one party but we have to leave the ends loose so that we do not have to come here to amend the regulations again to make an opening for another party. That is why these technicalities have to be adhered to. In fact, I was surprised to hear from a member of the legal profession that we should not adhere to these technicalities.

The hon. Member for Karachuoyo said that we should avoid the *jogoo* symbol in the 21 symbols that we have. I can assure him that *jogoo* is avoided in the symbols and neither will there be *dume*.

The hon. Member for Kigumo told me to—

An hon. Member: What about the KADU sign?

The Minister for Local Government (Mr. Osogo): The Kadu sign is not there either.

Mr. Deputy Speaker, Sir, the hon. Member for Kigumo asked me what the language panel will do. He asked whether they will give a set piece for the intending candidates to read in order to know that they are qualified or what will happen. Well, yesterday we posted out a panel of this language board. They consist of District Education Officer or his representative, the District Commissioner, a teacher or a principal of one of the secondary schools or teachers training colleges in that particular district. It will also include one person from my Ministry. There is a language committee in all the municipalities.

The hon. Member for Kigumo went further to allege that in Makuyu area of Murang'a District four locations will elect only one person. That is not true. If the hon. Member's allegation is true, then I will promise to rectify the position. As far as I am concerned one administrative location will have one councillor. Therefore, the question of four locations being represented by one councillor does not arise. However, I would like to challenge the hon. Member for Kigumo to prove his case, if it is true, so that something can be done to rectify the situation. I would also like to remind the hon. Member that it is possible that he might not be in a position to know the number of wards which are

there in his area. That is the reason why I would like to ask the hon. Member to go and buy a booklet from the Government Printer. That book will show him how many wards there are in his area. That booklet, which was published yesterday, contains all the names of wards in Kenya.

Mr. Deputy Speaker, Sir, the hon. Member for Butere spoke about the registration forms. The form one was required to fill before one could be given a voting card showed clearly that one was free to be registered as a voter both for the National Assembly and Presidential Elections and the Local Government Elections. It is possible that some of hon. Members are not aware that one person can vote in the local government elections twice. It is only in the National Assembly and Presidential Elections where one cannot vote twice. It is possible for a voter using one card to vote in Nairobi and in his home district in the local government elections. The only thing such a person needs is, after he has voted in Nairobi, to explain to the returning officer in his home district why he wants to vote in his home.

The hon. Member for Butere requested me to make sure that the polling stations will be near the registration centres. I am not in a position to say whether that will be the case. However, I would like to inform him that we have sent circulars to all the district commissioners to instruct them to make sure that in one ward there are a maximum of five polling stations. However, in vast areas the district commissioners are free to increase the number of polling stations. That is the only exemption there is in the circular I have just referred to. The interest of my Ministry is to see that polling stations are as near as possible to the areas where *wananchi* are living. However, in urban wards there will be only two wards.

Mr. Deputy Speaker, Sir, I have proposed an amendment to Rule No. 10 which the hon. Member for Butere talked about at length. Mr. Deputy Speaker, Sir, with your permission I would like to sit down so that the amendment can be formally seconded. After that I will then continue to reply to the debate.

Mr. Deputy Speaker, Sir, with those words I beg to move the amendment.

The Assistant Minister for Education (Mr. Rubia): Seconded.

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

(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 word to be inserted in place thereof be inserted proposed)

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

Mr. Deputy Speaker: I will now propose that the words "full clerk" be deleted on part (b) of Regulation 30.

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

[Mr. Deputy Speaker]

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

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

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

(Rule 30 as amended agreed to)

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, thank you for clearing that formality which we had overlooked.

Mr. Deputy Speaker, Sir, I was requested by the hon. Member for Butere to explain why councillors were reduced. Indeed, I interjected and said that it was a part of trimming councils to be of economic size to avoid much expenditure over the finances that are very scarce in these councils. We cut the number of the councillors quite substantially and in some of the councils we reduced them by as many as 13 councillors.

Mr. Deputy Speaker, Sir, I would like to reply to what the hon. Member for Embakasi said when he talked at length on wrong names appearing on the register. I would like to inform him that this is not my problem because I do not handle electors registers. I read today in the newspapers that anybody who has his name missing from the register can have it corrected within 21 days after the publication of the register. I think he should therefore advise his constituents.

Mr. Deputy Speaker, Sir, the hon. Member for Nyandarua, hon. J. M. Kariuki said that we should bring all the amendments of this legal notice so that they are all done away with. This is impossible because we would not have amended the Regulations if it were not the National Assembly and Presidential Election amendment Bill passed through this House. It was not necessary for us to bring the amendment but we were found in a situation whereby we had to bring here the Regulations for amendment to comply or cope with the Act of Parliament which was passed in this House. I cannot assure the hon. Member that we can bring all the amendments together because I do not know what other amendments in the existing Act—these are only rules and they go with enacted laws. I do not know which laws will force me to bring other amendments on these regulations or Legal Notice.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, is the Minister aware that during the last Parliament, we passed a Motion here that a prospective councillor should not spend more than KSh. 2,000? Therefore what I was asking the Minister is whether we are going to stick to this one or we are going to allow malpractices by not limiting the amount to be spent during the Local Government Elections?

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, I am glad to have that information from the hon. Member. However, I would like to tell him that it is not me who formulated that regula-

tion; people who enforced that law during the last elections will do so again when they see it fit.

Mr. Deputy Speaker, Sir, I would like to say something about what the hon. Member for Nyando stated. He said that when a candidate goes out to campaign, he should say whether he is campaigning as a chairman, mayor or an ordinary councillor so that when he is elected he is elected as such. I think this is practically impossible because if you allowed such a situation to exist, you will have nearly all candidates campaigning as chairmen or mayors. Everybody wants to be a chairman or a mayor of a given council or municipality and so I do not think that it would be advisable for me to enforce that all candidates who would like to become chairmen should campaign as chairmen and elected as such. I think we should leave the present system to continue operating whereby after councillors have been elected, they elect their own chairmen for a period set out in the regulations.

The hon. Member for Mbita requested me to inform presiding officers to arrive at polling stations on time. I undertook to inform the Supervisor of Local Government Elections that presiding officers should be punctual at polling stations to avoid any lateness in closing the station. I believe, Sir, that the time scheduled for voting is between 6 a.m. and 6 p.m..

Mr. Deputy Speaker, Sir, the hon. Member for Mbita also thought that my Regulations includes the barring of former K.P.U. members who have not been out of detention for more than three years. I stood on a point of order, Sir, and pointed out to him that these regulations have nothing to do with that particular aspect regarding the election procedures. These rules are clear and I believe that the party rules are also clear. However, the two sets of rules are not the same.

I once again thank hon. Members who have contributed to this debate. They have, in fact, approved the publication of the rules. With those few remarks, Mr. Deputy Speaker, Sir, I beg to move.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order.

The Minister for Local Government (Mr. Osogo): Mr. Deputy Speaker, Sir, on behalf of the Attorney-General, I beg to move the following Motion:—

THAT this House approves the Magistrate's Court's (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order, 1974, which was laid on the Table of the House on Tuesday, 2nd July, 1974.

Mr. Deputy Speaker, Sir, if hon. Members look at the Order in question, they will find that it has a Schedule. Now, this is to try and remove some sections which Third Class Magistrates cannot try in their respective areas and which force the offenders to come all the way to a Resident Magistrate. Now, such rules cover such things like *chang'aa*. For example, item number 1 on the Order covers *chang'aa*. Now, these *chang'aa* cases were removed from the Third Class Magistrates when the African Liquor Act was repealed. So, they were removed from the Third Class Magistrates and now this Order returns that Third Class Magistrates can now try *chang'aa* cases when a *chang'aa* man is arrested

[The Minister for Local Government]

instead of him coming all the way to a Resident Magistrate to hear the case. Item number 2 covers minor offences such as carrying of a spear in a local market. Now, if anybody carries a spear, it is an offence. A spear is an offensive weapon and therefore Cap. 56 of the Public Order Act says that anybody who is arrested carrying a spear has to be brought to a Resident Magistrates' Courts for trial. However, this is now being deleted and that particular person can now be tried by a Third Class Magistrate. Item number 3, Sir, deals with the cases of persons who have been returned to their home areas from certain areas where they have no means of support. These persons sometimes are classified as "rogues" and "vagabonds". So, these persons again should be tried by Third Class Magistrates in their areas if they have broken that particular Act rather than being taken in front of a Resident Magistrate. Item number 4, Sir, on the Order covers the many cases of persons being in possession of a few tablets contrary to the provision of the Pharmacy and Poisons Act which ordinarily result into fines of about Sh. 50 or so and usually not more than Sh. 100. Now, this offence should not take a person all the way from, say, Homa Bay to Kisumu so that he can appear before a Resident Magistrate. This person can now be tried in Homa Bay where there is a Third Class Magistrate. Mr. Deputy Speaker, Sir, the last item which is the Traffic Act, Cap 403 intends only to deal with various minor traffic offences such as missing identification plate on a vehicle or driving without a valid driving licence or failure to produce a driving licence when you are required to do so by the police. So, these are some of the minor offences which should also be tried by the Third Class Magistrates rather than going in front of a Resident Magistrate who, in many cases, is very far from the rural areas.

So, Mr. Deputy Speaker, Sir, in a way, this Order which has been signed by the Chief Justice of Kenya is to try and help the *wananchi* so that they do not have to incur a lot of expenses in going to courts.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku) seconded.

(Question proposed)

Mr. Deputy Speaker: I think we have about two or three minutes left.

Mr. ole Marima: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to speak on this Motion. I would like to support the Motion and point out the following mistakes. Sir, when it comes to the question of carrying spears—

An hon. Member: Is it because you are a Masai?

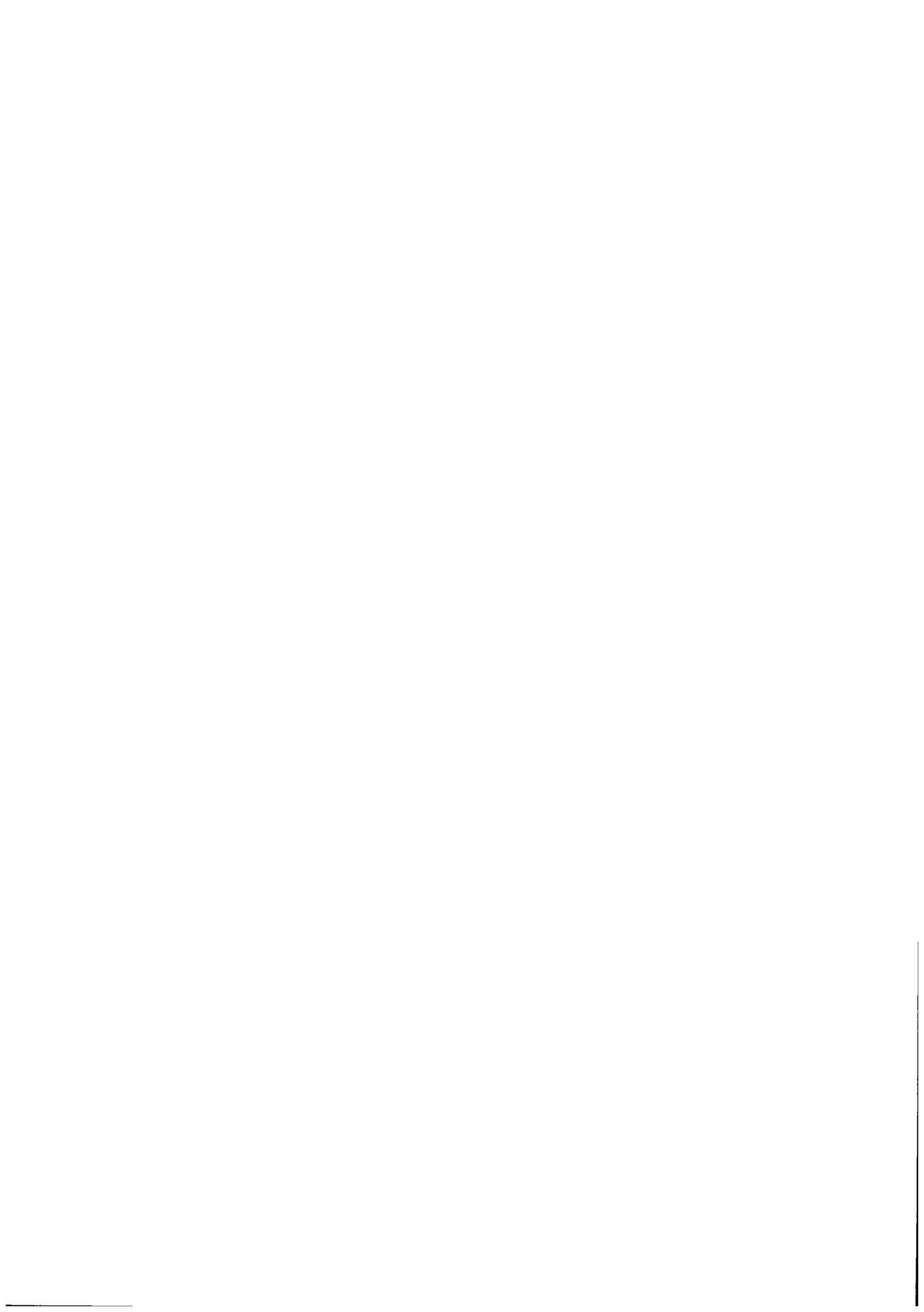
Mr. ole Marima: It is not only the Masai who carry spears around. It has to be understood that about three-quarters of this country is in total darkness. It is not like the streets of Nairobi which have lights. We have lions, elephants, buffaloes and other wild animals in our areas and we are not protected from them. One might be walking from one place to another through the forest of animals and, therefore, if one was going through a town carrying a spear because he is thirsty and he wants to take a soda or he wants to buy some sugar then, such a person must not be terrorized by the police. I have known of some cases and particularly around Narok, Nairachangare, where police—when the month is on the wrong side—come from as far away as seven miles to—

Mr. Deputy Speaker: You will continue next week Mr. ole Marima. The time is over.

ADJOURNMENT

Mr. Deputy Speaker: It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 5th July, at Nine o'clock.

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





Index to the National Assembly Debates

OFFICIAL REPORT

Second Parliament—Fifth Session—(Contd.)

VOLUME XXXIV

Tuesday, 28th May, 1974 to Thursday, 4th July, 1974

Explanation of Abbreviations

Notice of Motion = NoM; Motion or Question Withdrawn = Wdn; Dropped = Drpd; Disallowed = Dsllwd; Written Reply = (WR); Private Notice Question = (PN); Bills: Read First, Second or Third Time = 1R, 2R, 3R; In Committee = IC; Progress Reported = PR; Report = R; Consideration of Report = ConR; Recommittal = Rcmt; Division = (Div.); Debate Adjourned = (DA); Not Allowed = (NA).

N.B.—In view of the very large number of questions, the full title and number of the question is only shown against the Member who actually asked the question and against the Minister or Assistant Minister making the official Government reply. Members asking supplementary questions have the number of the question shown (in brackets) and the column number under their names, but not the title.

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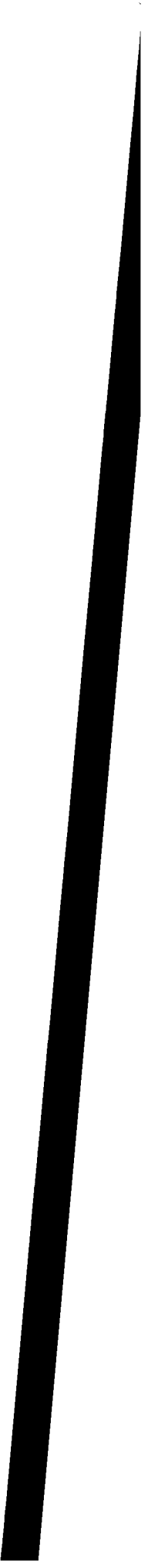
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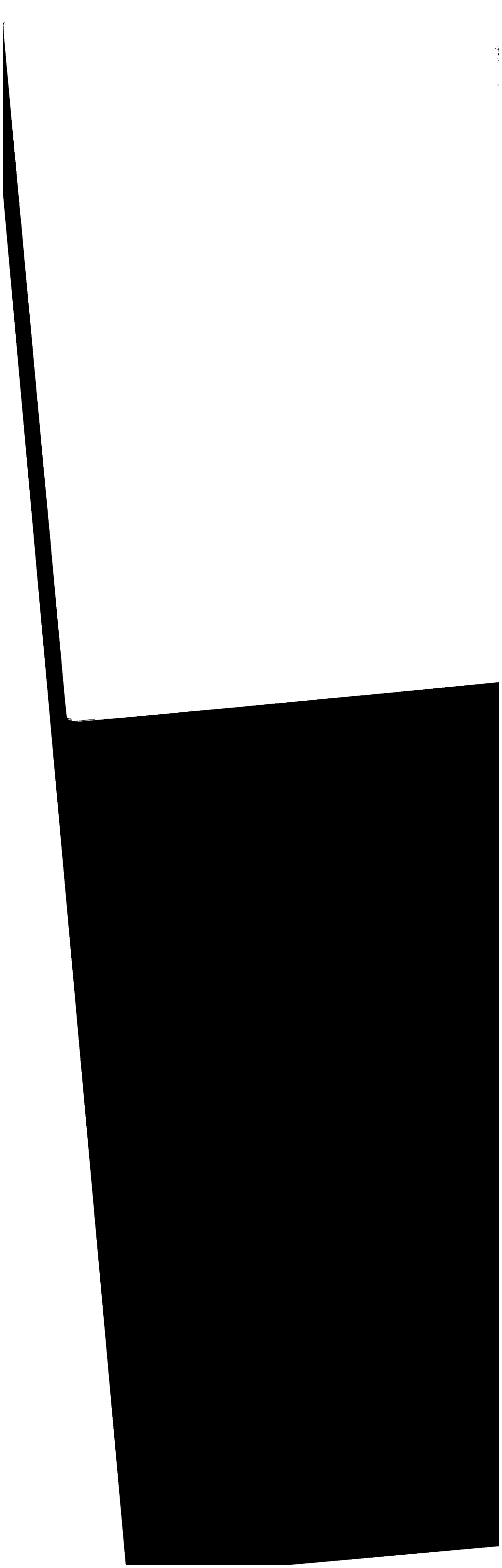
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OFFICIAL REPORT

Second Parliament—Fifth Session—(Contd.)

VOLUME XXXIV

Tuesday, 28th May, 1974 to Thursday, 4th July, 1974

Explanation of Abbreviations

Notice of Motion = NoM; Motion or Question Withdrawn = Wdn; Dropped = Drpd; Disallowed = Dslwd; Written Reply = (WR); Private Notice Question = (PN); Bills: Read First, Second or Third Time = 1R, 2R, 3R; In Committee = IC; Progress Reported = PR; Report = R; Consideration of Report = ConR; Recommittal = Rcm; Division = (Div.); Debate Adjourned = (DA); Not Allowed = (NA).

N.B.—In view of the very large number of questions, the full title and number of the question is only shown against the Member who actually asked the question and against the Minister or Assistant Minister making the official Government reply. Members asking supplementary questions have the number of the question shown (in brackets) and the column number under their names, but not the title.

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