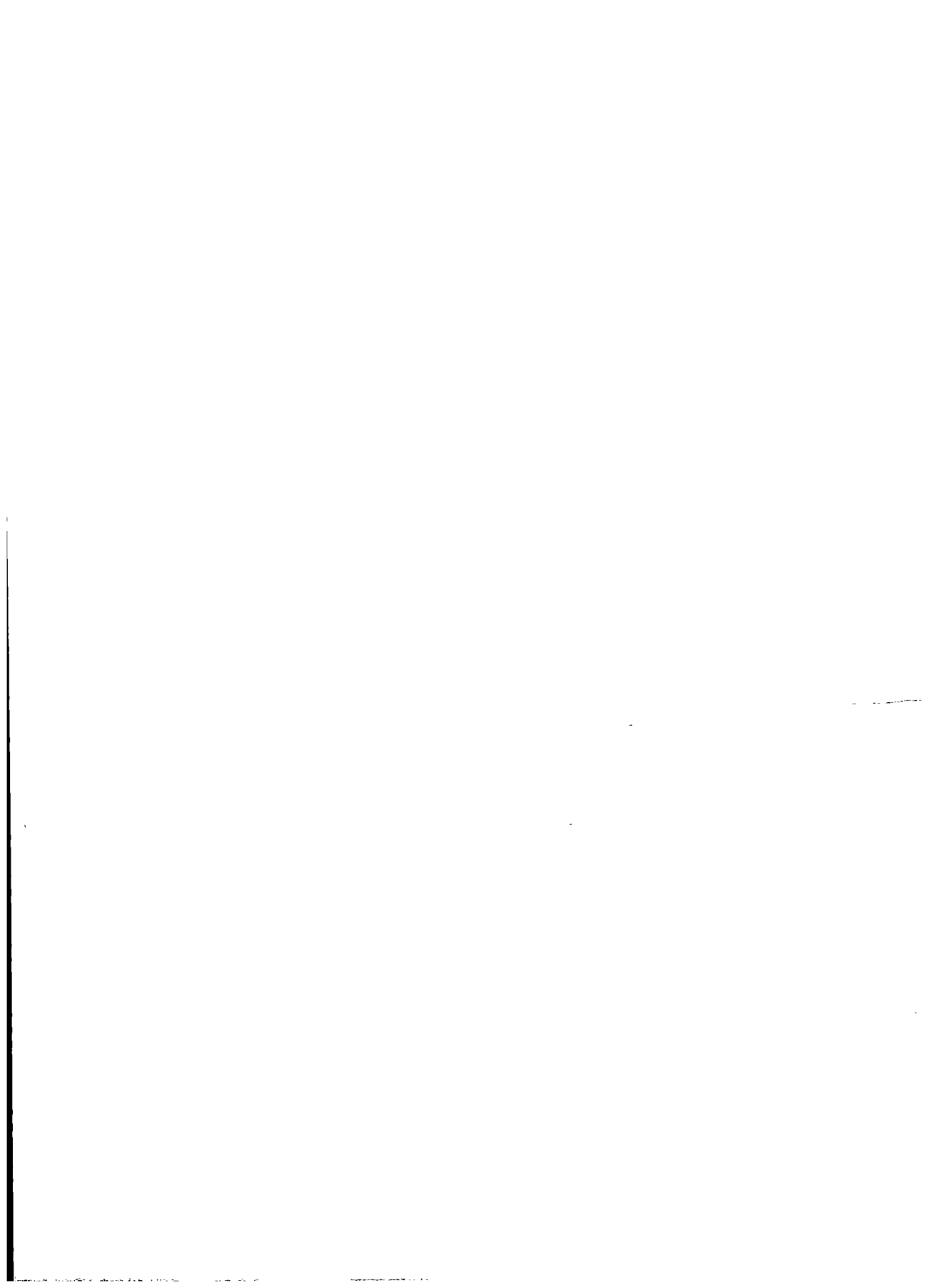


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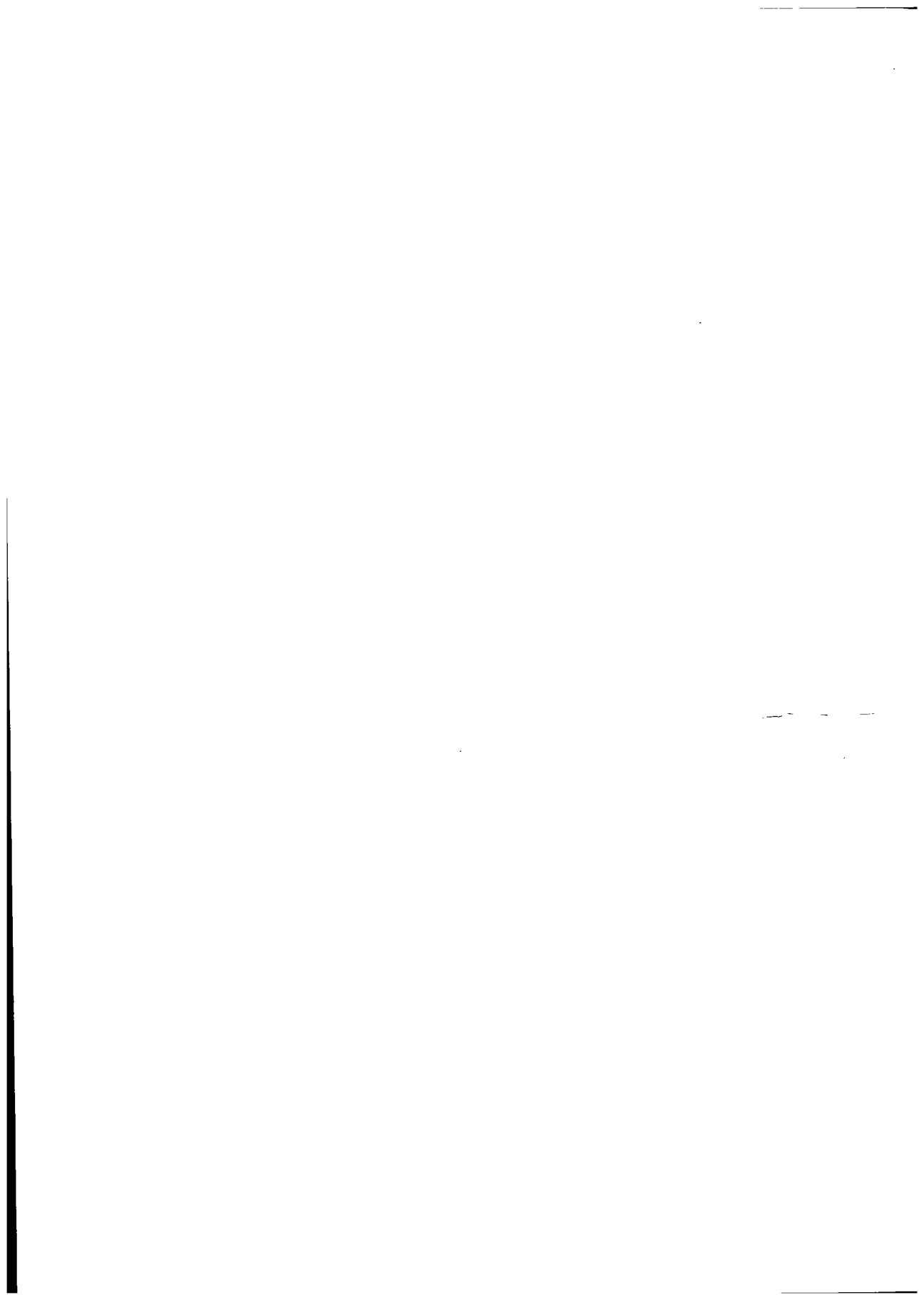
REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
HOUSE OF
REPRESENTATIVES
OFFICIAL REPORT

FIRST PARLIAMENT INAUGURATED
7th JUNE 1963

Vol. IX
(Part I)

Fourth Session
Tuesday, 24th May 1966
to
Thursday, 30th June 1966



DAYS OF SITTING

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CORRIGENDA TO THE OFFICIAL REPORT OF THE HOUSE OF
REPRESENTATIVES (VOLUME IX—PART I)

Col. No.

- 149 Top of Column. *For* "The Assistant Minister for Agriculture and Animal Husbandry", *read* "The Deputy Speaker".
- 269 Top of Column. *For* "The Assistant Minister for Wildlife and Tourism", *read* "The Assistant Minister for Tourism and Wildlife".
- 386 Title of Mr. Khaoya's Motion should *read*: "Release of Elijah Masinde" *not* "Eliza" as printed.
- 397 Mr. arap Soi speaking, *for* ". . . the members of the settlement schemes are now frequently stealing cattle . . .", *read* ". . . the members of the settlement schemes are not frequently stealing cattle . . ."
- 418 Mr. Mbogoh speaking *for* "the hon. Member for Buture", *read*, "the hon. Member for Butere".
- 607 Top of Column. Before Mr. Malinda speaks, *insert* title, "Points of Order" and sub-titles, "Quorum" and "Motions passed in the House".
- 766 Question No. 148: *For* South Ementi, *read* South Imenti.
- 1256 For the Member for Gichugu (Mr. Gathanga) *read* "Mr. Kathanga" where it appears on this column.
-



THE NATIONAL ASSEMBLY HOUSE OF REPRESENTATIVES

LIST OF MEMBERS

(1st Parliament—4th Session—1966)

Ministers:

THE PRESIDENT (His Excellency, the Hon. Mzee Jomo Kenyatta, M.P.).
MINISTERS OF STATE, PRESIDENT'S OFFICE (*The Hon. Mbiyu Koinange, M.P., *The Hon. J. Nyamweya, M.P.).
VICE-PRESIDENT AND MINISTER WITH PORTFOLIO (*The Hon. J. Murumbi, M.P.).
MINISTER FOR FINANCE (The Hon. J. S. Gichuru, M.P.).
MINISTER FOR ECONOMIC PLANNING AND DEVELOPMENT (The Hon. T. J. Mboya, M.P.).
MINISTER FOR DEFENCE (The Hon. Dr. N. Mungai, M.P.).
MINISTER FOR AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. B. R. McKenzie, D.S.O., D.F.C., M.P.).
MINISTER FOR HEALTH (†The Hon. J. D. Otiende, M.P.).
MINISTER FOR LOCAL GOVERNMENT (The Hon. L. G. Sagini, M.P.).
MINISTER FOR WORKS (*The Hon. D. Mwanyumba, M.P.).
MINISTER FOR POWER AND COMMUNICATIONS (*The Hon. E. N. Mwendwa, M.P.).
MINISTER FOR LABOUR (The Hon. Dr. J. G. Kiano, M.P.).
MINISTER FOR HOME AFFAIRS (The Hon. D. T. arap Moi, M.P.).
MINISTER FOR TOURISM AND WILDLIFE (The Hon. S. O. Ayodo, M.P.).
MINISTER FOR HOUSING (†The Hon. P. J. Ngei, M.P.).
THE ATTORNEY-GENERAL (The Hon. C. Njonjo, M.P., *Ex officio* with Ministerial Status).
MINISTER FOR INFORMATION AND BROADCASTING (*The Hon. J. C. N. Osogo, M.P.).
MINISTER FOR NATURAL RESOURCES (*The Hon. C. M. G. Argwings-Kodhek, M.P.).
MINISTER FOR CO-OPERATIVES AND SOCIAL SERVICES (*The Hon. R. G. Ngala, M.P.).
MINISTER FOR COMMERCE AND INDUSTRY (*The Hon. Mwai Kibaki, M.P.).
MINISTER FOR EDUCATION (*The Hon. J. J. M. Nyagah, M.P.)

Assistant Ministers:

VICE-PRESIDENT'S OFFICE (†The Hon. E. Omolo Agar, M.P.).
MINISTRY OF FINANCE (†The Hon. J. Odero-Jowi, M.P.).
MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT (†The Hon. J. Z. Kase, M.P.).
MINISTRY OF DEFENCE (†The Hon. J. Njeru, M.P.).
MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. W. C. Murgor, M.P., †The Hon. E. E. Khasakhala, M.P.).
MINISTRY OF HEALTH (†The Hon. R. S. Matano, M.P.).
MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiiri, M.P.).
MINISTRY OF WORKS (§The Hon. E. K. K. Bomett, M.P., The Hon. G. Godana, M.P.).
MINISTRY OF POWER AND COMMUNICATIONS (The Hon. D. C. N. Moss, M.P., †The Hon. J. Masinde, M.P.).
MINISTRY OF LABOUR (The Hon. F. P. K. Kubai, M.P., †The Hon. O. Nyalick, M.P.).
MINISTRY OF HOME AFFAIRS (†The Hon. A. K. Wamuthenya, M.P.).

* New Cabinet set up on 23rd May 1966.

† New Assistant Ministers appointed on 23rd May 1966.

‡ Ministry of Housing vacant at 23rd May 1966. The Hon. J. D. Otiende, acting Minister for Housing until 28th May 1966 when the Hon. P. Ngei reappointed as Minister.

§ Reappointed as Assistant Minister with effect from 27th June 1966.

LIST OF MEMBERS—(Contd.)

Assistant Ministers—(Contd.)

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

Constituency Members:

1. ABDI-RAHMAN, THE HON. O. M., M.P., Garissa North.
2. || AGAR, THE HON. E. O., M.P., Karachuonyo.
3. ¶ ALI, THE HON. A. N., M.P., Wajir North.
4. || AMIN, THE HON. S. M., M.P., Mandera.
5. § ANGAINE, THE HON. J. H., M.P., Meru West.
6. AREMAN, THE HON. P. A., M.P., Turkana North.
7. § ARGWINGS-KODHEK, THE HON. C. M. G., M.P., Gem.
8. ¶ ASIBA, THE HON. C., M.P., Elgon South West.
9. § AYODO, THE HON. S. O., M.P., Kasipul-Kabondo.
10. BABU, THE HON. M., M.P., Mombasa Mainland.
11. ¶ BALA, THE HON. O., M.P., Nyando.
12. BARASA, THE HON. M., M.P., Elgon-East.
13. BIY, THE HON. A. K. ARAP., M.P., Buret.
14. ¶ BOMETT, THE HON. E. K. K., M.P., Baringo South.
15. ¶ CHERUIYOT, THE HON. J. K., M.P., Nandi South.
16. ‡ DE SOUZA, THE HON. F. R. S., PH.D., M.P., Nairobi North East.
17. DINGIRIA, THE HON. A. H., M.P., Taveta Voi.
18. EKITELLA, THE HON. G. K., M.P., Turkana South.
19. || GACHAGO, THE HON. J. M., M.P., Kiharu.
20. ¶ KATHANGA, THE HON. B., M.P., Gichugu.
21. GATUGUTA, THE HON. J. K., M.P., Kikuyu.
22. § GICHURU, THE HON. J. S., M.P., Limuru.
23. || GODANA, THE HON. G., M.P., Marsabit-Moyale.
24. GODIA, THE HON. C. S. I., M.P., Hamisi.
25. ITHIRAI, THE HON. S., M.P., Nyambene North.
26. JAMAL, THE HON. A. H., M.P., Kisumu Town.
27. JUBAT, THE HON. M., M.P., Garissa South.
28. KAMAU, THE HON. W., M.P., Githunguri.
29. KAMUREN, THE HON. W. R. ARAP, M.P., Baringo East.
30. KARIUKI, THE HON. G. G., M.P., Laikipia-Nanyuki.
31. KARIUKI, THE HON. J. M., M.P., Aberdares.
32. ¶ KARUNGARU, THE HON. B. M., M.P., Nairobi East.
33. KASE, THE HON. J. Z., M.P., Tana River.
34. *KENYATTA, THE HON. MZEE JOMO., M.P., Thika-Gatundu.
35. || KERICH, THE HON. A. K. ARAP, M.P., Belgut.
36. KHAOYA, THE HON. J. W., M.P., Elgon-Central.
37. || KHASAKHALA, THE HON. E. E., M.P., Emukhaya.
38. KIAMBA, THE HON. D. I., M.P., Machakos Central.
39. § KIANO, THE HON. DR. J. G., PH.D., M.P., Kangema.
40. § KIBAKI, THE HON. M., M.P., Nairobi Doonholm.
41. KIBUGA, THE HON. J. N., M.P., Ndia.

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

42. ¶KIOKO, THE HON. S. M., M.P., Machakos East.
43. KIPROTICH, THE HON. C., M.P., Kericho East.
44. §KOINANGE, THE HON. MBIYU, M.P., Kiambaa.
45. ||KONCHELLAH, THE HON. J. L. N. OLE, M.P., Narok West.
46. ||KUBAI, THE HON. F. P. K., M.P., Nakuru East.
47. ¶KURUNGU, THE HON. P., M.P., Rendille.
48. ¶LONYANGAPHOI, THE HON. J. L., M.P., West Pokot.
49. ||MAISORI-ITUMBO, THE HON. B. C., M.P., Kuira.
50. MAKONE, THE HON. O., M.P., Kitutu East.
51. MALU, THE HON. W. M. K., M.P., Machakos West.
52. ||MASINDE, THE HON. J. W., M.P., Lurambi.
53. ||MATANO, THE HON. R. S., M.P., Kwale West.
54. MATE, THE HON. B., M.P., Meru Central.
55. MATI, THE HON. F. M. G., M.P., Kitui North.
56. MBAI, THE HON. P. N., M.P., Kitui South.
57. MBOGOH, THE HON. G. J., M.P., Embu North.
58. §MBOYA, THE HON. T. J., M.P., Nairobi Central.
59. §MOI, THE HON. D. T. ARAP, M.P., Baringo North.
60. ||MOSS, THE HON. D. C. N., M.P., Mount Elgon.
61. MULAMA, THE HON. A. O., M.P., Mumias.
62. MULIRO, THE HON. M., M.P., Trans Nzioa.
63. §MUNGAI, THE HON. DR. N., M.P., Nairobi West.
64. ||MURGOR, THE HON. W. C., M.P., Elgeyo.
65. MURULI, THE HON. J., M.P., Ikolomani.
66. †MURUMBI, THE HON. J. A., M.P., Nairobi South.
67. ||MUTISO, THE HON. G. M., M.P., Yatta.
68. MWALWA, THE HON. T., M.P., Kitui East.
69. MWAMZANDI, THE HON. K. B., M.P., Kwale East.
70. §MWANYUMBA, THE HON. D., M.P., Wundanyi.
71. MWATSAMA, THE HON. J. J., M.P., Kilifi North.
72. ¶MWAURA, THE HON. T., M.P., Kandara.
73. §MWENDWA, THE HON. E. N., M.P., Kitui Central.
74. ¶MWITHAGA, THE HON. M. W., M.P., Nakuru Town.
75. NDILE, THE HON. J. K., M.P., Machakos South.
76. §NGALA, THE HON. R. G., M.P., Kilifi South.
77. NGALA-ABOK, THE HON. C. B., M.P., Homa Bay.
78. §NGEI, THE HON. P. J., M.P., Machakos North.
79. ||NJERU, THE HON. J., M.P., Tharaka.
80. NJIIRI, THE HON. K. K., M.P., Kigumo.
81. NYABERI, THE HON. J. O., M.P., North Mugirango.
82. NYAGA, THE HON. P., M.P., Meru South.
83. §NYAGAH, THE HON. J. J. M., M.P., Embu South.
84. §NYAMWEYA, THE HON. J., M.P., Nyaribari.
85. ¶OBOK, THE HON. L. R., M.P., Alego.
86. ||ODERO-JOWI, THE HON. J., M.P., Lambwe.

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

87. ¶ ODERO-SAR, THE HON. J., M.P., Ugenya.
88. ¶ ODUYA, THE HON. G. F. O., M.P., Elgon West.
89. OGLE, THE HON. A. A., M.P., Wajir South.
90. ¶ OKELO-ODONGO, THE HON. T., M.P., Kisumu Rural.
91. **¶ ODINGA, THE HON. A. O., M.P. Bondo.
92. OKWANYO, THE HON. J. H., M.P., Migori.
93. || OLOTTIPITIP, THE HON. S. S., M.P., Kajiado.
94. OMAR, THE HON. S. T., M.P., Mombasa Island South.
95. OMWERI, THE HON. S. K., M.P., Wanjare-South Mugirango.
96. || ONAMU, THE HON. H. J., M.P., Nakuru West.
97. ¶ ONSANDO, THE HON. J. M., M.P., Majoge-Bassi.
98. || OSELU NYALICK, THE HON. L. W., M.P., Winam.
99. § OSOGO, THE HON. J. C. N., M.P., Ruwamba.
100. § OTIENDE, THE HON. J. D., M.P., Vihiga.
101. PANDYA, THE HON. A. J., M.P., Mombasa Island North.
102. || RURUMBAN, THE HON. P. L., M.P., Korossi.
103. § SAGINI, THE HON. L. G., M.P., Kitutu West.
104. SERONEY, THE HON. M. J., M.P., Nandi North.
105. SHIKUKU, THE HON. J. M., M.P., Butere.
106. SOI, THE HON. A. K. ARAP, M.P., Bomet.
107. SOMO, THE HON. A., M.P., Lamu.
108. THEURI, THE HON. J. K., M.P., Nyeri.
109. || TIPIS, THE HON. J. K. OLE, M.P., Narok East.
110. TOO, THE HON. V. K. ARAP, M.P., Marakwet.
111. TUVA, THE HON. F. B., M.P., Malindi.
112. TUWEI, THE HON. J. K., M.P., Uasin-Gishu.
113. †† THIMANGU-KAUNYANGI, THE HON. K. M., M.P., Nyambene South.
114. WAIYAKI, THE HON. DR. F. L. M., M.P., Nairobi North East.
115. || WAMUTHENYA, THE HON. A. K., M.P., Mathira.
116. WARIITHI, THE HON. H. C., M.P., Othaya-South Tetu.
117. ¶ WARIO, THE HON. H. W., M.P., Isiolo.

Specially Elected Members:

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

Total: <i>Ex Officio</i>	..	..	1
Elected Members	..	..	117
Specially Elected Members	..	..	12

LIST OF MEMBERS—(Contd.)

The Speaker:

THE HON. HUMPHREY SLADE, M.P.

The Deputy Speaker and Chairman of Committees:

THE HON. F. R. S. DE SOUZA, PH.D., M.P.

Acting Clerk of the House of Representatives:

MR. C. R. COELHO

Clerk Assistants:

MR. J. O. KIMORO

MR. R. V. MUGO

Serjeant-at-Arms:

MR. J. BARASA

Assistant Serjeant-at-Arms:

MR. J. O. RAMBAYA

Speaker's Secretary:

MRS. J. FRYER

Hansard Editor:

MRS. J. D. RAW

Hansard Staff:

MRS. S. G. TONKS

MISS M. Z. FONSECA, MISS D. A. POTTER, MISS P. A. OPONDO.

* His Excellency the President.

† The Vice-President.

‡ The Deputy Speaker and Chairman of Committees.

§ Already included in the list of Ministers.

|| Already included in the list of Assistant Ministers.

¶ With effect from 27th June 1966.

** Leader of the Opposition.

†† With effect from 21st May 1966.

‡‡ With effect from 2nd July 1966.

RESULT OF BY-ELECTIONS IN JUNE 1966

1. The Hon. A. N. Ali (Kanu), vice Mr. Khalif	Wajir North.
2. The Hon. C. Asiba (Kanu), vice Mr. C. C. Makhokha	Elgon South-West.
3. The Hon. O. Bala (KPU), old Member	Nyando.
4. The Hon. E. K. K. Bomett, previously Specially Elected Member (Kanu), vice Mr. Tanui.	Baringo South.
5. The Hon. J. K. Cheruiyot (Kanu), vice Mr. Choge. ..	Nandi South.
6. The Hon. B. Kathanga (Kanu), vice Mr. Gichoya ..	Gichugu.
7. The Hon. B. M. Karangaru (Kanu), vice Mr. Kali ..	Nairobi East.
8. The Hon. S. M. Kioko (KPU), old Member	Machakos East.
9. The Hon. P. Kurungu (Kanu), vice Mr. E. D. Godana	Rendille.
10. The Hon. J. L. Lonyangaphoi (Kanu), vice Mr. Lorema	West Pokot.
11. The Hon. T. Mwaura, ex-Senator (Kanu), vice Mr. Kaggia.	Kandara.
12. The Hon. M. W. Mwithaga (Kanu), vice Mr. Achieng-Oneko.	Nakuru Town.
13. The Hon. L. R. Obok (KPU), old Member	Alego.
14. The Hon. J. Odero-Sar (KPU), old Member	Ugenya
15. The Hon. G. F. Oduya (KPU), old Member	Elgon West.
16. The Hon. T. Okelo-Odongo (KPU), old Member ..	Kisumu Rural.
17. The Hon. A. O. Odinga (Leader of the KPU), old Member.	Bondo.
18. The Hon. J. M. Onsando (Kanu), vice Mr. Anyieni ..	Majoge-Bassi.
19. The Hon. K. M. Thimangu-Kaunyangi (Kanu), vice Mr. Gaciatta (returned unopposed).	Nyambene South.
20. The Hon. H. W. Wario (Kanu), vice Mr. Bonaya ..	Isiolo.
21. The Hon. N. A. Hassan (Kanu), Specially Elected Member.	
22. The Hon. E. C. K. Mulwa (Kanu), Specially Elected Member.	

Nos. 21 and 22 both returned unopposed on 2nd July 1966 vice Mr. Sadalla and the Hon. E. K. K. Bomett (now Member for Baringo South).

Result of Elections: Kanu = 15. KPU = 7.

Composition of Opposition Benches:

The Hon. A. O. Odinga—Leader.
 The Hon. S. M. Kioko—Deputy Leader.
 The Hon. O. Bala.
 The Hon. L. R. Obok.
 The Hon. J. Odero-Sar.
 The Hon. G. F. Oduya.
 The Hon. Okelo-Odongo.

Members who lost their seats in the By-Elections in June:

R. Achieng-Oneko, Nakuru Town (KPU).	B. Kaggia, Kandara (KPU).
Z. N. Anyieni, Majoge-Bassi (KPU).	J. D. Kali, Nairobi East (KPU).
A. W. Bonaya, Isiolo (KPU).	A. S. Khalif, Wajir North (KPU).
S. K. Choge, Nandi South (KPU).	J. P. Lorema, West Pokot (KPU).
K. N. Gichoya, Gichugu (KPU).	C. C. Makokha, Elgon South West (KPU).
E. D. Godana, Rendille (KPU).	J. K. K. Tanui, Baringo South (KPU).
S. K. Sadalla, a Specially Elected Member.	
A. Gaciatta, Nyambene South, disqualified and seat declared vacant on 28th April 1966.	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

HOUSE OF REPRESENTATIVES

First Parliament—Fourth Session

(First Parliament established by the Kenya Independence Order in Council, 1963)

Tuesday, 24th May 1966

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

PROCLAMATION FOR FOURTH SESSION

The Speaker (Mr. Slade): Hon. Members, this being a new Session of our House and there being no other ceremony today, I think that I should read the Proclamation convening the House.

It was published on the 17th May 1966.

THE NATIONAL ASSEMBLY—NEW SESSION

Proclamation

By His Excellency the Honourable Mzee Jomo Kenyatta, President and Commander-in-Chief of the Armed Forces of Kenya.

In pursuance of the provisions of section 64 (1) of the Constitution of Kenya, I do hereby proclaim that a new Session of the National Assembly shall commence on 24th May 1966, at 2.30 o'clock in the afternoon.

Given under my hand and the public seal of Kenya this 17th day of May 1966.

JOMO KENYATTA,

President.

Long Live the Republic

ASSENT TO BILL

The Speaker (Mr. Slade): I have to inform hon. Members that His Excellency has assented to one Act, that was the Constitution of Kenya (Amendment) (No. 2) Act, 1966, which passed the Third

Reading in this House on 28th April 1966, and the Third Reading in the Senate on 29th April 1966, and received His Excellency's assent on 30th April 1966.

SENATE AGREEMENT TO BILL

The Speaker (Mr. Slade): I have to inform hon. Members that the Senate has agreed to the Constitution of Kenya (Amendment) (No. 2) Bill without amendment on Friday, 29th April 1966.

DELETION OF MEMBER FROM OPPOSITION LIST

The Speaker (Mr. Slade): There is one further communication. Hon. Members will recall that on Thursday, 28th April last, I communicated to this House the substance of a letter which I had received from Mr. J. D. Kali, giving the names of those Members who had resigned from the Kenya African National Union with the intention of forming an Opposition.

That list included the name of Dr. Waiyaki; but I have since ascertained that, though resigning from his office as Assistant Minister, he never in fact resigned from the Kenya African National Union.

Mr. Kali has acknowledged to me that Dr. Waiyaki's name should not have been included in his list, and has apologized for the mistake; and I now pass that apology on to Dr. Waiyaki in this House.

PAPERS LAID

The following Papers were laid on the Table:—

1965/66 Supplementary Estimate (No. 2) Recurrent Expenditure.

1965/66 Development Supplementary Estimate (No. 2).

Loan from Kreditanstalt Fur Wiedenaufban for Chemilil Sugar Project.

Cereals and Sugar Finance Corporation—Balance Sheet and Accounts 30th June 1965.

The Military Forces Pension (Asian Personnel) (Amendment) Regulations, 1966.

The Military Forces Pension (European Personnel) (Amendment) Regulations, 1966.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Finance (Mr. Gichuru)*)

Central Housing Board—The Accounts of the Central Housing Board for the year ended 31st December 1964.
(*By the Assistant Minister for Housing (Mr. Rurumban)*)

Report on the Working of the Public Service Commission of Kenya for the year 1965.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Vice-President (Mr. Murumbi)*)

Kenya Statistical Digest Quarterly Economic Report, March 1966. Development Plan, 1966-1970.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Economic Planning and Development (Mr. Mboya)*)

Kenya Agricultural Produce Marketing Board—First Annual Report, Balance Sheet and Accounts for the financial period ended 31st July 1965.

The Pyrethrum Board of Kenya and Pyrethrum Marketing Board—Report and Accounts for the period 1st July 1964 to 30th September 1965.

Department of Agriculture Annual Report 1964 Vol. I.

Department of Agriculture Annual Report 1963 Vol. II—Record of Investigations.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie)*)

Local Government Loans Authority Annual Report, 1964.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Local Government (Mr. Sagini)*)

Kenya National Parks Report for 1964/1965.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Tourism and Wildlife (Mr. Ayodo)*)

The Advocates (Admission) (Amendment) Regulations, 1966.

The Advocates (Accounts) Rules, 1966.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Attorney-General (Mr. Njonjo)*)

Report on Kenya Fisheries—1964.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister for Natural Resources (Mr. Argwings-Kodhek)*)

The East African Customs and Excise Annual Trade Report—Report of Tanganyika, Uganda and Kenya for the year ended 31st December 1965.
(*By the Assistant Minister for Finance (Mr. Odero-Jowi) on behalf of the Minister of State, President's Office*)

NOTICES OF MOTIONS

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—
RECURRENT

THAT a sum not exceeding £2,172,638 be grand from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimate No. 2 of 1965/66 Recurrent.

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—
DEVELOPMENT

THAT a sum not exceeding £1 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Development Supplementary Estimate No. 2 of 1965/66.

The President's consent has been signified to these Motions.

LOAN GUARANTEES: TANA RIVER DEVELOPMENT
COMPANY AND EAST AFRICAN POWER AND
LIGHTING COMPANY

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves the execution of the following guarantees by the Government of Kenya:—

(a) to the Commonwealth Development Corporation of the repayment of a loan not exceeding £3,500,000 together with interest thereon and other charges (if any)

[The Assistant Minister for Power and Communications]

for the time being outstanding being lent by the Commonwealth Development Corporation to Tana River Development Company Limited for the purposes of meeting the local costs of the first stage of the Seven Forks Hydro-Electric Scheme, known as the Kindaruma Scheme; and

- (b) to Glyn, Mills and Co. of the repayment of a loan not exceeding £1,844,661 together with any interest thereon and other charges (if any) for the time being outstanding by Tana River Development Company Limited and by the East African Power and Lighting Company Limited in any of the events provided in the Guarantee (wherein Glyn, Mills and Co., Tana River Development Company Limited and the East African Power and Lighting Company Limited are described as "Glyns", "Tana" and "E.A.P.L." respectively, and the Agreement dated the 21st January 1966 and made between Glyn, Mills and Co. of the one part and Tana River Development Company Limited and East African Power and Lighting Company Limited is referred to as "the Financial Agreement") as provided in the following clauses:—

(1) If any Government or any public or local authority or any company, person or body of persons acting under or by reasons of the provisions of any law then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of Tana's property, assets or share capital or take any action for the dissolution or disestablishment of Tana or any action which would prevent Tana from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payment of all moneys then due to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

(2) If any Government or any public or local authority or any company, person or body of persons acting under or by reason of the provisions of any law

then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of E.A.P.L.'s property, assets or share capital or take any action for the dissolution or disestablishment of E.A.P.L. or any action which would prevent E.A.P.L. from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payments of all moneys then due and to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, could the hon. Assistant Minister inform me or at least clarify what he has given notice for?

The Speaker (Mr. Slade): Honourable Members, when they hear notice of Motion, have to be content to hear it without asking what it means. They will have plenty of opportunity of inquiring what it means when the Motion comes up for debate.

REAPPOINTMENT OF THE SESSIONAL COMMITTEE

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House reappoints as its Sessional Committee, until the swearing in of new Members to be returned from the by-elections which are to take place on the 11th and 12th June 1966, all those Members of the Sessional Committee appointed on the 29th April 1966 who are still Members of this House.

INCREASED DEVELOPMENT FOR EMBU, MERU AND MACHAKOS

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

THAT in view of the fact that the largest part of the Eastern Province is arid and no farming can be done; and as a result famine-relief measures will be required every year; this House urges the Government to accelerate the development of farming standards in those areas like Embu, Meru and Machakos which could produce enough food to feed the population of the Eastern Province by giving:—

- (a) Water development loans.
- (b) Farming (large and small) loans.

[Mr. Mbogoh]

- (c) Stepping up land consolidation where it has not been done.
- (d) Dairy and ranching cattle co-operatives to be formed as soon as possible.

SUBDIVISION OF MERU DISTRICT

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

THAT in view of the size and administrative problems of Meru District which is so large, this House urges the Government to subdivide Meru into North Meru, Central Meru and South Meru Districts with respective district headquarters at Maua, Mitindwa and Egoji; and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

AFRICANIZATION: COMMERCIAL AND BUSINESS COMPANIES

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

THAT in view of the slow Africanization policy in the commercial and business firms and companies in this country, this House urges the Government to make legislation under which such firms and companies will be required to have at least 50 per cent of their executive jobs taken by Africans.

ASSISTANCE FOR EMERGENCY WIDOWS AND CHILDREN

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

THAT in view of the fact that many people in this country died during the war of independence from 1952-60 and left behind many children without parents, this House urges the Government to take responsibility and educate these unfortunate children free of charge and assist the widows financially.

ORAL ANSWERS TO QUESTIONS

Question No. 20

NATIONAL INCOME PER HEAD

Mr. Nyaberi asked the Minister for Economic Planning and Development if he would tell the House what was Kenya's national income per head before and after independence and if there had been any improvement at all.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. Strictly speaking, we do not use the concept of "national income" in its technical sense in our assessment of output in the economy. The concept we employ is what is known as "gross

domestic product". According to this method of assessing performance in the economy, *per capita* gross domestic product was £28.4 in 1962, the last year before independence, £29.3 in 1963, the year of independence, and £30.5 in 1964, the first year after independence. Figures for 1965 are being calculated now and are not yet available.

The improvement between 1962 and 1964 is quite apparent. It must be kept in mind that the increase shown is nett of the growth of population which itself has been rising at the rate of 3 per cent per annum. A slower rate of population growth would have shown an even more marked improvement in output per head. The positive results of the Government's efforts to promote economic development are clearly visible in the figures I have cited.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Minister's reply, since the value of everything produced in this country forms someone's income, what is the Government doing to bring about mass production so that we have a big income per head in connexion with what the Minister has said?

Mr. Mboya: Mr. Speaker, Sir, I am sure the hon. Member understands that the Development Plan, which has been published only a few days ago, is part of the Government's practical and positive efforts to encourage production and, by this method also, to increase income per head. As I have shown here, and perhaps it is worth repeating, the year before independence, the gross domestic product was only 28.4 per cent; that is in 1962. The first year of independence the figure rose from 28.4 per cent to 29.3 per cent, and in the second year of independence it jumped to 30.5. We are confident, therefore, that in 1965, when the figures are ready for publication, it will show a further increase. This represents the efforts that are being made. With the new Development Plan, we have actually increased the target for the development per year, increase in income per year, and we expect a bigger jump therefore in 1966, 1967, 1968, 1969 until 1970. Mass production, I do not know of that. We intend to increase production, as the hon. Member very well knows in his own area, in agriculture, in processing industry, in industry itself and in commerce.

Question No. 9

CITY COUNCIL EMPLOYEES: INCREMENTS

Mr. Shikuku asked the Minister for Local Government if, firstly, he could tell the House how many employees in the Nairobi City Council had had two to three increments in one year and why, and, secondly, if he would also give the names of such employees.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. Nineteen members of the staff of the Nairobi City Council received increments within their existing salary scales additional to their normal annual increments. The employees concerned received these increments as a result of promotion, redesignation of posts and in recognition of increased work and responsibilities.

Mr. Speaker, Sir, with regard to the second part of the question, I decline to mention the names of the employees concerned.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, that these increments were given as a result of new responsibilities and so forth, could he tell the House why a person should get two or three increments in one year? Does it mean that they receive the responsibility after every two, three or four months, and then receive an increment three times a year?

Mr. Sagini: Mr. Speaker, Sir, I have replied very clearly that some of the employees in the City Council of Nairobi received two or three increments because of responsibility and also some aspects of Africanization, because they had more work to do. With regard to minor details, unless these posts are specifically referred to me, I do not think that I can give him the answer now.

Mr. Ndile: Would the Minister tell the House whether the question of giving an employee, on the basis of merit only, three increments a year is provided for in the code of regulations in the local government?

Mr. Sagini: Mr. Speaker, Sir, the hon. Member should know that the smaller jobs are dealt with internally, and I only approve the bigger posts like, for example, the treasurer, chief clerk, and if he has any specific case where this has occurred, then why does he not come to me in my Ministry and see whether it cannot be tackled, because it is scandalous. But if it has to do with the internal affairs of the City Council of Nairobi, there are so many councillors there who could prevent the inheritance of such things.

Mr. Mate: Mr. Speaker, Sir, since the Nairobi City Council is a local authority, would the Minister tell this House whether that is the general policy throughout Kenya; that it is the general policy with regard to all local authorities?

Mr. Sagini: I beg your pardon?

Mr. Mate: Mr. Speaker, Sir, since Nairobi City Council is one of the many local authorities in Kenya, would the Minister tell this House whether this is the practice with all the local authorities throughout Kenya?

Mr. Sagini: I do not agree, Mr. Speaker, Sir, because what do you mean by the general practice? I have explained this question quite clearly that the bigger posts are approved by me like, for example, the clerk of a council, the treasurer. The others are given to people by the councillors, because they are what you might say, terms of service.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that as a Member of Parliament, I am entitled, when I put a question on the Order Paper, to know from him on behalf of his Ministry, the names of the people, and therefore it should be in order for him to tell me the names, because I have a list of my own names and I have to compare those with his names?

Mr. Sagini: The hon. Shikuku, who is a very soft-skinned man, knows jolly well that if I begin to mention names, there will be an outcry; he knows that we dealt with that.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance on this. I think it is the right and privilege of any hon. Member to ask a question, but since this question was accepted by the Ministry in this form, is it in order for the Minister to refuse to give me the particulars I want from the Ministry? Can I take for granted the fact that this question has not been answered satisfactorily?

The Speaker (Mr. Slade): Yes, I think I have explained to the House many times that a question received by a Ministry has to go on the Order Paper, if it is in order according to our Standing Orders, but the Ministry is still free to refuse to answer or to give such limited answers as it sees fit. The remedy, or one remedy, of a Member who is dissatisfied with the extent of the answer or the refusal to answer is to raise it on an adjournment and pursue his dissatisfaction. I imagine you wish to do that.

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 9:
NAIROBI CITY COUNCIL EMPLOYEES: INCREMENT

Mr. Shikuku: Mr. Speaker, Sir, in view of the circumstances I am compelled to raise this matter on adjournment, so that I can make everything public, even to the Minister himself.

ORAL ANSWERS TO QUESTIONS

Question No. 40

NAIROBI CITY COUNCIL: INQUIRY COMMISSION

The Speaker (Mr. Slade): Mr. Ndile, I think you want to withdraw your Question No. 40.

Mr. Ndile: Yes, Mr. Speaker.

(Question No. 40 withdrawn)

Question No. 41

EUROPEAN EXPATRIATES IN NAIROBI
CITY COUNCIL

Mr. Ndile: Mr. Speaker, Sir, in Question No. 41, there are a few words which have been left out.

Mr. Ndile asked the Minister for Local Government if he would tell the House the number of expatriates the Mayor of Nairobi had recruited for the County Council of Nairobi during his last visit to Europe.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I am rather confused, because the hon. Member has added some words and therefore altering the question. However, Mr. Speaker, Sir, I will reply.

I never made any recruitment of staff for the city council during my—

Mr. Ndile: On a point of order, Mr. Speaker, Sir, I know that the Minister for Local Government never recruited anyone, I said the Mayor of Nairobi.

The Speaker (Mr. Slade): Yes, but I have said to hon. Members before that it is too late to wait until a question comes on the Order Paper to say that it is wrongly worded. If it can be shown to me that what appears on the Order Paper today is not the wording of the question that went to the Minister, then, of course, we deal with the question in the correct wording. However, if it is a case of the question having been wrongly worded when it went to the Ministry, the Member receiving his copy should take the opportunity then of correcting the wording. It is too late now. I think, therefore, that, in its present form, the question is not worth really very much, and you will have to ask another one, Mr. Ndile, in the correct form at another time.

(Question No. 41 withdrawn)

Question No. 21

FUTURE OF EAST AFRICAN AIRWAYS

Mr. Balala asked the Minister for Power and Communications if he could tell the House what the future of East African Airways would be in view of the recently formed Uganda Airlines.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply. I am not aware, nor is the East African Board of Civil Aviation, of any airlines having been formed in Uganda by the name of Uganda

Airlines. Perhaps the hon. Member is referring to either the Uganda Aviation Services or Globe Air (East Africa) Ltd. Both companies are based on Kampala.

Uganda Aviation Services was licensed on the 19th January 1965, to operate air charter flights to, from and within East African countries, from a base at Entebbe, for a period of two years. Globe Air (East Africa) Ltd., has been licensed to operate inclusive tours to East Africa and Europe.

There is no question of either of these companies competing with East African Airways, as the licences held by both of them will not permit either of them to operate scheduled services in East Africa. The question of the future of East African Airways does not therefore, arise.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister assure this House that there is no such company as Uganda Airlines or any airlines emanating from any of the East African territories which has been formed in any of the East African territories with the intentions of competing with East African Airways?

Mr. Moss: No, Sir.

Question No. 31

IMPROVEMENT OF KERICHO-SOTIK ROAD

Mr. arap Bii asked the Minister for Works to tell the House in view of the fact that the tarmac on the Kericho-Sotik Road was already worn out and the portion remaining was very narrow, what the Ministry was doing to repair and widen this road which had very heavy traffic on it.

The Minister for Works (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. My Ministry has already made funds available in the past for some widening work on the Kericho-Sotik Road to be carried out by the Kipsigis County Council. Although we do not have further funds for this purpose just at present, provision has been made in our Development Plan for roads for this widening to be continued on a small-scale each year up to 1970 and the first instalment of such funds has been included as part of an application for funds which has already been submitted to an international financing body. The hon. Member will see from this that my Ministry has certainly not overlooked this road.

At the same time, however, when there are many roads in the country where people actually get stuck in the wet weather, I do not think that it would be possible to accelerate the pace of this work.

Mr. arap Biy: Mr. Speaker, Sir, since there is a saying that a stitch in time saves nine, what are the immediate steps that the Ministry is prepared to take in order to secure the position of this road?

Mr. Mwanyumba: I have said, Sir, that the road is already maintained by the Kipsigis County Council and that the Government is contributing small sums of money to give to this county council in order to enable it to maintain the road. However, what the Member wants is for the Government to widen the road, that is, double-track the road. This as I have said, is not going to be possible until we get money from other sources.

Mr. arap Soi: Mr. Speaker, the Minister has said that the Kipsigis County Council is trying to maintain other roads throughout the year and, therefore, I feel the Government is overloading them by giving them also the responsibility of widening this road.

Mr. Mwanyumba: Mr. Speaker, Sir, the Kipsigis County Council has been one of the best councils which we have in the country, which has been doing its work very well in maintaining secondary roads as well as other roads. We have, in fact, given trunk roads to this council to maintain.

I do not, therefore, agree with the hon. Member that we are overloading the Kipsigis County Council since they, themselves, have applied to look after this road.

Question No. 24

WARAGI IMPORTS FROM UGANDA

Mr. Tuwei asked the Minister for Commerce and Industry what in view of the fact that Kenya imported plenty of spiritous liquors from foreign countries, were the reasons for Kenya refusing to import Uganda *Waragi*, which was properly distilled.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. Uganda *waragi* has been declared prohibited in Kenya. The importation of *waragi* from Uganda is totally banned, for the sale of this cheap spiritous liquor in Kenya would not only have a serious effect on the amount of revenue earned from high-quality liquors imported from overseas, but would also affect the production of Kenya's existing distillery which produces high quality gin and brandy. It is also feared that should Uganda *waragi* be allowed into this country, many of the illegal Nubian gin distillers whose products are already creating serious problems in many parts of Kenya, will have more

opportunities to bottle their own product and thereby deprive the Kenya Government of even more revenue.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that many Kenyans are not rich enough to be able to afford gin, brandy and other such drinks, and in view of the fact that the Government knows that they are poor, would the Government not go into the question of getting cheaper, strong drink for the Africans of Kenya?

Mr. Kibaki: Mr. Speaker, Sir, I can well appreciate the strength of feeling of the hon. Member, but, in our view, there is enough range of all types of drink, ranging from *mnazi* to *pombe*, to gin, beer, *maratina*, *bizaa* and such other drinks. Sir, I think every income group is very well looked after as matters are now.

Mr. Alexander: Mr. Speaker, Sir, in Mexico, a very effective drink is made out of sisal. The name is *tequila*. What is our Government doing to investigate the same possibilities in our country, of a product of which the waste is literally going down the drain?

The Speaker (Mr. Slade): That is another question.

Mr. Kibaki: Yes, Mr. Speaker, Sir, I agree it is another question.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that Uganda *waragi* is consumed by very low-income groups, could the Minister give us figures of those people who are consuming what he calls the very good quality drinks? How many of them would go down to the *waragi* class if this drink were to be introduced?

Mr. Kibaki: Mr. Speaker, Sir, I must first of all correct the hon. Member as he ought to know better. It is certainly not true that *waragi* is only taken by the low-income groups; it is very well known that people with very high incomes and very high positions, in fact, drink *waragi*, in this country I mean.

Sir, the question, as the hon. Member has framed it, clearly is not capable of any statistical data. What is known, as he himself would know, is that if you get a cheap spirit onto the market, it will, in all probability, displace those that are now being consumed by the normal processes of supply, demand, and all the other factors. So, Mr. Speaker, the question is not whether the group that now drinks the imported spirits would continue to drink them or not. It is well known that a substantial proportion of them would move to the new product. What is even more important is that many people who now drink beer would start drinking *waragi*.

Mr. Balala: Mr. Speaker, Sir, if the Minister is well acquainted or has experience of gin, what experience has he of the Uganda *waragi* to justify his answer that it is not as good as the imported European gin?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member must have misunderstood me completely. I had no intention whatsoever of saying that the Uganda *waragi* is not as good as any other gin brewed in any other part of the world. I would be entirely wrong if I did say that.

I would like to inform the hon. Member that I did live in Uganda for five years, and I have, in fact, myself tasted the Uganda *waragi*. I was among the first people to taste it when it was produced.

Now, Sir, the question is not whether the *waragi* brewed in Uganda is as good, or not as good, as what is imported. The point is this: if we did import *waragi* from Uganda, we would lose the revenue that we now receive from the customs duty imposed on imported spirits. It is not a question of a small amount. Last year we got from these sources as much as £950,000; very close to £1 million. Now, it is not a little sum to play with in an economy like ours.

Mr. Omweri: Mr. Speaker, Sir, arising from what the Minister has just told us, would he tell us what would prevent his Ministry from imposing the same customs duty on *waragi* so that the mentioned amount of income is not lost?

Mr. Kibaki: Mr. Speaker, I think the hon. Member knows that we have a common market in East Africa, and that, in fact, we, in Kenya, are making every effort to continue to maintain that common market. One of the essential facts about the common market is that there should be free movement of goods between the countries that are involved. If we imposed the import duty which the hon. Member suggests, it would, in fact, be discouraging the common market of East Africa. It is, therefore, not likely that we would take that course of action. However, if we did take the course of action that he has suggested, we would not get as much revenue as we are now getting. We would still lose plenty of it.

Dr. De Souza: Mr. Speaker, Sir, is the Minister aware that one of the best ways of saving income from excise duty is to stamp out the illegal brewing and distilling of liquor which takes places in almost every back yard and street corner in Nairobi today?

Mr. Kibaki: We have heard this theory before, Mr. Speaker. I call it a theory, because every country that has experimented with this—I believe including Uganda—has found out that far

from displacing the illegal distilling, in fact, the illegal distilling gets a suitable cover under which to continue. In fact, I am assured that in one country where the brewing of this cheap spirit has taken place, the result has been that the illegal brewers buy empty bottles and put their illegal *waragi* or gin into those bottles bearing the name of a legal distillery. In fact, the total effect is to increase illegal brewing.

Therefore, Mr. Speaker, we are not persuaded by that theory.

Question No. 30

AID FOR LITEIN HARAMBEE SECONDARY SCHOOL

Mr. arap Bii asked the Minister for Education to tell the House when the Government was proposing to aid Litein *Harambee* Secondary School.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Government is unable to aid Litein *Harambee* Secondary School in the current development programme, which covers the years 1965 to 1967.

When a further development programme is formulated, for a period commencing in 1968, all existing and projected schools will be considered each on its merit for inclusion in it, and Litein will have a chance of being considered along with the other eligible existing schools then.

Mr. arap Bii: Mr. Speaker, Sir, since Litein is a very exceptional *Harambee* secondary school in the district, in that the school teachers are qualified missionaries who are now leaving the country, would the Ministry then assist the school by taking it over, in order to save the children who will have to lose their places when these teachers leave the country?

Mr. ole Konchellah: Mr. Speaker, Sir, we are not aware in the Ministry that these teachers are moving. However, as I said before, Litein is among the few schools which the Ministry is considering to have put on the priority list of schools to be aided.

Question No. 62

MUMIAS SECONDARY SCHOOL: DOUBLE-STREAM

Mr. Mulama asked the Minister for Education why Mumias Secondary School had been left out for double streaming this year.

The Assistant Minister for Education (Mr. Ole Konchellah): Mr. Speaker, Sir, I beg to reply. It was not possible to retain Mumias Secondary School in the revised development programme for 1965, 1966 and 1967, because it was decided,

[The Assistant Minister for Education]

during the negotiations for a World Bank Loan, to expand a smaller number of schools to three-stream status instead of developing a larger number to one or two streams only.

There are other thirty secondary schools which were similarly affected.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, is the Assistant Minister aware that Mumias caters for quite a large area? That means, Mumias, itself, has three locations, Marama and Kisa locations, and so it was necessary that this school should have had priority? As a matter of fact, there was an assurance to that effect.

Mr. ole Konchellah: Mr. Speaker, Sir, as I said before, Mumias is not the only one, we have thirty other such schools. Mumias is also included among these thirty schools, and as soon as we get the loan for which we have negotiated, this will be carried out.

Mr. Shikuku: Mr. Speaker, Sir, arising from "as soon as we get the loan", would the Assistant Minister assure this House that this time Mumias—or, for that matter, Muhila Secondary Schools—will not be let down? The promise will have to be kept.

Mr. ole Konchellah: Mr. Speaker, Sir, I would not like to commit the Ministry by saying that Mumias is also on the list with the thirty other schools. So what we have said will be done, will be done when we get the loan.

Question No. 70

CERTIFICATE FOR FORM II SCHOOL-LEAVERS

Mr. Barasa asked the Minister for Education if the Ministry would consider awarding a Government official certificate to Form II leavers.

The Assistant Minister for Education (Mr. Ole Konchellah): Mr. Speaker, Sir, I beg to reply. Normally, Government official certificates from the Ministry of Education are issued to people who take and pass the national examination. However, as from the end of this year, my Ministry will be offering a new examination from Form II level and any pupils who take and pass it will be issued with a Government official certificate. Others will receive testimonials and school-leaving certificates from their headmasters and headmistresses.

Mr. Barasa: Arising from the Assistant Minister's reply, Sir, could he tell the House whether this examination will apply to recognized secondary schools or *Harambee* schools only?

Mr. ole Konchellah: Mr. Speaker, Sir, what the Ministry will actually recommend, is only the passing of the examination, whether the schools are private or recognized by Government. We will recognize a student who has passed the examination.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that this examination, from the Assistant Minister's answer, is to be a national one, could he tell us whether its effects will be national, and whether they will get the pupils who have passed jobs in a Government department?

Mr. ole Konchellah: Mr. Speaker, Sir, could the hon. Member please repeat his question?

The Speaker (Mr. Slade): Could you repeat your question, Mr. Mate? It was not very clear.

Mr. Mate: Mr. Speaker, Sir, from what the Assistant Minister said, that the examination will be national, could he assure this House that the examination will be national, and a child who passes the Form II examination will be in a position to get a job in a Government department because that examination certificate is recognized?

Mr. ole Konchellah: Sir, I think this particular question concerns the Ministry of Labour and not the Ministry of Education.

Mr. Shikuku: Arising from the Assistant Minister's reply, that it is a question of labour, is he aware that the examination has dignity in that, after someone has passed it, he should be entitled to a job and Government is one of the employers? Would he tell this House that the children who have passed this examination will get jobs in Government? Will it be recognized by the Government? If Government recognizes the certificate, then the children should get jobs.

Mr. ole Konchellah: Mr. Speaker, Sir, as I said, the Ministry of Education does not give jobs to pupils who pass examinations.

However, let us hope for the best and wish that the pupils who pass the examination will approach the Ministry of Labour and get jobs.

NOTICE OF MOTION FOR THE
ADJOURNMENT

RAID BY KARAMAJONG ON TURKANA

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Mr. Areman of his desire to raise on an adjournment the question of a raid by Karamajong on Turkana people, which caused serious loss of life and property, on the 12th May, 1966. I have said that he could raise this matter on the adjournment tomorrow.

BILLS

First Readings

THE NATIONAL HOSPITAL INSURANCE BILL

The Speaker (Mr. Slade): I understand you would like to take the Second Reading of this Bill today if the leave of the House is obtained, Mr. Otiende?

The Minister for Health (Mr. Otiende): I wonder, Mr. Speaker, whether you have received a communication from my office about leaving it till tomorrow?

The Speaker (Mr. Slade): No, I have not had that, but if you do not want to proceed with the Second Reading, you are under no obligation to do so.

So, you are not proposing now to take it today?

The Minister for Health (Mr. Otiende): No, Sir.

The Speaker (Mr. Slade): All right then. We will take it tomorrow.

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

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

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

THE CUSTOMS AND EXCISE TARIFF (AMENDMENT) BILL

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

ADJOURNMENT

The Speaker (Mr. Slade): Honourable Members, that concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Wednesday, 25th May, at 2.30 p.m.

The House rose at twenty-five minutes past Three o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 10

PATRIOTISM AND CIVICS COURSES

Mr. Makone asked the Minister for Education to tell the House how the civics syllabus for lower classes imparted to the children a sense of pride of country and a love for its beauty.

The Minister for Education (Mr. Koinange)*:

I will assume that this question refers to the children in the primary schools. In these schools, every opportunity is taken to help the children to understand something of their heritage, to appreciate the development of their countries and to respect the work of their elders in all spheres of government, both at local and central level. Such opportunities come the way of teachers in any of the subjects of the school syllabus that they handle. However, whereas a love of the beauty of Kenya is more specifically encouraged when studying nature, agriculture or geography, so, a sense of pride can be best instilled when learning history.

It will be appreciated that a love of beauty and sense of pride are both qualities which are difficult to teach specifically, but for which the seeds can be sown in the mind of the child and carefully nurtured throughout his school career. These seeds are sown during the school activities outside the classrooms, such as the learning and singing of the National Anthem, talks on matters of national importance, school contributions to national funds and school participation in national festivals and holidays all help to nurture these qualities.

Within the primary schools history and civics syllabus, there is much room for the development of a feeling of national pride. This may begin when the work on comparative tribal history is tackled in Standard III the stress being laid on the fact that Kenya is one nation made up of diverse traditions and customs. Later, there is a full opportunity for a study of the development of Kenya in the political, economic and social spheres. Also, children towards the end of their primary school career, are given a specific study of civics matters; it is intended that this should enable them to grasp the essential points of Kenya's system of government and to understand the part the ordinary citizens have to play within this system.

My Ministry being well aware of the need to develop further the present school programmes in order to meet even more the need for a deep sense of national pride, has already established a permanent Curriculum Development Centre through which present syllabuses will be orientated and suitable books written. Furthermore, every effort is being made to encourage local writing and publishing of books.

*Answer prepared by the Ministry before Cabinet reshuffle when Mr. Nyagah became Minister for Education.

Question No. 11

WATER SUPPLY AT KEROKA MARKET

Mr. Makone asked the Minister for Natural Resources, Wildlife and Tourism to tell the House whether, in view of the fact that Keroka Trading Centre was on the Kisii/Kericho Road with prospects of a rapid growth of both population and business, and in view of the fact that the police station at Keroka had no water supply, the Minister would consider making arrangements with local authorities to supply Keroka with water.

The Minister for Natural Resources, Wildlife and Tourism (Mr. Ayodo)*: The Government is always ready to help the local authorities with the planning and installation of water supplies. I note with regret that, in compiling the estimate for 1966/67 financial year, the Gusii County

Council made no request for assistance for a water supply to Keroka Trading Centre. I would like to request the hon. Member to make immediate contact with the Gusii County Council and, in collaboration with the provincial water committee, formulate a request which should be sent to the Water Development Department of my Ministry.

Subject to the availability of funds (which, of course, have not been estimated) and subject to this House approving such estimates, my Ministry would be willing to assist the Gusii County Council on a £-for-£ basis. Any success in this type of undertaking, depends on the inhabitants of Keroka Trading Centre's willingness to pay for the water provided.

*Answer prepared before Cabinet reshuffle when Natural Resources was still part of this Ministry under Mr. Ayodo.

Wednesday, 25th May 1966

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

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

PRAYERS**ADMINISTRATION OF OATH**

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

Kennan Martin Thimangu Kaunyangi.

ORAL ANSWERS TO QUESTIONS*Question No. 44***INDUCEMENTS TO TECHNICIANS**

Mr. Godia: On a point of order, Mr. Speaker, there is a typing error. This question was directed to the Ministry of Education and not to the Minister of State, President's Office.

The Speaker (Mr. Slade): Order! If, as I understand the point, Mr. Godia is complaining that this is being answered by the wrong Minister, that is a matter beyond his control or mine; it is for the Government to decide which Minister answers any particular question.

Mr. Godia asked the Minister of State, President's Office what plans he had for inducing young men who were technically fit to join his Ministry as technicians, including those already trained at the present trade and technical schools who had become redundant due to lack of employment to do so.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

This question, although the hon. Member has complained that it should have been addressed to the Minister for Education, as a matter of fact should have been addressed to the Office of the Vice-President. Nevertheless, Mr. Speaker, Sir, on behalf of the Vice-President, I would like to reply.

Employment of technicians or any other category of civil servant is subject to availability of vacancies in the authorized establishment. When such vacancies occur, all eligible candidates who apply are considered, irrespective of where they have obtained their qualifications. Where such posts are held by non-citizens, arrangements are made to replace them with qualified Kenya citizens. However, I wish to point out that the Government does not create posts on an *ad hoc* basis to accommodate Kenyans qualified in various technical or other fields. The size of the Public Service Commission

establishment is determined by service requirements on the one hand and availability of funds on the other.

Nevertheless, the Government is confident that, the progressive implementation of the Development Plan and the resultant expansion in economic activity in the country, more employment opportunities will be created in both the public and private sectors for qualified Kenyans. The Government is not the only employer. Besides, there are the East African Common Services Organization, the University of East Africa and private firms, to mention but a few. The Government as well as the other employers advertise vacancies in the local Press, giving details of conditions of service and prospects of advancement, which are often competitive. In a free and a competitive market, it is for qualified Kenya candidates to make a choice of their career. Experience has shown that a number of qualified unemployed persons may be as a result of the inability of the candidates to make up their minds on the career they are interested in or of a temporary drop in demand for the services in the field in which a candidate is qualified, thus lowering the market price for his services.

I would like, in conclusion, to assure the hon. Members that the Government does all it can to recruit Kenyans qualified in the various technical and other fields and, where necessary, organize on-the-job training to improve the efficiency of the officers concerned.

Mr. Godia: Mr. Speaker, Sir, arising out of the Minister's reply, will he assure the House that Government will do something to help technicians who have been trained in our own technical schools and who are now in the country without employment?

Mr. Nyamweya: Mr. Speaker, I do not really know what the hon. Member for Hamisi wants me to clarify. I have already indicated in my lengthy reply what the Government is doing. If it is the question of providing employment, then I suggest, Mr. Speaker, that question should be addressed to the Minister for Labour.

Mr. Mbogoh: Mr. Speaker, Sir, arising from the Minister's reply that everybody is employed according to qualifications, does the Minister agree with me that in some cases the employees who are employed are less qualified than those who are left out, unless they belong to a certain tribe?

Mr. Nyamweya: Mr. Speaker, Sir, that may happen if the hon. Members influence the employers who offer the employment. The Minister for Labour has already issued a circular to

[Mr. Nyamweya]

all Members of the National Assembly and to all Ministers, Assistant Ministers, Permanent Secretaries and to all persons, who are concerned, to desist from the practice of sponsoring candidates and let the candidates for jobs themselves compete in an open market.

Mr. Jahazi: Mr. Speaker, Sir, is the Minister aware that in most cases some of the candidates are asked to produce a certificate from the City and Guilds examination in London where, in actual fact, 50 per cent of all that is asked in such examinations of the City and Guilds does not apply to Kenya? Although the candidate may be the most suitable man for the job in Kenya, just because he does not have the City and Guilds certificate, which is 50 per cent irrelevant, he is denied the job.

The Speaker (Mr. Slade): We are rather beyond the scope of the original question now.

Mr. Jahazi: Mr. Speaker, Sir, if I may put it another way—

The Speaker (Mr. Slade): This question does not raise the question of qualification or grading, which you are on.

Mr. Jahazi: Technically, Sir, I think the City and Guilds examination only involves technicians and in most cases, in advertisements in the Government requirements, they ask for anyone who has a City and Guilds certificate in a certain trade or its equivalent.

The Speaker (Mr. Slade): But I must point out again, this question is concerned with the employment of those who are technically fit rather than the method of determining who are technically fit; we must keep to the main point.

Mr. Kiprotich: Mr. Speaker, Sir, arising from the answer of the hon. Minister accusing Members of this House in influencing some of the employers to employ their friends, will the Minister substantiate which Members and which people were employed in these employments?

Mr. Nyamweya: Mr. Speaker, Sir, I did not mention names of any hon. Members of this House, but it is a known fact that job-seekers approach Members of the National Assembly in order to get them to recommend or sponsor them for jobs. This is a practice which the Government has decided to stop.

Question No. 45

EMPLOYMENT OF TECHNICIANS

Mr. Godia asked the Minister of State, President's Office, if he would assure the House that all technicians trained in the existing

technical institutions would be given some kind of occupation as soon as they left those institutions.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. It is not possible to give the assurance the hon. Member for Hamisi is seeking. As I mentioned in Question No. 44, employment is dependent upon the availability of vacancies in the authorized establishment. As and when these occur, all the eligible qualified candidates will be considered. It may well be that the private sector will absorb some of these technicians who, for reasons already stated, cannot be employed by the Government.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House how many of these technicians trained in the existing technical institutions have been absorbed by Government departments? How many, according to the records of the Government or of these institutions are still unemployed?

Mr. Nyamweya: Mr. Speaker, Sir, I think the Vice-President, on whose behalf I am replying to this question, will require notice of that question.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply given by the Minister in the President's Office on behalf of the Vice-President, is he aware that by having these young men being trained in Government-aided schools, that naturally, there is hope on the part of the trainees, that immediately after their training, they will be offered, by the Government, jobs, and therefore it should be the duty of the Government, in terms of manpower, to see how many people require to be trained as technicians so that they can go to school, rather than keeping students in these schools only to qualify and then to let them become the frustrated people in the streets?

Mr. Nyamweya: Mr. Speaker, Sir, I share the feelings of the hon. Member for Butere that the Government should do as much as possible to decrease the feelings of frustration in the people who have already attended our technical schools. But, Sir, as I have pointed out in my replies the absorption of these students depends on many factors which I have already mentioned in my reply.

Mr. Omar: Mr. Speaker, Sir, is the Minister aware that some firms from abroad which have invested in this country often bring their technicians from abroad instead of employing the local technicians?

Mr. Nyamweya: Mr. Speaker, Sir, I am glad the hon. Member for Mombasa Island South has asked that intelligent question. The Government is now actively looking into this, and, sooner or

[Mr. Nyamweya]

later, certain measures are going to be taken to compel the foreign companies or the companies based in Kenya to recruit technicians from the available local material.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House as to how many private sectors are today available in order that students may be absorbed as technicians in this country?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member does not understand what I meant by private sector. There is the public sector of, let us say, may be we ask the Minister for Commerce and Industry to open some elementary classes for economics.

Question No. 50

CHUKA/MUTHAMBI BOUNDARY DISPUTE

Mr. Nyaga asked the Minister of State, President's Office if he could tell the House what were the causes of the disagreement between the Chuka and Muthambi people in South Meru Constituency over their boundary. Could he also tell the House how many years the Muthambi people had been living in that area.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Government is aware that a minority group of people in Njaina Sub-unit of Chuka Location are agitating for the alteration of the locational boundary to include them in Muthambi Location. They have expressed the fear that being a minority, the Chuka people might rob them of their land. The Government has assured them that their land rights will be protected.

In reply to the second part of the question, no records are available to show for how long Muthambi people have lived in the area. It is known, however, that some families have lived there for about three generations. I have no record to establish this.

Mr. Nyaga: Mr. Speaker, Sir, is the Minister assuring the House that he knows these people have been there for so many years, or is he assuring the House that there is a commission to look into the matter and give us the information on the accurate facts?

Mr. Nyamweya: Mr. Speaker, Sir, I can give one assurance. The assurance I can give to the people whose interests the hon. Member is representing in this House, is that whatever alteration is made to the boundary, that will not affect their proprietary rights including land.

Mr. Nyaga: Mr. Speaker, Sir, is the Minister aware that these people, the Muthambi people, are being deprived of their land, regardless of them having been there for I do not know how many years? Is that commission to look into the matter so as to give the right to these people or to the other people?

The Speaker (Mr. Slade): Have you asked your question yet, Mr. Nyaga? I think you have.

Mr. Nyamweya: Mr. Speaker, Sir, I do not think that the matter is of sufficient gravity to justify the appointment of a commission. If there are any persons in the area in question who feel that they have been aggrieved by being deprived of their rights and land, the hon. Member should advise them to present their grievances to the appropriate authority and I will give you an assurance that this can be examined.

Mr. Mate: Mr. Speaker, Sir, is the Minister in the President's Office aware that the Muthambi and the Chuka people do have a real quarrel, as much as he does not know about Meru politics, would he undertake to make sure that—

Mr. Nyamweya: May I ask the indulgence of the hon. Member for Meru Central, Mr. Speaker, Sir, to repeat his question in a clearer and a softer tone which I can understand?

The Speaker (Mr. Slade): I think, Mr. Mate, a little bit less emphasis will get your question across more clearly.

Mr. Mate: Mr. Speaker, Sir, is the hon. Minister of State in the President's Office aware that Meru politics and the Meru problems are very important as far as Muthambi and Chuka are concerned, and that the Member for Nyaberi is not as important in terms of Majoge-Bassi?

Mr. Nyamweya: Mr. Speaker, Sir, I agree that I am the Member for Nyaberi but there is nothing wrong in that, and I do concede that the problems of the Meru people are as important as the problems of the people I represent in Nyaberi and elsewhere in this country. I do not really know what the hon. Member for Meru Central wanted to know, but as far as my information goes, a land consolidation team, with the assistance of the local elders, have just completed the work in this area and the land register has already been closed, but so far we have heard 700 objections which have been raised. It is therefore hoped that the land consolidation team will try to find a lasting solution if these objects are to be sorted out satisfactorily.

Mr. Speaker, Sir, I have already said that the present boundary is administratively convenient and is acceptable to the majority of the people in Meru. It is not the Government's intention to

[**Mr. Nyamweya**]

alter it at the present time. The administrative boundaries, even if they are altered, do not affect land ownership. I hope this rather long reply will meet the requirements of the hon. Member for Meru Central.

Question No. 52

FAMINE RELIEF FUND

Mr. Barasa asked the Minister of State, President's Office—

(a) how much money had been collected since 1964 for the Famine Relief Fund; and

(b) how much had been spent.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The financial contribution to the Famine Relief Fund, up to the close of business yesterday, that is, 24th May, has been as follows:—

Local contributions: Sh. 1,359,555/20.

Contributions from African States, Sh. 425,429/45.

The contribution from the African States is made by the following States, and in the following amounts:—

Ethiopia, Sh. 100,000. Zambia, Sh. 100,000. Nigeria, Sh. 200,000. Liberia, Sh. 35,427/45.

The balance of the contribution of Sh. 326,339 was overseas contributions.

Now, Mr. Speaker, Sir, the fund, as the hon. Members know, was established in 1965, and I have given the contributions up to the 24th May 1966. It is estimated that to date about Sh. 5,320,000 have been spent for famine relief in the country, but the expenditure cannot be accounted for until all bills have been received from the district commissioners in the field.

Mr. Somo: Mr. Speaker, Sir, can the Minister tell this House very clearly how much money has been collected from the eastern and western hemispheres?

Mr. Nyamweya: Mr. Speaker, Sir, according to my knowledge of geography, Kenya, Uganda, Tanzania, China are in the eastern hemisphere, while Liberia, United States, Brazil, British Guiana are in the western hemisphere.

Maybe the hon. Member would like to rephrase his question so that I can deal with it.

Mr. Somo: Mr. Speaker, Sir, my question is this: what I wanted to know from the Minister was how much money has been contributed by the eastern *bloc* and how much by the western *bloc*?

Mr. Nyamweya: Mr. Speaker, Sir, we have not calculated this generosity on the basis of eastern and western *blocs* or powers.

Mr. arap Soi: Mr. Speaker, Sir, as there is a lot of money that has been contributed for this purpose, would the Government make arrangements to give some of this money to the farmers in the high-potential areas so that more food can be tapped from the land?

Mr. Nyamweya: Mr. Speaker, Sir, maybe the hon. Member did not listen to what I said earlier in my reply. I said, up to 16th February the Government has spent over Sh. 5,000,000 for the famine relief, but the collections or contributions from various sources is slightly over Sh. 2,000,000.

I would like to add this, Mr. Speaker, that slightly over Sh. 2,000,000 has been collected to date, but this would possibly only meet about half of the total expenditure of famine relief. The balance of the expenditure will have to be met by the Government.

The House will probably be interested to know that in 1961 and 1962 a total of £5½ million was spent on famine relief. Famine relief is financed through a vote in the Treasury, and it has been decided that £30,000 from the fund will be paid into that revenue to meet known expenditure.

As and when the question of famine has been known not to be in existence, I am sure that the Government will table a balance sheet in the House for the hon. Members to know how this money has been utilized.

Mr. Balala: Arising from the Minister's reply, Mr. Speaker, Sir, can the Minister give a breakdown of the contributions and the allocations of the Fund on provincial or district level?

Mr. Nyamweya: Mr. Speaker, Sir, I would be very happy to give the breakdown as required, but I think that will be a little bit outside the scope of the present question.

Question No. 26

X-RAY UNIT FOR ELDORET HOSPITAL

Mr. Tuwei asked the Minister for Health if his Ministry would equip Eldoret District Hospital with an X-Ray Unit before the beginning of the next financial year.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. It is not possible at present to equip Eldoret District Hospital with an X-Ray Unit at Government expense. The Ministry appreciates the need for an X-Ray Unit in Eldoret and is looking into the possibility of making use of the X-Ray facilities already available at a nearby private hospital.

Mr. Tuwei: Mr. Speaker, Sir, can the Assistant Minister tell this House whether the Ministry has failed to find a doctor who can operate a machine in Eldoret Hospital, or is it the machine or the money which is not available to provide an X-ray unit for the Eldoret Hospital?

Mr. Matano: Mr. Speaker, Sir, the answer is, both money and personnel to be stationed there. However, I would like to assure the hon. Member that the Government appreciates the problem and this question of X-ray will be examined. At the moment the patients are sent to the provincial hospital in Nakuru. This arrangement is considered to be costly and the Government radiologist has been requested to investigate the possibilities of making use of the X-ray facilities available at a private European hospital in Eldoret District. Should this service prove to be too costly, the Government will urgently investigate the possibility of equipping the Eldoret District Hospital with its own X-ray unit as soon as possible.

Mr. Tuwei: Mr. Speaker, Sir, as the Assistant Minister refers to the European hospital, to which I did not refer in this question, I would like to know whether that X-ray plant could be shared in the Uasin Gishu Hospital and the African hospital in Uasin Gishu, so that we can spend less money by not having to take our patients to Nakuru?

Mr. Matano: Mr. Speaker, I said all these things are being considered and we shall use them as and when it is possible.

Question No. 25

ELDORET CEMETERIES: UPKEEP

Mr. Tuwei asked the Minister for Local Government how much money had been allocated for the upkeep of Eldoret cemeteries and why the African cemetery had been so completely neglected that it had grown into bush.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Local Government who is busy on some other business.

The first point, Sir, is that the hon. Member who ought to know better should be corrected for insisting on calling this cemetery an "African cemetery". The practice of discriminating, even in the cemeteries, has been discontinued in an independent Kenya. So, this cemetery is a general cemetery, no longer an African cemetery.

As to the question the hon. Member asks, I am to inform him that expenditure incurred by the Eldoret Municipal Council on the upkeep of cemeteries in Eldoret during 1965 amounted to

£2,480 of which £1,113 was spent on the general cemetery. The council's estimates for 1966 contain provision amounting to £2,610 for this upkeep, of which £1,220 is earmarked for the general cemetery.

Now the Eldoret Municipal Council, therefore, Mr. Speaker, entirely rejects the allegation that they are not maintaining this cemetery properly, and they would like to point out to the hon. Member who ought to know better, that the cemetery is kept tidy, it is fenced and a team of six labourers are on permanent employment to keep the place tidy and proper. So, Sir, the allegation is entirely unfounded.

Mr. Tuwei: Mr. Speaker, Sir, in view of the fact that there are three cemeteries in Eldoret Municipality, I would like the Minister to point out which is the general one and which is not the general one. However, in Eldoret West, there is an African cemetery which is now growing into bush and there are not there the labourers he has named.

Mr. Kibaki: Mr. Speaker, Sir, the geography of Eldoret is well known and it is well known to me personally. It is a fact that in many towns of Kenya, before independence, there used to be maintained separate cemeteries for the different racial communities. Now, what I am pointing out to the hon. Member is that that practice has been discontinued now. There is a general cemetery in Eldoret which used to be called the "African Cemetery" before and there is a Christian cemetery and also there is a place which might be called a cemetery where cremation takes place. There can be no confusion about them, and the hon. Member knows very well where they are. They are very well maintained. We have, in fact, six labourers employed by the municipal council to maintain the general cemetery.

Question No. 42

SALARIES OF FORMER AND PRESENT TOWN CLERK

Mr. Ndile asked the Minister for Local Government if the Minister would tell the House how much Mr. Waiyaki had been paid as salary and how much the present European Town Clerk was getting as salary, and also how much the amount of gratuity involved was at the termination of his contract.

POINT OF ORDER

MEMBER ASKING A QUESTION ABOUT ANOTHER CONSTITUENCY

Mr. Omar: On a point of order, Mr. Speaker, I remember some time ago you said in this Chamber that if a Member from another constituency wanted to ask a question arising from

[Mr. Omar]

another constituency, as a matter of courtesy he should get permission from the Member for that particular area. In this case, Mr. Speaker, Mr. Ndile comes from Machakos Constituency and this question deals with Nairobi City. I wonder whether it is really in order for him to ask such a question?

The Speaker (Mr. Slade): Order! Order! As far as the order of this House goes, there is nothing to prevent any Member asking a question about any subject whether or not it deals with another constituency. It is a desirable convention which has been accepted in the past, that hon. Members do not meddle with the constituency affairs of other hon. Members without their agreement. However, that is mere convention over which I have no control. That is not covered by the Standing Orders of this House.

(Resumption of discussion on Question No. 42)

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. The former town clerk, Mr. Kimani Waiyaki, was on local pensionable terms of service which included a salary of £3,100 per annum, plus an entertainment allowance of £150 and a travelling allowance of £100 per annum.

The present town clerk, Mr. D. M. Whiteside, is on contract terms of service and is in receipt of a salary of £5,111 per annum, plus an entertainment allowance of £100 per annum. He will receive a gratuity, on the completion of his two-year contract, of 20 per cent of the total salary he will have earned during that contract. This gratuity, Mr. Speaker, will therefore, according to my simple arithmetic, amount to £2,000.

Mr. Ndile: Mr. Speaker, Sir, will the Minister tell the House why the former town clerk received less than the present town clerk. Why is the difference so much?

Mr. Kibaki: Mr. Speaker, Sir, if I might explain the simple facts about employment to the hon. Member for Machakos South who, for some unknown reason, seems to specialize in the internal affairs of the city council, it is a well-known practice that if you have to recruit an officer from overseas and you employ him on contract, you have to pay him a special rate because it is contract and it is not pensionable. This is true, whether you recruit the person locally or from overseas.

The differential, as the hon. Member says, appears to be big, but I do not believe it is all that big when you consider that after the two years' contract, this man will be again looking

for a job, whereas the previous clerk, Mr. Speaker, had been employed on permanent and pensionable terms and, again—another differential—he was a local officer. As the hon. Member well knows, we employ local officers on entirely different scales compared with those that we give to foreign, overseas-recruited officers, for obvious reasons.

Mr. Shikuku: Arising from the Minister's reply, Mr. Speaker, to the effect that he does not know why the particular hon. Member who asked the question is interested in city council affairs, is he aware that the salary of this particular officer and any other officer in the city council is paid out of tax, and that even Members of Parliament have money deducted from their salaries in Nairobi to go to the city council, and we have a right to ask what is happening to our money?

Mr. Kibaki: Mr. Speaker, Sir, I think, as usual, the hon. Member for Butere is getting excited for nothing whatever. Mr. Speaker, I did not question the right of an hon. Member of this Assembly to ask a question about any kind of expenditure. The only remark I did make was that, for some special reason, which is unknown to us, the hon. Member for Machakos South specializes in the internal affairs of the city council. Mr. Speaker, it would be of interest to the House to know and, therefore, Mr. Speaker, I do not question his right to ask, but it is of interest to us to know why he specializes in the internal affairs of the city council.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister tell the House whether this post was advertised locally, for a local person to apply, and they failed to get applicants before recruitment from overseas was called for?

Mr. Kibaki: Mr. Speaker, Sir, there are two points here which are relevant, and I hope the hon. Member for Trans Nzoia will take them seriously.

First, this officer who is now the town clerk was, in fact, promoted. He used to be the deputy town clerk. Therefore, Mr. Speaker, the question of having to advertise this job did not arise. But, Mr. Speaker, Sir, it was well known, too, that the city council was unable to get these officers locally and that is the reason they have had to recruit from abroad.

Mr. Speaker, Sir, let me hasten to add, in view of the excitement of the Specially Elected Member, Mr. Balala, that the City Council of Nairobi has a special programme for Africanization and, indeed, Mr. Speaker, it is well known to the whole Republic that the City Council of Nairobi did spearhead this; in fact, they gave the lead to all

[Mr. Kibaki]

the other councils in the programmes of Africanization. The fact that they ran into grief in respect of one officer has not, in fact, deterred them in their efforts to Africanize and localize these jobs.

Mr. Omar: Mr. Speaker, Sir, arising from the Minister's reply that this post was not advertised because the Nairobi City Council knew that there was no local candidate to fill such a post, would he tell the House the qualifications required for such a post?

Mr. Kibaki: Mr. Speaker, Sir, let me correct the wrong impression the hon. Member has given. I did not give the reason he has given for the post not being advertised. I said quite clearly that this officer was a deputy town clerk and the city council, in its great wisdom, saw fit to promote this particular officer to the job that he is doing and doing very well now.

Mr. Speaker, Sir, the qualifications normally required of a town clerk are that he should have some training in law, he should be a man of high integrity and high administrative calibre, he should be a person who clearly can run the affairs of a city such as Nairobi which, as every hon. Member knows, is a very large place and makes a very large contribution to the total development of this Republic. So these are some of the basic considerations, Mr. Speaker.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 42:
SALARIES OF FORMER AND PRESENT TOWN CLERK

Mr. Shikuku: On a point of order, Mr. Speaker, I feel that it would be in the interest of this House and the public in this country to agree with me that the answer so far given was completely unsatisfactory and, therefore, this requires to be brought up again on a Motion for adjournment.

The Speaker (Mr. Slade): Order! Mr. Ndile has the first right, but you consent to Mr. Shikuku doing so?

Mr. Ndile: I consent to that, Mr. Speaker.

ORAL ANSWERS TO QUESTIONS

Question No. 43

STATUS OF NYAMIYA POLICE POST

Mr. Omweri asked the Minister for Home Affairs if he would consider strengthening Nyamiya Police Post at the Masai-Kisii border

by raising its status to that of a sub-station with a sub-inspector in charge and a proper permanent building office.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. No, Sir. While I agree that there is some law-breaking in the Nyamiya Police Post area, I do not consider it necessary to elevate the post to the status of a police station. I am satisfied that the present strength of the post is adequate to deal with the present level of crime in the area.

As regards the buildings at this post, I am aware of their unsatisfactory condition and I hope to improve them when money becomes available.

Mr. Omweri: Mr. Speaker, Sir, arising from that negative reply from the Minister, would the Minister agree with me that this particular post was put there so that it could combat the tribal clashes between Masai and Kisii and Luo and, so far, this low strength has not fulfilled that requirement and the clashes are still occurring every week? In that case, would the Minister consider this suggestion which the question gives?

Mr. arap Moi: Mr. Speaker, I entirely disagree with the hon. Member. I am satisfied that the post which is manned by a sergeant, a corporal and eight police constables is adequately protected.

Question No. 51

MERU PEOPLE IN THE GENERAL SERVICE UNIT

Mr. Nyaga asked the Minister for Home Affairs if he would tell the House how many Meru people had been employed in the General Service Unit and of these how many had been promoted and to what ranks.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The hon. questioner comes from that part of the Republic of Kenya known as Meru. He is therefore a Kenyan. It is the imperative duty of every hon. Member here to build one strong Kenya nation, and as the residents of Meru are all Kenyan, I consider that to give such information as the hon. Member requires, which is based purely on tribal consideration is wrong in principle, and the hon. Member should accept the fact that promotion in the General Service Unit is on merit and merit alone. The question of tribes does not come into it. If there is an officer serving in the General Service Unit, whose home is in Meru, who proves worthy of promotion to any rank, his case is considered along with those of his fellow officers and this has actually been done.

Mr. Mbogoh: Mr. Speaker, Sir, on a point of order, I have always held it that when somebody asks a question he is looking for information from the Ministry. Now, Sir, was that answer called for after the Minister had said that he was not going to give information which is tribal and then gives another statement of the officer while seeking information?

The Speaker (Mr. Slade): Yes, as I have explained to the House many times, and the last time was yesterday. It is up to the Minister to decide how much he answers the question if at all. If he decides not to answer a question, I think it is very desirable that he should give his reason why, and that is what happened on this occasion.

Mr. Nyaga: Mr. Speaker, Sir, may I know from the Minister this point. I have not been putting my question on a tribal basis and I only want to know how many of these Meru people, not people in my constituency, but Meru people have ranks?

The Speaker (Mr. Slade): The Minister has said that he is not going to answer that question.

Mr. arap Moi: No, I am not.

Mr. Mate: Mr. Speaker, Sir, while appreciating the reply by the hon. Minister for Home Affairs that to answer questions on a tribal basis is very wrong, would the hon. Minister not agree that if you said to him, "Luo, Kikuyu, Meru and addressed that chief", that means he recruits on a tribal basis?

Mr. arap Moi: Mr. Speaker, Sir, of course, I cannot be moved by the emotion of the hon. Member, but the problem is this. We are building a Kenya nation, whether Tugen/Meru exists in certain parts of Kenya we definitely recruit the General Service Unit men from all parts of Kenya within 224,000 square miles, therefore, they are within Kenya definitely.

Question No. 12

PARAFFIN OIL FOUND AT KEROKA MARKET

Mr. Makone asked the Minister for Natural Resources if he could tell the House whether he was aware that paraffin oil had been found one day, during the Colonial Government time, when a borehole was being dug at Keroka Market.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. I am not aware that paraffin oil has ever been found at Keroka Market. May I inform the hon. Member that paraffin oil in its refined state is never found naturally in the ground. There has

been similar reports in the other parts of the country but after careful investigations the oil, in each case, has been found to be refined oil which must have been (in all cases) introduced by human beings.

Mr. Shikuku: Mr. Speaker, Sir, arising from the new Minister's reply that there have been rumours, is he not aware that in Keroka there was quite a strong rumour and what has he done to nullify the rumour, or to confirm that the paraffin really exists? Could I know, Mr. Speaker, Sir, from the Minister what scientific knowledge he has on this question of chemicals, where they come from whether from heaven or underground?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I am glad that the Member for Butere shows an interest in matters concerning Keroka in the Kisii District. Now, Mr. Speaker, Sir, each time there have been these rumours and reports, and I think I had the pleasure and the honour of answering a similar question about twelve months ago in connexion with another district, regarding these rumours, all these rumours are investigated by the officers of this Ministry.

Question No. 13

LAND SUBSIDENCE, KITUTU EAST

Mr. Makone asked the Minister for Natural Resources if he could tell the House what the causes were of land sinkings at Manganse in the Kitutu East Constituency.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. I am not aware of any land sinking in Kitutu East Constituency. I would, therefore, be obliged if the hon. Member gave me details of this land sinking, including the exact locality and I will have the matter thoroughly investigated and its cause determined.

Mr. Makone: Mr. Speaker, Sir, this is very interesting. Is the new Minister not aware that these landslides were so serious last year that the Government was forced to move seventeen people from the area to the settlement scheme? Where does the Minister receive his information from that these landslides do not occur. What part of the Government does he belong to?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, apart from being new in the Ministry of Natural Resources, I must inform the hon. Member that my predecessor is a Member from the Kitutu Division and he should have known the area. If there are any earthquakes around that particular area, you do not expect the Government servants to hang on day and night waiting for them.

Mr. Omweri: Mr. Speaker, Sir, now that the Minister is aware that there are landslides in the Manganse area and also that this land sinking is not a new thing because it happened in 1961, 1962 and also last year, and that a number of coffee farms and trees were destroyed and people made homeless, would the Minister make a thorough investigation and tell us the cause of this, whether it is caused by an earthquake tremor or what, and what relief he would give to those who are made homeless?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I have not admitted to any of the many things which the hon. Member who has just resumed his seat has said, but I have said this. Whenever there is any particular incident which involves the loss of life or property, we look into it, but, Sir, as the hon. Member knows that even in Tashkent and West Toro a lot of natural processes are taking place and when natural processes take place, not only the Ministry of Natural Resources will look after them, because this is not a ministry of witchcraft, the word of God is the word of God and whenever it comes we will accept it.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 13:
LAND SUBSIDENCE, KITUTU EAST

Mr. Makone: Mr. Speaker, Sir, on a point of order, in view of the gravity of this question, I beg to raise this matter on a Motion for the adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 32

DEMOTION OF KIPSIGIS REGISTRAR

Mr. arap Biy asked the Attorney-General if he would tell the House what the reasons had been which had led to the demotion of a Kipsigis Registrar of African Courts in Kericho to the status of Court President. Also could he tell the House what the future of this man was going to be.

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

(a) The officer in question has not been demoted. He continues to be paid the salary of a registrar while employed as President of a busy District Court where he is gaining valuable experience. The status of an African Court President is not necessarily inferior to that of a Registrar of African Courts. Their functions are however entirely different as one exercises judicial functions while the other performs executive duties concerning African Courts.

(b) His future, like that of other experienced African Court Presidents who have passed the law examination for Administrative Officers, is in the lay magistracy.

Mr. arap Biy: Mr. Speaker, Sir, could the Attorney-General tell us the academic qualifications of the new registrar of the district and say whether there are any differences in qualifications between the registrar and the demoted president?

Mr. Njonjo: Mr. Speaker, Sir, I hope the hon. Member will accept it from me as have already indicated that this particular gentleman has not been demoted. As this House will know, we are now in the process of drafting legislation to integrate what used to be known, or what are known today, as "African Courts". The policy is that these courts should be brought into the stream of general courts of this land. When Parliament passes the necessary legislation for establishing a lay magistracy, the officer in question will have an opportunity of being considered, in common with others, for appointment as a magistrate. But I want hon. Members to accept it from me that this gentleman has not been demoted and, when this legislation is passed, he will be considered as well as the others for the post of magistrate.

Mr. arap Soi: Mr. Speaker, Sir, if the previous officer has not been demoted as the Attorney-General has just stated, why then has the new one been given more responsibility of dealing with Kericho and Nandi in addition? Why has the previous one been given his own previous job?

Mr. Njonjo: Mr. Speaker, Sir, I have already said that the functions of a registrar and that of a magistrate are different. The registrar of a court who sits in Nairobi administers the judicial court in the whole of Kenya and that is why this man who has been appointed a registrar has a wider area than a president of a court who has a narrower and limited jurisdiction.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

KARAMAJONG RAID ON TURKANA

The Speaker (Mr. Slade): I must remind hon. Members that on the adjournment today at 6.30 p.m. or the earlier conclusion of the business on the Order Paper, Mr. Aremam is to raise the matter noted on the Order Paper.

MOTION

LIMITATION OF DEBATE: MOTIONS FOR THE
ADJOURNMENT OF THE HOUSE TO A DAY
OTHER THAN THE NEXT NORMAL
SITTING DAY

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT the debate on any Motion for the adjournment to a day other than the next normal sitting day shall be limited to a maximum of two hours with not more than five minutes being allotted to each Member speaking.

Mr. Speaker, Sir, this is merely a procedural Motion. As the hon. Members may by now know that it has been the practice of this House to introduce such a Motion at the beginning of every Session. As the hon. Members know the previous Session was prorogued by the President towards the end of last month and we are at the beginning of the new Session. Last year, Mr. Speaker, Sir, the Sessional Committee decided to facilitate the proceedings of this House by amending the Standing Order No. 15 so that this particular Motion could be included in the Standing Orders so as to make it not always necessary at the beginning of every Session to introduce such a Motion. However, Sir, for some reasons the amendment to the Standing Order has not been effected yet. It has therefore been necessary, Mr. Speaker, Sir, to introduce this Motion so that whenever the Session comes to an end we can have this procedural arrangement to enable the House to adjourn to a day other than the next normal sitting day.

This being purely a procedural Motion, Mr. Speaker, Sir, I do not think that the hon. Members would like to take considerable time on this Motion. That being the case, Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.
(*Question proposed*)

Mr. Kibuga: Mr. Speaker, Sir, I do not want to take much time of the House because as the Minister has already explained this is purely a procedural Motion. However, Sir, while supporting the Motion, I would like to point out that the Motion for the adjournment is a very important one. It is the Motion when quite a good number of hon. Members in this House have a chance of airing their views concerning their constituencies as well as concerning Kenya and world affairs. So, Mr. Speaker, Sir, I think the idea of giving each Member five minutes to speak is a good one because it means that as many people as it allows are given the chance to speak, therefore two hours are quite enough.

However, Mr. Speaker, Sir, the only thing I would like to point out is that during this Motion in the previous Sessions most of the Ministers and Assistant Ministers were away most of the time. Mr. Speaker, Sir, if this Motion is to be successful we need to get the Ministers here during the time when that Motion is being discussed. We cannot be told that merely because somebody is recording in the HANSARD, and that we have the HANSARD staff, everything is all right. We would like the Ministers to be here so that they understand the sort of problem which we are having, then they can either answer our questions there and then or go and solve our problems.

Mr. Speaker, Sir, many times Members have complained that the Ministers and the Assistant Ministers are absent during this Motion and now that we have new Ministerial appointments we hope now to see more during this debate and more efficiency will be shown by better attendance than has been happening in the past. When views are expressed it will mean that they can be answered. Mr. Speaker, Sir, if we are to continue barking with no reply, then it is a waste of time.

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

Mr. Omar: Mr. Speaker, Sir, I also rise to support this Motion but there is one point I would like to suggest to the Minister, hoping that he can take it to the Sessional Committee for further consideration. I feel that the time should be increased from two to three hours because there are so many Members, Mr. Speaker, who have shown a desire to speak during this time. Now, with two hours it means that only about twenty-four Members would have a chance to speak if each one is to be given five minutes; but if the time was increased from two to three hours, it would enable about thirty-six Members to speak within that time. That would help the Members to express their views on the difficulties that they experience in their respective constituencies, and some other affairs.

With these few words, Sir, I suggest that the time be increased from two to three hours.

The Speaker (Mr. Slade): I am afraid I cannot entertain that as a formal amendment because I have to receive it in writing before it is moved.

Mr. Balala: Mr. Speaker Sir, in support of this Motion, I would like to add one point in addition to the other points that were raised by my colleagues who have spoken. It has been our experience in the past that these Motions on the adjournment are very important, because they really come at the closing of the Session, when the Members are supposed to go back to their constituencies and preach Government policy.

[Mr. Balala]

Mr. Speaker, Sir, it has been experienced on several occasions that five minutes is not at all sufficient for hon. Members to express their opinions on different subjects to this House. It has been experienced several times that Members could hardly finish their subjects before they found that their five minutes were up.

Therefore, Sir, I wish to appeal to the Minister to consider amending this Motion to the effect that Members will be allowed ten minutes instead of the proposed five minutes according to the Motion now before the House.

The Speaker (Mr. Slade): If no other Member wishes to speak I will call on the Mover to reply.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful to the hon. Members who have expressed feelings on this Motion. As to what the hon. Member for Ndia Constituency said, that during a Motion on the adjournment the Ministers and Assistant Ministers are absent I would like to comment on that. Mr. Speaker, I would like to place it on record that during the last session when the House had to adjourn a number of Ministers were in the Chamber, including myself, and I was, on that particular day, taking care of this particular Motion. I took all the trouble, Sir, to record the points of interest—and some were very important—which I would convey to my colleagues in the Cabinet. However, what happened, Mr. Speaker, was that as soon as any Member spoke, he walked out and went home. That is on the record. I had only one thing to do and that was to say that since the Members who had spoken indicated that they had no interest in what they said, it did not then become necessary for the Government to pay any attention to what they were saying. If the Members can remain in the Chamber in the same way as Ministers, I am quite sure that this can be met. Hon. Members should not expect the Ministers to remain in the Chamber and debate the whole thing by themselves. After all, they can do it elsewhere.

As to the increase of time from five minutes to ten, I do not really think that is necessary because the purpose of this type of Motion is to enable the Member to place on record what he thinks the Government should do during the recess. If any intelligent hon. Member cannot express himself for five minutes and put something sensible on record during the five minutes, then, Mr. Speaker, he cannot do it in ten minutes.

This equally applies to the time which someone has requested should be increased from two hours to three hours. Hon. Members know that such Motions always take place on Fridays and

this takes the time of Private Members' Motions. I would really urge that hon. Members would like to have more time to discuss their Private Members' Motions rather than getting the time taken up by the Motion for the Adjournment. With these few remarks, Mr. Speaker, I beg to move.

(Question put and agreed to)

MOTION

REAPPOINTMENT OF THE SESSIONAL COMMITTEE

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT this House reappoints as its Sessional Committee, until the swearing in of new Members to be returned from the by-elections which are to take place on the 11th and 12th June 1966, all those Members of the Sessional Committee appointed on the 29th April 1966 who are still Members of this House.

Mr. Speaker, Sir, the House is aware that a new Sessional Committee was appointed by the House on the 29th April 1966. The reconstitution of this Sessional Committee was necessitated by the political changes which took place at that time. It was necessary at that particular time to reconstitute the committee so as to contain some Members of the Opposition. It was agreed that the leader of the now registered Kenya People's Union, Mr. Oginga Odinga, should be the member of the Sessional Committee. He was also requested as the leader to nominate two of his colleagues, who were Mr. Kaggia and Mr. Makokha, to be members of the Sessional Committee. Now, the three gentlemen, as is known to the hon. Members, ceased to be Members of this House and, at the same time, that particular Session when this committee was constituted, came to an end last month.

We are now at the beginning of the new Session and it is true that the House cannot be without a Sessional Committee. Consequently, it is necessary that we should have some working arrangement whereby the House continues to have a Sessional Committee. Now, it would be necessary, subject, of course, if there were any Members of the Opposition to be returned during the little general election, to reconstitute the Sessional Committee again. However, for the time being, the Sessional Committee will have all those twenty-four Members, with the Minister of State in the President's Office as the Chairman until such time as the new Members have been sworn in. This is purely a temporal arrangement and I hope the House will concede to this arrangement.

Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(*Question proposed*)
(*Question put and agreed to*)

COMMITTEE OF SUPPLY

(*Order for Committee read*)

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

IN THE COMMITTEE

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

MOTION

LOAN GUARANTEES: TANA RIVER COMPANY AND
EAST AFRICAN POWER AND LIGHTING

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Chairman, Sir, I beg to move:—

THAT this House approves the execution of the following guarantees by the Government of Kenya:—

(a) to the Commonwealth Development Corporation of the repayment of a loan not exceeding £3,500,000 together with interest thereon and other charges (if any) for the time being outstanding being lent by the Commonwealth Development Corporation to Tana River Development Company Limited for the purposes of meeting the local costs of the First Stage of the Seven Forks Hydro-electric Scheme, known as the Kindaruma Scheme; and

(b) to Glyn, Mills and Co. of the repayment of a loan not exceeding £1,844,661 together with any interest thereon and other charges (if any) for the time being outstanding by Tana River Development Company Limited and by the East African Power and Lighting Company Limited in any of the events provided in the Guarantee (Wherein Glyn, Mills and Co., Tana River Development Company Limited and the East African Power and Lighting Company Limited are described as "Glyns", "Tana" and "E.A.P.L." respectively, and the Agreement dated the 21st January 1966 and made between Glyn, Mills and Co. of the one part and Tana River Development Company Limited and East African Power and Lighting Company Limited is referred to as "the Financial Agreement") as provided in the following clauses:—

(1) If any Government or any public or local authority or any company, person or body of persons acting under or by reasons of the provisions of any

law then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of Tana's property, assets or share capital or take any action for the dissolution or dis-establishment of Tana or any action which would prevent Tana from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payment of all moneys then due to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

(2) If any Government or any public or local authority or any company, person or body of persons acting under or by reason of the provisions of any law then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of E.A.P.L.'s property, assets or share capital or take any action for dissolution or dis-establishment of E.A.P.L. or any action which would prevent E.A.P.L. from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payments of all moneys then due and to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

Now, Mr. Chairman, by this Motion the Government seeks approval of the House for the execution of two guarantees, namely, the guarantee to the Commonwealth Development Corporation for the repayment of a loan of about £3,500,000 and a guarantee to Glyn, Mills and Company for the repayment of a loan of about £1,844,661. Both loans will be made to the Tana River Development Company Limited which requires them for purchasing turbines, generators and other machinery together with other equipment for the construction of the first stage of the Seven Forks Hydro-electric Scheme which is known as the Kindaruma, Scheme.

Mr. Chairman, Sir, the loans will be granted at an interest rate of 1½ per cent above the prevailing Treasury rate. This is considered a very reasonable rate of interest.

[The Assistant Minister for Power and Communications]

The final redemption date will be twenty-five years from the first issue of the debentures.

The Tana River Development Company Limited has the sole responsibility for the development of hydro-electric power on the Tana River, which is reckoned to be a very ambitious power development scheme. The company is owned by four equal shareholders, namely, the Kenya Government, the East African Power and Lighting Company Limited, the Commonwealth Development Corporation and Power Securities Corporation Limited. Sir, in accordance with the company's shareholding and licensing agreement, its total assets will vest in this Government free of all encumbrances once the loan capital has been redeemed. This, in actual fact, means that the Kindaruma Dam, the generators, turbines and power lines will become Government property as soon as the loan has been redeemed.

The main objective, Mr. Chairman, of the Tana River Development Company Limited is to promote the construction of the Kindaruma Scheme. As indicated above, the Commonwealth Development Corporation and Glyn, Mills and Company are prepared to extend loans amounting to £3,500,000 and £1,844,661 respectively to the Tana River Development Company on the condition that these amounts are guaranteed by the Government of the Kenya Republic. In view of the magnitude of these loans and the favourable terms on which they will be granted, the guarantees which the Commonwealth Development Corporation and Glyn, Mills and Company require are considered reasonable.

The successful passing of this Motion will allow the Government to execute the last of the financial agreements between the Commonwealth Development Corporation and Glyn, Mills and Company which will provide finances for the construction of the Kindaruma Scheme of the Seven Forks Hydro-electric Scheme.

Mr. Chairman, Sir, I would like to take this opportunity of reminding the hon. House that the Kindaruma Scheme of this ambitious project is but the first stage of a gradual hydro-electric development of the Tana River, which is designed to provide Kenya with adequate electricity supply, generated from her own resources.

The House will, Mr. Chairman, Sir, I trust, appreciate the tremendous significance of this Government's move to control and own the full hydro-electric development of the Tana River. This is a grand and exciting project which, when completed, will produce more electricity than is produced at present at Owen Falls in Uganda

Mr. Chairman, Sir, I have explained these facts at length to the hon. Members in order to show that the Government has been imaginative and is giving positive attention to providing our people with abundant as well as cheap electric power. I hope the Member for Butere is with me when I say this because he has always complained about lights.

The passing of this Motion, Mr. Chairman, and the execution of the financial documents will make a significant step in the development of the power industry in Kenya. I trust, therefore, that the hon. Members will pass the Motion without any difficulty, which will allow the Government to execute the last of the financial agreements between the Tana River Development Company and the Commonwealth Development Corporation, Glyn, Mills and Co. Limited, which would provide finances for the construction of the Kindaruma Phase of the Seven Forks Hydro-electric Project. Mr. Chairman, it should be understood that once this project is completed, many places in the Eastern Province will be able to get electricity. For example, Kitui, Isiolo, the eastern part of Machakos, and many other places which at the moment have no electricity.

Mr. Chairman, Sir, I beg to move. The president's consent has been signified.

(Question proposed)

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Chairman, Sir, I beg to second and support this Motion. Mr. Chairman, hon. Members will probably remember that the Tana River Development Company Limited followed the pattern adopted by the Government when forming the Kenya Power Company.

The Kenya Power Company was created in order to allow the Tororo to Nairobi power line to be built, and also the Wanjil and Tana River Power Stations to be constructed. These assets also revert to Government as soon as the loan capital has been paid. The conclusion of the financial arrangements for which this Motion seeks approval will, in essence, mean there will be provision for the Government to have virtual control of generation of electric power in the entire country when the loans of the two companies have been repaid. This is in line with the hopes and aspirations of our young nation, and I trust Members will give unqualified support to this Motion.

Mr. Chairman, Sir, I really commend this Motion, which is in keeping with the declared Government policy, and hope that Members will definitely approve it and avoid any unnecessary delay if we are to have electric power for the

[The Assistant Minister for Tourism and Wildlife]

various industrial expansions in this country; and the sooner they approve this Motion, the better, and we get ahead with the necessary work which lies before us. I beg to second.

Mr. Shikuku: Thank you, Mr. Chairman. While thanking the hon. Mover of the Motion, of course, for also having remembered Butere in this issue, I feel very much obliged, Mr. Chairman, and I must say a word or two.

One thing I feel must be clarified when the Assistant Minister will be replying is that I do not agree with the phraseology here, namely, in paragraph (a), where it said, "the Commonwealth Development Corporation of the repayment of a loan not exceeding £3,500,000 together with interest thereon and other charges (if any)".

I think we should be put into the picture. If it is a question of charges, we do not know what other charges. If it is a question of any, we might not be surprised to find, that we are being asked to meet, charges such as expenses to buy high-heeled shoes, or something. Which other charges are these? I think we should be quite clear of what we are guaranteeing, because if it is put in this way anything can be slipped in. They can slip anything into it and we might find ourselves out of pocket to meet what we have already guaranteed. I would very much be pleased, and, of course, the people of Kenya would be pleased, if the Assistant Minister would tell us what these other charges are, and, if possible, they should be specified.

The other issue, Mr. Chairman, as far as the Motion is concerned, is that, I am sorry to say, the Mover has done it very ably, moved it very well, but he did not give us the prospects of our being able to pay back this loan.

He did not at least tell us, for example, if we guaranteed this, we would be able to pay back, because this will bring us so many pounds a year, so many pounds after so many years, so that we would be in a better position to guarantee this. I feel, Mr. Chairman, that is also quite necessary, so that I can particularly tell the Butere people, because they are very intelligent people, and they are very smart in their reasoning, and they would not like just to have a wholesale sort of approval without knowing what you are approving.

Mr. Chairman, the other thing I would like to state here is the question of power which here it states that it will be quite cheap compared with the present one we are having from Uganda. May I also know, Mr. Chairman, whether this power is going—as was mentioned during the course of his speech—whether it is going to be confined to

the eastern part of Kenya, because now you are asking the House, which is made up of all the people from this country, of 224,000 square miles, to approve but I do not wish to second or support anything that has not got my support always has strings, Mr. Chairman, I would like to know whether this power is going to be distributed, or rather made available to all people in Kenya, because we have had some parts of Kenya which have been under-developed, or have not been industrialized because of lack of electricity. We do not want to have that excuse again. If this is going to supply electricity to Butere then the Minister can rest assured of having my support.

Mr. Chairman, the last point—being in the Committee stage I do not want to give a long speech because I wish to rest—I have been making a lot of long speeches, is the question of control by the Government, which was mentioned by the hon. seconder, the Assistant Minister, hon. Mr. ole Tipis, a good friend of mine from Narok, he spoke of Government controlling after we have repaid the loan. I would like to be assured also that this will be upheld, and if so I would like to know what shares the Government has to ensure that after the repayment of the loan we shall solely control this power, because we have had this menace for a long time from East African Power and Lighting Company where even some of us have asked the Government to nationalize the East African Power and Lighting Company, because these days if you want to develop any area at all, you require electricity and you are left at the mercy of the East African Power and Lighting Company, to install electricity in that particular part of the country, or they refuse to install. If this is going to be controlled by the Government I am very much for it, and I will support the Government if they can take general control of the whole thing, so that if we want electricity in Teso or in the hon. Minister's, who has just moved this Motion, part of the country, we will get it there and there will be no question of East African Power and Lighting deciding. We should not be subjected to private enterprise to decide our destiny.

If the Government is going to control this, Mr. Chairman, with these few remarks, I beg to support, and I wish to have clarification on the points I have raised.

Mr. Alexander: Mr. Chairman, there are certain basic terms and conditions relating to these guarantees, that being so why are these not written into this resolution? I would suggest to the Assistant Minister that he takes this Motion back and introduces into it, with very few words, these basic terms and conditions because otherwise this Motion leaves this House just as it is

[Mr. Alexander]

worded here, and people might wonder how responsible we are in this House if we are prepared to accept a Motion like this without a fairly accurate knowledge in the wording of the Motion as to what it is we are approving.

Let me just illustrate one or two cases, Mr. Chairman. There is no mention here as to the method of repayment. The currency in which the repayment is to be made. Now we do know, for instance, that the Colonial Development Corporation over many years with great enlightenment, and great imagination, have been assisting our country very greatly with loans for a variety of projects and enterprises. Now those over the years must have earned now a fairly considerable amount of interest. If that interest is being reinvested in this project, or some of it, is there any reason why to that extent we need to repay this money in Sterling? Of course, it would be a very great help to our balance of payments to know that we do not have to meet obligations in Sterling when it is not necessary as the result of good business bargaining. We were told by the Assistant Minister that the rate of interest will be $1\frac{1}{4}$ per cent above the current Treasury rate. What we do not know is whether that rate is to be applied at the time of each advance, or whether it is a rate fixed at the time that the agreement is signed. These are very real and very important issues, and they must be included in the Motion. We are told by the Assistant Minister that the redemption is to be over a period of twenty-five years, what we are not told is whether that is to be in terms of fixed instalments over that period, or related to a reducing balance of principal. Again a very important item, but not very difficult to put into a Motion.

Mr. Chairman, another item that I think is missing from here, is any reference to the security that will be passed on to the Government in the event of the Government being called upon to undertake this guarantee. We would then be put in the position of the original lenders of the money, the Government would be. Would we have the same security? Would we take over the security from the lenders to the same extent that they hold against these various companies? We were told by the Assistant Minister that the generators and line will become Government property when the loan is repaid. How will this become Government property? It belongs to these companies, that is Tana and the East African Power and Lighting companies, does it mean to say that Government will have the right to acquire these assets when the loan is repaid? Because, of course, the payment, provided that the companies maintain the repayment, will be made by these

companies for these assets and the assets will belong to these companies, unless there is some agreement whereby they are being unusually generous and will hand these over to the Government without any payment on the part of the Government. This I can hardly believe.

There is another important feature in the wording at the end of these clauses related only to this Glyn, Mills advance. It would be of interest to us to know, Mr. Chairman, what are Glyn, Mills doing in this. They are, I believe, bankers in Britain, who so far as I am aware, have no banking operations in these territories, and it would be very interesting for us to know just how they come into this. What is their particular association in the chain of connexion with all these various bodies concerned here? The wording I particularly wanted to refer to was where it says that at seven days' notice—if any substantial part of these assets or undertakings are taken over by the Government, that the loan has to be repaid. What do we mean by any substantial part? This is going to be a tremendous undertaking, these millions we are approving here are, I believe, only part, in fact I have a recollection that the off-shore work alone is some seven and a half million. This is just a passing recollection, I may be wrong, but the point is that this is going to be a very immense undertaking. Now what is a substantial part of that, and how is this going to be identified? Is it going to be identified in terms of the importance of the particular assets? Or is it going to be identified in terms of the value, the financial, the monetary value of any particular assets? What percentage in either of these descriptions would be regarded as substantial? Would 60 per cent be regarded as substantial, or 90 per cent? This is very important because seven days, seven days from the happening of this acquisition of a substantial part thereof, Glyn, Mills can step in and say pay this money back immediately, and if it is not paid back the Government has guaranteed, this is what we are doing in this resolution. We are guaranteeing it, and we would have to pay within the seven days.

Mr. Chairman, I have a recollection also that some years ago, and I seem to remember reaffirmed fairly recently, was that whenever Government introduced here, resolutions for guarantees by the Government that we should be given a total figure of the guarantees undertaken by the Government. This of course is a contingency liability in the accounts of the Government, but very important that we and the Minister and the Cabinet should know what is the total to date of the money outstanding that the Government has guaranteed. It must go into very many millions of pounds at this moment, and the importance of

[Mr. Alexander]

us knowing this, of course, is for us to be able to judge the competency of our country to meet these guarantees if they ever have to be called upon.

One last point that I find interesting, Mr. Chairman, that we might have an explanation of, as I understand it the agreement with Uganda for electricity from the Owen Falls Scheme, does provide a price structure that passes a very definite advantage to us up to a certain limit of consumption, in other words we have a very good price provided we do not go over the top of that limit. When we do then another price is applied which is perhaps, to the advantage of Uganda.

Now when this scheme comes into operation, this of course should mean, theoretically, that we would take or need to take less from Uganda, except of course I imagine we have guaranteed to Uganda that we will take a very definite amount, but up to that guarantee, would there be any conflict in the agreement with Uganda as to this price structure to us for the electricity that is generated to Kenya from the Owen Falls Scheme?

Mr. Chairman, if the Assistant Minister would agree to take this Motion back and put into it these few terms and conditions and maybe one or two other fundamentals, I would be very happy to support because, quite obviously, nobody is opposed to this scheme. I mean, this is one of the finest things that has ever happened to our country, but we must not let that run away with us when we are getting down to the hard bargaining of money, and we have to be dead accurate in what we say about money and the commitments we enter into regarding it.

Mr. Chairman, I hold myself in reservation.

Mr. Kamau: Mr. Chairman, Sir, I feel that the proposition here is very clear and I think the hon. Assistant Minister who has brought this Motion will quite agree with us that something here is very unclear, particularly to me, because the whole thing reads, if we look at (a) "to the Commonwealth Development Corporation of the repayment of a loan not exceeding £3,500,000 together with interest thereon and other charges (if any)...". That means they can put in any amount.

Now, Mr. Chairman, the whole thing is that if we pass this Motion, what will happen automatically is that the Commonwealth Development Corporation may put any interest they feel they require to put, but in this Parliament I think we should, when we approve any sum of money, be precisely clear how much interest is going to be paid or how much interest is going to be incurred

when we pass this Motion. Mr. Chairman, Sir, if we now pass it and the corporation goes and thinks that they will put the interest at, say, 12½ per cent, 15 per cent, we shall never argue in this House because we have already approved it

I would therefore request the hon. Assistant Minister to take this Motion back and get definitely what interest the Government shall be required to pay before we actually come here and say we approve it, because this may later on bring friction. Somebody may come later on and argue, "Well, I demand my money because the Parliament has approved.", but the other one will say, "Yes, but Parliament did not say how much interest shall be paid." Therefore, in my opinion, if the hon. Assistant Minister will just take it as it comes, it is only that we should not approve this sum until we know exactly how much interest we shall be required to pay by that time and have it definite.

As a matter of fact, this is very clear. Clauses (a) and (b) read the same. I think I should not dwell very much on this, but would only request the Assistant Minister to take this back, get a definite percentage of the interest that shall be payable and then bring this back to the House.

Therefore, Mr. Chairman, I beg to reserve my comments.

Mr. Mbogoh: Mr. Chairman, this guarantee would be quite appropriate if at any rate, the Members of this House were not reading a confused document whereby nobody knows exactly what is meant by guaranteeing these loans. When we guarantee such things without knowing exactly how much money is going to be paid, let us say, on the so-called debts. They say anything thereon without saying exactly what percentage or what figure that one would be. Then, I think we are tying ourselves, especially with the words here, which they put every time: if any, if any. That means anything which may come may be paid.

Mr. Chairman, last time when we were speaking here about the same Kindaruma Scheme, I found that there was a clause on which I expressed my fears here in this House, that the Government would compensate land owners at a reasonable cost. When I have gone deeply into this again, I have found that the reasonable cost of the Government compensation is Sh. 20 an acre while in that area land costs Sh. 300 an acre. When it is left open like that, any figure can be put and be quoted, and we find that it is most nonsensical just to put it like that.

Mr. Chairman, this guarantee again is giving the monopoly to the companies concerned, that no other company may interfere, no county councils may interfere with this, nobody should ask

[Mr. Mbogoh]

any questions, everything that the companies do is final and any body who tries to interfere will have to pay the compensation. Mr. Chairman, I think that is wrong. Unless the Government has also a stand where it can, maybe, intervene in such matters, I think it is wrong to give a company such powers as to control all the county councils and the local authorities and Government, too. Knowing that these companies are all foreign companies, this is giving them a chance and guaranteeing them exploitation of the county councils and the people in general in those areas. Mr. Chairman, this would be taken as genuine by anybody if, at any rate, we had the figures and we knew exactly what the agreement is. That is why I also agree with my friends who say that the Minister should take back this Motion, withdraw it and go and add the necessary clauses and bring it to this House again for approval by the House after he has convinced the House that this is what is needed, in genuine and specific terms without generalizing.

Mr. Chairman, again, nobody, unless he was mad, would oppose the principle of the Motion, in view of the fact that if we had electricity all over the country, even the investors would very much like to invest in such places. For example, in Embu today, you find that Embu being the centre of the Eastern Province, it is not recognized because electricity is just coming in at present and no investor would waste his money going to invest in a place like that, buying generators and everything and then, when electricity comes, he will have to dismantle these and fit electricity. So the sooner we can have this electricity scheme done, the better, but though we want it, we cannot just pass it like that because of the need, while we know that we are making ourselves subject to exploitation without good reasons.

So, Mr. Chairman, I quite support the Motion in principle, but at the same time wish to ask the Assistant Minister to go back and prepare it in the way that will convince every Member here and in the way that everybody will read and know exactly what we are talking about. Then, after that, it will go through without any difficulties.

Mr. Chairman, I think I will leave it at that and hope that the Assistant Minister hears what we are talking about.

Mr. Balala: Mr. Chairman, Sir, I stand to join hands with my colleagues who are opposed to this Motion brought forward by the weak Assistant Minister who presented this Motion. Mr. Chairman—

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Chairman, the hon. Specially Elected Member has just addressed my colleague here as a weak Assistant Minister. Would he withdraw that word, please.

The Chairman (Dr. De Souza): I think it is offensive. I think a person is entitled to his own private views as to whether a Minister is strong or weak, but he is not allowed to give expression to these views in this House in an offensive manner. You will withdraw that, Mr. Balala.

Mr. Balala: I withdraw, but I meant the weakly-presented Motion by the Assistant Minister.

Mr. Chairman, Sir, my colleague, the Specially Elected Member, hon. Alexander, has made various technical points which are very important, and which we expected the Assistant Minister to have included in the Motion presented to us. But a layman like myself would not be able, of course, to stress such technical points, since they are technical and such points need technical people like the hon. Specially Elected Member, who put forward the case.

Mr. Chairman, what I am objecting to in addition to the points raised by the other Members is this. The Assistant Minister in his explanatory speech stated that this company or this hydro-electric scheme will be owned by four parties: that is, the Kenya Government, the East African Power and Lighting, the Commonwealth Development Corporation and a fourth party which I cannot remember. Mr. Chairman, I strongly object to such a national and important and grand scheme, which is initiated in order to boost the industrial development of this country, being also owned by other private companies. Mr. Chairman, we have always voicing our demand in this House that important projects like the East African Power and Lighting and other national schemes should be in the hands of the Government and that the Government should find ways and means of acquiring such important projects. Here today a Motion is before us where a national project, which is to determine or to boost the industrial development of this country, is being shared by private companies.

Mr. Chairman, Sir, I expected that the Government should find ways and means of acquiring other important companies or projects in the country. Instead, today we are being faced with this problem now, this important project being put in the hands of companies. Here there is a mention of Glyn, Mills and Co., Tana River Development Company Limited and the East African Power and Lighting Company. These are foreign companies, they are private companies, and yet they are given the chance of dominating

[Mr. Balala]

the national development projects of this country. This is my main objection, Mr. Chairman. This is an objection of a layman who cannot talk on all the technical points in this Motion, but it is an objection of a layman because I believe that the ordinary layman in the country is absolutely objecting to such policy of allowing private companies to participate in determining the future of the national development of this country.

Mr. Chairman, in addition to that point, and in addition to the suggestion that the technical points mentioned by the hon. Alexander should be included in this Motion, I also see it fit that the $1\frac{1}{4}$ per cent interest mentioned by the Assistant Minister should also be included in this Motion. Also, if there are any other charges, they should be included in this Motion. All of us here come from one party. We are supposed to support the Government and Government Motions, but, at the same time, although we come from one party, we will not agree to be led in darkness. We are here to express our opinions and we are doing so, and we say that this Motion should go back and we are not going to support it as it is in its present form.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, I am surprised that my colleagues on the opposite side have spoken at length, trying to show the House that this Motion has fallen short, both in expression and in material. Sir, this is not true.

I would like, first of all, to appeal to the House that this Motion has come up as a very urgent Motion as already the scheme is in difficulty in working. When the agreement that is referred to in the Motion, which was dated 21st January 1966, was made, the Commonwealth Development Corporation accepted to loan this company some money at stages. Now, the Commonwealth Development Corporation has refused to give any further loans until the Government gives guarantees. Hon. Members give an indication that they will reject this Motion and send it back, but it will cost the Government a lot of money to pay compensation to the contractors that have been taken already and to whom some payments have to be made as soon as possible.

We agree with some remarks made that some of the phraseology could not be understood by lay people like my colleagues on the opposite side—like the hon. Member for Butere and the hon. Specially Elected Member, Mr. Balala—and like myself. But it is an accepted principle by legal experts to have the phraseology such as appears in both (a) and (b) in the first part of the Motion, which was stressed very much by the hon. Member for Butere, where he said that he does

not agree with that phraseology of “and other charges (if any)”. Mr. Chairman, this has been accepted by legal experts to cover other stages that might arise, both in execution of this loan and otherwise, but what are we afraid of here, Mr. Chairman? The Government is only asking the Parliament to allow it to guarantee the loan. We are not asking the Parliament to give this loan out, we do not have the money to give out. This is something that is being misunderstood. We are only asking the Parliament to give us permission to guarantee for this loan. When this loan is guaranteed, we only expect and hope that our Government, the present Government, will not act as it is stated in (1) and (2), that means will not take the steps that have been indicated there. I am confident that these steps will not be taken by this Government, but if any Government comes to power and takes any steps that would bring this issue of repaying the loans, then obviously that would be very unfortunate for that Government because it would be forced to pay the loans which this Government will have guaranteed.

Another point, Sir, which I would like to stress is the importance and urgency which the Government is trying to put on this Motion. This Motion should have come in the last session of this House, but unfortunately, because the House adjourned unexpectedly, before this Motion came up, we could not bring it.

It is urgent now that we pass this Motion today. I am informed that the details which were referred to by the hon. Member, the hon. Mr. Alexander, are going to be made available to all Members of the House if they wish to have a look at it. It is such amount of information that if it were to be contained in this Motion it would be pages. As it can be seen already the Motion is a very long one, but the basic requirements as to what would be wanted by this Motion have been included, and if an hon. Member is interested in acquiring any other details, then this could be made available to the House and to every hon. Member.

Mr. Chairman, Sir, there is another point which I would like to stress and that is the point of the power which was mentioned by my friend the hon. Member for Butere who wanted to know whether this power is going to serve West Kenya. I am informed, Sir, that the power is going to serve the eastern part and the existing power we have will serve the western part. It is just a matter of strengthening the powers and this is, I think, something that will be appreciated by the Butere people as my friend has already said.

Mr. Chairman, Sir, there is one more point which I would like to make, and that is that I

[The Minister for Information and Broadcasting] would like to inform the hon. Members that when we insist on returning this Motion the Government would only say that it is going to be very difficult for it to change the wording of this Motion. Also, Sir, it is going to prejudice the whole of the scheme as it is going on because this will take more time in getting this guarantee and therefore making the Commonwealth Development Corporation give the loan that is now badly wanted. Mr. Chairman, Sir, if the hon. Members knew that the contractors are paying for their payment, I am sure, since we all would like this Motion to go through, they would support it today. I therefore hope and pray, Mr. Chairman, Sir, that the hon. Members are going to give it the backing so that it goes through today.

Mr. Alexander: Mr. Chairman, Sir, I am sure none of us have any doubt at all about the urgency of this Motion. Unfortunately, Sir, the opening words of the Minister have a familiar ring and that is unless we do it this minute, the world around us is going, almost, to collapse. Mr. Chairman, Sir, this can be brought back to us tomorrow. There are only a few words perhaps another twenty words in this Motion, just setting out the fundamentals of interest, repayment rates, the currency of repayment, that is all we need, and this can come back tomorrow.

In fact, Mr. Chairman, Sir, if the Government regarded this with such urgency they did not take the trouble, and they have had, as the Minister says, weeks and weeks since this Motion was first produced and then try to get it absolutely right, why then did they not take the time and the trouble to get it absolutely right?

Now, Mr. Chairman, Sir, the Minister pointed out that we are not paying out any money we are only guaranteeing it. Mr. Chairman, Sir, when people guarantee, when Governments guarantee, they have to be even more careful than they are when they pay out their own money because this is introducing a third party. We are guaranteeing a third party and there is nothing more in life than misunderstood words between third parties that cause misunderstanding. We do not want any misunderstandings. We want to be more careful about this because we are guaranteeing.

MOTION

ADJOURNMENT OF DEBATE

Mr. Alexander: Mr. Chairman, Sir, the other point which the Minister also made— however, Mr. Chairman, Sir, I think we have made the point and I therefore beg to move that we

report progress and ask leave to sit again with the intention that twenty-four hours from now the Government will bring this back reworded in a form that will just go immediately through the House.

Mr. Chairman, Sir, I beg to move.

Mr. Jahazi: Mr. Chairman, Sir---

The Chairman (Dr. De Souza): Are you supporting the proposal put forward by Mr. Alexander?

Mr. Jahazi: Mr. Chairman, Sir, I do not think — on a point of order, Mr. Chairman, Sir.

The Chairman (Dr. De Souza): No, there is a procedural Motion being moved.

POINT OF ORDER

MOVING THE ADJOURNMENT OF DEBATE IN COMMITTEE OF SUPPLY

Mr. Jahazi: That is why I rose on a point of order, Sir. Is it in order for a Member to speak for a long time and then after he has spoken couple his speech with moving and closing the issue while some of us still want to speak?

The Chairman (Dr. De Souza): You rose on a point of order?

Mr. Jahazi: Yes, Sir, that was my point, because I had a point to add to this before we finish.

The Chairman (Dr. De Souza): Mr. Alexander moved the adjournment of this particular debate until tomorrow, which he is entitled to do. In fact, in Committee of Supply any hon. Member can speak as often as he wants, either for a long period or a short period, or as long as he wants, provided he keeps to the rules of relevance and repetition and so on and so forth. I do not think Mr. Alexander has either been irrelevant or there has been any repetition, and he is perfectly entitled to move the adjournment of this debate. Myself, speaking entirely for myself, seeing the views of so many hon. Members, I am sure the Government would be advised to accept this and come back tomorrow, otherwise it will be put to the vote and might be defeated and then the Government cannot bring it back for another six months. I am speaking entirely for myself and therefore intend to propose it. The Motion I propose is that the Committee do report progress and beg to sit again on the next sitting day, tomorrow.

(Question proposed)

The Chairman (Dr. De Souza): If there is no hon. Member wishing to speak on this Motion, I will now put it.

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

LOAN GUARANTEES: TANA RIVER AND EAST AFRICAN POWER AND LIGHTING COMPANIES

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report that it has considered the Motion on the Order Paper, namely Order 7 on the Order Paper, and has resolved to report progress and begs leave to sit again tomorrow.

The Speaker (Mr. Slade): The Committee will sit again tomorrow.

BILL

Second Reading

THE NATIONAL HOSPITAL INSURANCE BILL

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to move that the Bill entitled The National Hospital Insurance Bill, 1966, be read for the Second Time.

With your permission, Sir, I would like to take this opportunity to introduce and acquaint the salient features of this Bill to the hon. Members of the House. Before I go into details I would like to dwell briefly on the circumstances leading to the introduction to this Bill.

Mr. Speaker, Sir, during the colonial era, there were two hospital authorities established; one for the Europeans and the other for Asians and Arabs, and as the name suggests they catered for their own communities, leaving the majority of the African population to their own fate and device. However, since Independence, it is the declared policy of this Republic to abolish racialism or, for that matter, tribalism and to foster a non-racial society on a democratic and social basis which underlines building of a welfare society. Accordingly, it is proposed that these two existing hospital authorities be replaced by the National Hospital Insurance Scheme which will be open for all our people.

You will recall that in 1965, our President made an epoch-making announcement introducing free medical care for all children and adult out-patients at the Government medical institutions. This was the first step to realize our ambition to provide free medical treatment for our people. By introducing a National Hospital Insurance Scheme we were taking another bold step to implement our policy.

The present Government hospitals which were designed in the first place to provide only the very basic medical care with extremely limited amenity facilities which are not sufficient to cover all those citizens who are now earning sufficient income to afford a higher standard of medical

care and who expect, when they are admitted to hospital, to be provided with private rooms or amenity facilities. So, when such accommodation is not available they are attracted to private hospitals which can be a great burden on our citizens, as in many cases, daily general ward rates can be as high as Sh. 100 and if the illness is such that a considerable stay in hospital is necessary, the final cost can cause extreme hardship. This scheme would therefore, provide for the largest possible number of people in Kenya the opportunity of occupying the hospital beds available in Kenya for which charges are made by providing daily allowances to contributors towards meeting these charges.

The scheme is compulsory for all those who earn at the rate of £600 per annum or more and is voluntary for those who earn less. The compulsory scheme is called the National Hospital Insurance Fund and is provided for in Part II of the Bill and the voluntary scheme is called the National Hospital (Voluntary) Insurance Fund and is provided for in Part III of the Bill. Both Funds will be controlled by the Minister responsible for health who will have the advice and assistance of the National Hospital Advisory Council established by this Bill. We intend, Sir, to start these funds with effect from 1st July 1966.

The standard contribution is payable by persons of eighteen years who earn at the rate of £600 per year or more. The contribution is payable at the rate of Sh. 20 per month by fixing a stamp to an insurance card. A special contribution is payable by surtax payers at the rate of Sh. 120 per annum where the income chargeable to tax exceeds Sh. 20,000 and at the rate of Sh. 240 per annum where that income exceeds Sh. 40,000. The special contribution will be separately collected by the Commissioner for Income Tax while the standard contribution will be in conjunction with "pay as you earn" deductions.

Provisions existed for Africans to join the Kenya Hospital Fund Authority (formerly Asian and Arab Hospital Fund Authority) as voluntary contributors but the response was negligible. The voluntary response under the new conditions is expected to be considerable, indeed the number could eventually run into millions of lower paid Africans wishing to make insurance provision for hospital treatment. The number of Africans earning more than £600 exceeds 40,000; 40,000 Europeans are expected to come under the compulsory scheme and at least 10,000 Asians. Under the Voluntary Scheme, the voluntary contributor will pay Sh. 120 per year or Sh. 31 a quarter. There has to be a waiting period of twenty-eight days on joining the scheme, to prevent persons from joining it only when they

[The Assistant Minister for Health]

become ill and thereby exhaust the fund. But if a contributor maintains his payment over the years there is only one waiting period.

There are various financial and administrative provisions regarding legal proceedings, gazette-ment of hospitals, nursing homes and maternity homes which are to come within the scheme, conditions governing charges made, the standard of treatment, membership and procedure of the Advisory Council to the Minister, monetary penalty, contributions to be paid by employers and scope of benefits, i.e. benefits to contributors towards the cost of hospital beds incurred by the contributor for himself, his wife (or her husband) or for his children.

Part VII of this Bill repeals the existing Acts, namely, the Hospital Treatment Relief (European) Act, Cap. 249, and the Hospital Treatment Relief (No. 2) Act, Cap. 250. But those Acts are kept alive temporarily only for the purpose of winding up, and of disposing of the two Funds. £58,881 is to be transferred from the former European Fund to the new Insurance Fund, and the balance after winding up, is to be put into trust by the Minister to care for the poor and indigent amongst the former contributors to that fund. The other fund, the Kenya Hospital Fund (formerly known as the Asian and Arab Hospital Treatment Relief Fund), is to be divided as follows: £41,119 is to go to the new Insurance Fund, £30,000 or more is to go to the new Voluntary Insurance Fund, and the balance is to be put in trust by the Minister for medical education in, or in association with, University College, Nairobi.

The new schemes are to start on 1st July 1966, and the old schemes will cease to pay contributions on the same date, except in the case of voluntary contributors who are entitled to benefits until 31st December 1966.

The enactment of this Bill will not result in any additional expenditure of public moneys.

Mr. Speaker, Sir, these are the salient features of this Bill and I am sure hon. Members of this House would fully support this Bill. As I reiterated earlier, this is the second important step towards realization of providing free medical treatment for our people. I trust it will be appreciated by all that within our limited range of finance and personnel, this exercise is a difficult one, success of which depends on co-operation of people. I urge hon. Members to explain our tasks to their people just as they did in elucidating our Sessional Paper No. 10 on African Socialism.

With these remarks, Mr. Speaker, Sir, I beg to move the Bill.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I would like to take this opportunity of congratulating the Government on bringing this Bill before this House. I personally felt that this Bill was long overdue, but I realize the limitation that was placed on the Government and the inability to bring it much earlier.

Mr. Speaker, Sir, I want to say very few words on this because I remember when first the original Asian and Arab Bill was brought before the old House, I had supported it with reservations and one of the reservations was that, although the Bill was racial in character, it was necessary for the benefit of those people who would contribute compulsorily to this fund and that the earliest opportunity should be taken to make this scheme non-racial in character.

I am glad that after a few years it has been possible to bring this Bill before this House. I think the Assistant Minister has very clearly explained the principle and purpose of this Bill, which is really that the rich people should pay for the poor people who need medical attention but cannot afford to pay for it. I think it is in this sense that the new scheme will be a boon to those people who are of necessity, forced to have medical assistance but are unable to pay to the extent they would have to if it were not for this scheme.

I would like to urge the Government that when it does approve some of these institutions which will apply, that it will strictly scrutinize them, for I think we all agree that we need to maintain very high standards in our hospitals. We might get many applications which are not really in keeping with the standards that have been maintained so far.

I hope, Sir, that when the Minister appoints the advisory council, men of experience and background who have been working with the previous scheme will be appointed for I think we need to have some continuity in the maintenance of the standards. I am sure we all agree that this valuable advice should not be lost in any emotional outbursts of trying to put in local people. I think there should be a pretty good balance of men of experience together with the local people who can contribute to a better provision and the maintenance of the standards. I think we ought to admit that, Mr. Speaker.

I would like to congratulate the Government on the fact that it has recently worked out how the money that is going to be left will be contributed to the various aspects, and I am glad to

[Mr. Pandya]

see that some part of the old fund is going to be used for the benefit of medical education in this country. To that extent it seems that this fund will have played a significant part in trying to further medical education in this country.

I think, Sir, the Assistant Minister did mention that the voluntary scheme that was in existence for the Kenya National Fund Authority, as he termed it, was not much of a success, and I do want to urge the Government that it will take every opportunity to publicize the scheme as much as possible. It will also be the responsibility of the Members of the National Assembly to see that their constituents are made to realize the advantages of this scheme, and try to get as many contributors as possible so that a larger number of people can benefit under this scheme.

With those few words, Mr. Speaker, I would like very warmly to support the Government on this Bill.

Mr. Jahazi. Mr. Speaker, Sir, I would also like to welcome this Bill and also welcome the Government's decision to end this discrimination in the hospital treatment, a thing which is unworthy of the days we are living in in the present Kenya.

Mr. Speaker, this Bill is not quite clear in some phrases, and the Assistant Minister was very brief. I expected him to go through the Bill. He has made a summary of everything and I do not know if he meant to cover up some of the things in his final summing up. He spoke so rapidly that I do not feel satisfied. I think that at the Committee stage we will be able to ask him to explain to us some of the things and we will take this clause by clause. We would like to know the meaning of some of the clauses.

I think that to many of the Africans who will start paying this contribution the sum of Sh. 20 will be a bit too much for them, because soon there will be income tax taken under Pay As You Earn, then there is Graduated Personal Tax as well as other taxes; and now comes the hospital insurance of Sh. 20. For a man who is earning a maximum salary of £600 per annum it will be too much to pay. I would have thought that the Government would have taken the payment of these instalments very easily, say Sh. 10, so that at first the Government would get many members. People who join voluntarily and feel that they are not forced to pay big amounts are contributing something for their own good. However, I feel that the sum of Sh. 20 is too much for some people, including myself.

Mr. Speaker, Sir, I think it is unreasonable for a man to pay his Sh. 20 and then expect him to guarantee the Government that he will not get

fever, he will not feel sick for the next twenty-nine days before he gets the benefit of his Sh. 20. I would have thought that the Government would take the risk knowing that nobody would like to be hospitalized. So, any sickness that comes within that period is a question of something which the person could not control. If a man starts paying in July the first Sh. 20 and then if he happens to be sick or meets with an accident, or some such thing, he will have to carry the burden of hospitalization just because the law says that he will not benefit until after twenty-nine days have elapsed and, this, Mr. Speaker, I think is unreasonable. If it were phrased that if a man were found to be suffering from a certain disease or illness when he paid the money, if at the time of payment he was already suffering from that disease or illness, then that would be reasonable. But for a man suffering from some sickness within the first twenty-nine days to be told that that is his fault, or to be told, "Too bad, but you will have to wait until twenty-nine days have passed", is wrong. Any insurance is a risk. It is a question of paying Sh. 20 per head and there are times when nobody at all gets sick. I have not been hospitalized for a very long time and I do not think I am likely to go to hospital tomorrow. However, if I do happen to go to hospital, then Government should take this responsibility to see to it that, after agreeing that a person who compulsorily pays Sh. 20 for hospital treatment, this person should be effectively covered immediately from 1st July when the Government first takes his money. I hope the Minister will look into that and see the unreasonableness in that particular clause.

In section 10 (2) it is said: "No benefits shall be paid except in respect of treatment received by a contributor or by his named wife (or named husband, as the case may be) or by any child of his, and the benefit paid shall not in any case exceed in amount the expenses incurred by the contributor for the treatment in respect of which that benefit is paid." Mr. Speaker, Sir, after reading that section now I get the idea that there is no dispute over that. After you have paid a certain amount, then it is that Government will pay the same amount. I thought that maybe the Government had set a target whereby it would not pay more than that. However, I see that that is not a bone of contention now.

I see that anyone who will be hospitalized for more than ninety days will no longer be covered until the Minister, working together with his advisory council, will have to reconsider whether to pay him or not. Again, Sir, I think that is very unreasonable because there is nobody who would like to spend more time than is necessary

[Mr. Jahazi]

in the hospital. Also, if the Government has taken the risk of insuring somebody, then I do not see why there should be any limit at all, because nobody has a good time in a hospital. People only go to hospital when they are sick and that is why there is this insurance scheme, to cover people who are going to be sick. So, I do not see why there should be a limit of ninety days. If illness demands that a person should be in a hospital for more than ninety days, then the Government must pay because it will not be suffering any loss. There are so many people who will be paying and will never go to hospital. For these reasons a man who suffers from a long illness and is required to be in hospital for a long period of time should be covered.

I do not think it is fair for the Government to say how long a patient should be in a hospital after he has paid his money. This insurance is not the same as car insurance where we go to have a car insured for a certain amount. Then the insurance company will not pay you anything above that figure. Even if you wreck that car, they will pay you only the market value prevailing for that car. You cannot treat a human being in the same way. You cannot tell him that because he is thirty years old he is worth only ninety days, or he is worth only sixty days, twenty days, etc. Here, I think the Government must take the risk to see to any person who is in the hospital, take care of him until he either dies or gets well again.

I will have more to say on most of the clauses when we come to the Committee stage. In the meanwhile I welcome this Bill as one of the great steps forward in eliminating all racial discrimination in the classing of Kenya citizens.

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

Mr. Godia: Mr. Speaker, Sir, I would like to take this opportunity to congratulate the Assistant Minister in the Ministry of Health for the manner in which he has presented this Bill.

I have a few observations to make which I hope the Assistant Minister will consider seriously when we come to the Committee stage.

I would like, in the first place, to refer to clause 5 (8) of the Bill, "where the income of a married woman is deemed to be the income of her husband for the purpose of ascertaining his total income for income tax purposes . . .". Now, Mr. Speaker, certain women who are married have run away in order to live by themselves. Some married women, although they have children, leave their husbands and live separately. I do hope that the Assistant Minister will do

something in regard to this paragraph where a particular woman who is married but who, for certain reasons, deserts her husband. Although she has a salary, that salary is her own and not her husband's. Therefore, Sir, the Assistant Minister needs to consider this clause again.

Now I come to clause 6 (3) (a) where it talks of deductions from wages or remuneration of any person employed by somebody. I do hope here that there will be some kind of a receipt given to the contributor and that we will not have the same example of things as we have in the City Council where money is being deducted from the taxpayers but the taxpayers do not receive receipts for one, two or three years. I hope the Minister will be definite about this and see that each contributor has a receipt of the money paid. I hope that the Minister will see to it also that the staff in his Ministry, dealing with this work, will not delay in issuing receipts to contributors.

I do also hope that the Minister will see to it that there is some kind of check-up, because somebody who is contributing to this scheme might run out of employment and because he is contributing compulsorily he may be required to pay for the months when he is out of employment. For this reason I hope that the Minister will see to it there is some kind of check-up in order to ascertain that those who are out of employment are not penalized.

I would also like to comment on clause 10 regarding benefits. I understand here that "wife" here means a wife of a male contributor, and "named wife" means, in any financial year, the wife of that contributor who is named on the card issued to him for that year. Now, Sir, certain contributors may have more than one wife. I think the Minister should assure the House that any contributor who has more than one wife, then all the wives and children will receive benefits equally.

Mr. Speaker, Sir, since we will be discussing this Bill at the Committee stage in greater detail, I think the House should bless the Bill.

The Speaker (Mr. Slade): If no other Member wishes to speak, I will call on the Mover to reply.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I am very grateful to note that Members have supported the Bill and each one of the speakers have congratulated the Government for the bold step which we have taken. I will try to answer a few points.

I will take Mr. Pandya first. He said that the Government should be alert to see that the high standard is maintained. This is our aim, not only

[The Assistant Minister for Health]

in hospitals but we mean to keep high standards in our training centres, accommodation in hospitals, possibly the meals, provided funds are available. We are going to try our best and the standard of all these things will be kept high.

I am glad that Mr. Pandya has mentioned a point which is very, very important, where he said that we should not ignore the experience of people who have been doing this work, particularly in the European Authority under the Arab and Asian Hospital Authority. We have that in mind and I would like to assure the hon. Mr. Pandya that we are going to take this seriously and I am sure that we shall certainly make use of the experience of these people because we do not want to lower the standards but want to keep them up and, if necessary, improve them.

Another thing hon. Mr. Pandya has said, is the question of publicity of the scheme, to enable it to succeed. We have this in mind and as I have said earlier, that we would like Members of Parliament, in fact I am very sorry that some Members are not here, because to me this is a very, very important Bill, it is going to affect us, and it is going to affect our children and our families, and it is going to affect the country as a whole, it is a Bill that Members of Parliament ought to have taken an interest in, and I appeal to the Members of Parliament here today to try and help the Government in trying to publicize this scheme and make it succeed, in fact we are looking forward to seeing a lot of Members joining this scheme whereby they will be examples to their people. Therefore, we will do what we can but we put a lot of faith in the Members' contribution in trying to advertise and publicize this scheme, which is new to our people.

Mr. Speaker, I think I have covered some of the points which were raised by hon. Mr. Pandya and I would like to thank him very, very much, because some of the points are very, very important and we shall certainly not forget them.

The other point which was raised by the hon. Mr. Jahazi is that he also welcomed the Bill, and he congratulated the Government for taking such a bold step at this time. It is true, this Bill has been brought up because we do not like discrimination of any type. It is one of the things for breaking down discrimination. Here we are, we have a country of our own, and we feel that we should not discriminate with anyone because of his colour, or because of his religion, therefore this is one step and we hope that we will continue to do the same in all fields as funds become available.

I tried to cover the main points of the Bill, as he admitted later that he will have the chance of trying to ask questions, paragraph by paragraph and I am looking forward to that time when I will be able to clarify anything which I am unable to do in my brief account of the Bill. I am still waiting, and I hope he will be able to bring up some of his problems when we consider the Bill paragraph by paragraph. In the meantime I try to give only the main features of the Bill, and it was not too brief, I think I covered the most important parts that needed to be said.

When hon. Mr. Jahazi said that we should reduce the amount to Sh. 10, well I do not support him at all. Hospitalization is one of the very expensive things a Government has to face, and Sh. 20 if we really look at it we will find that Sh. 20 is not really much, considering the expenses that will be incurred by the Government. Sh. 20 is the minimum that we can ask people, the citizens of this country, to contribute for their welfare, and to reduce it further will mean reducing the standard of the services. All the Members who spoke here have kept saying that we should not lower the standard, I agree with them. Even this Sh. 20 I do not know for how long we will be able to carry on with this amount, it may be necessary in the future to increase it, because I can assure this House that the Sh. 20 to be contributed by the public is nowhere meeting the cost of hospitalization, and also of trying to improve the standard in our hospitals. Therefore, I hope that Members will realize that this is the bare minimum the Government can ask the citizens of this country to contribute towards this, and if a man earns £600, that is equal to Sh. 1,000 a month, now for him to set aside only Sh. 20 out of 1,000 which he is going to earn in a month, surely that is not asking too much, Mr. Speaker, particularly when you know that one day you may need it and you will find that Sh. 20 will help you more than you ever expected. Therefore, I do not think the Government would be willing to lower the fee of Sh. 20 to Sh. 10, it is not possible; it is not practicable because if we do that there will be a danger of lowering the standards, which we are not terribly keen to see.

Now, the hon. Mr. Jahazi said that the Government should be able to take the risk for the twenty-nine days. Mr. Speaker, in these things the Government is already taking a risk. It is taking a big risk because here we are asking people to pay Sh. 20, and we need that twenty-nine days, to make sure that somebody is not trying to misuse that little privilege which is given. I feel this time is not too long, it is just long enough for us to see whether the man was

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ill before he insured himself, he took advantage of this scheme, or if he is somebody who is trying to take advantage of it. Now, it is quite normal in all insurances, before an insurance policy is ripe you have to wait for three years, I think if you insure your life, or if anyone insures his life, before the insurance policy is mature one has to wait for three years before it is really mature. This scheme here, we are only asking the citizens of this country to wait for twenty-nine days, and I do not think that is too much. In any case, if anything happens, as the hon. Jahazi was saying, we still have other facilities, Government hospitals, where a man can be treated by paying Sh. 15 and then he can have a bed in a Government hospital where nothing else will be asked from him. For this scheme, and for the amenities we hope to provide for the people who are going to be contributors, we feel we should wait for this twenty-nine days. Therefore, I do not think that we are really in a position to get away with the twenty-nine days, I feel that we simply have to carry on just for that little risk which the Government is likely to take.

The question of the limit of ninety days. Well I will go into it, and see the implications there. Suppose a man is ill and he stays in hospital for more than ninety days, are we going to throw him out and say that is the end of it, we cannot give you any more? Mr. Speaker, I do not promise anything because I know these things have been worked out, and I do not know the implications of it, but I promise to go into it, and when we come to discuss this matter in detail, in the next stage of this Bill, I will be in a position to throw more light on it. I will check this matter and I will try to answer the next time we come back again.

The other thing is the question of unmarried men which was raised by hon. Mr. Godia, also unmarried women who have children. Well, an unmarried woman who has children, and if that woman is the bread earner, that woman will be treated exactly the same as a man. There is no discrimination whatsoever between a man and a woman. A woman, so long as she is the bread earner, then she will contribute to this scheme and she will get the benefit exactly the same as the man would be able to get. That also applies the other way round. Suppose one is married, and the husband is ill, and the wife is now the bread earner, and the man is incapable of looking after the family. So long as the woman contributes to the scheme, the woman will be regarded as the contributor and the husband will be regarded as the dependant, and therefore,

the question of sex does not come into it, but it is who is the contributor. Whether it is the man or the woman it does not matter.

The other point which has been raised by Mr. Godia is very, very interesting, is the question of polygamists. People who have more than one wife. In the Bill it states quite clearly that if you are married, then your wife and your children, it says your children. It does not matter whether they are children of that wife or the children of another wife. They are your children and they benefit from this scheme.

What is not made clear in the Bill is whether the second wife who has the children that belong to you will also benefit. I will try to go into it, but I know the spirit of the matter is that the Bill was drafted by people like myself who are married to one wife and, therefore, we tend to think of only one wife, but then we do understand that there are complications in this matter. There are many people who have more than one wife and, therefore, this is a possibility but in the meantime the Bill considers only one wife plus any other dependants which may include your own children, the children of other wives possibly, and even if your brother dies and you have children whom you support, they will benefit from this scheme. That is as far as the wording of this Bill goes and that is how I understand it.

The other point which has been raised by Mr. Godia and which I never thought of is this question of what happens with the other wife, plural marriages. It is a very tricky point, this, because are we going to set a limit of one wife? Or shall we allow more than one wife? If we do so, how many more? Are we going to have two, three, are we going to set a limit, or shall we just leave it open because there is a danger of abuse in this matter? A man can walk with somebody and say, "This is my wife." Well, what is to be the number, the limit? Is the man going to be allowed to produce a number of wives? Therefore, I can see some difficulties. In the meantime, the Bill says clearly it is a man and his wife and his children, and it does not include any other wives. There is a case there, but in the meantime I feel it only applies to the man, his wife and his children.

I can see the difficulties that may arise but, mind you, Mr. Speaker, this Bill is not final. We are learning by experience and as time goes on, if we find it necessary to amend here and there, I am sure the Government will be quite willing to amend it later on and put it in line with the wishes and the desires and the way of life of the

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African. But in the meantime we find we should begin like this and then later on we will be able to change it.

Mr. Speaker, Sir, there was also another point which was raised by Mr. Godia: the question of checking whether the money is really going for the benefit of the employees and whether people will be given receipts. Well, I think the question of receipts will automatically come in because every month the employees, when the money has been deducted, will be given little chits where it will show how much money has been deducted and for what reason. I think all the Government servants here get their chits at the end of the month and the chits show clearly how much money has been deducted for house allowance, how much money has been deducted for this and that and the other, and this will be put in exactly the same way as Graduated Personal Tax is being done at the moment.

I am sure the Government will be on the lookout to make sure that no injustices are done and nobody is trying to rob anybody. Therefore, I can assure the hon. Member that we are quite awake and we are going to face some of these problems. We are quite sure that nothing will happen which will make people lose their money.

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

(Question put and agreed to)

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

BILL

Second Reading

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the Kenya Meat Commission (Amendment) Bill, 1964, be read a Second Time.

The hon. Members will recall that this Bill was originally published on 14th April 1964, and was introduced to this House later in that year. A very lively debate emanated from the hon. Members and the Bill was finally passed by this House and was introduced in the Senate in November 1964. The Senate, however, failed to agree with this House in passing the Bill and it was, therefore, returned to this House. However, as the Members will recall, this House finally passed the Bill in March, last year.

In accordance with section 61 of the Constitution, this Bill is now being re-introduced to this House for its approval before it is presented to the Senate and the President. Mr. Speaker, Sir, and hon. Members, I find myself at a disadvantage to talk on this Bill because it has been talked about so often; every clause, line and word kicked about so much in this House that I believe, so to say figuratively, that no stone has been left unturned.

This is precisely the same Bill that we passed last March, twelve months ago, and I am even wondering in my mind what the hon. Members would have to say about this Bill, except simply to pass it as it is. I am, of course, Mr. Speaker, Sir, not denying the right of expression to the hon. Members; I am only drawing their attention to the fact that, having agreed to this Bill, we can do no more than pass it.

To refresh the minds of some of us, we can broadly say that the Bill has three main aims. The first one is to correct inadequacies and omissions which experience has revealed and which make operations of the Kenya Meat Commission difficult. Examples of such inadequacies are included in the definition given in the Act: functions of the commission, etc.

Second, the commission should be able to raise capital for development by levying moneys from the industry instead of coming to this Parliament to ask for subsidy. In view of the large development programmes to be undertaken by the commission, we cannot ask the commission to borrow money each time it embarks on a development programme and, in any case, there is a limit to the amount it can borrow. As it has been said before in this House, any cesses which are levied will only be levied if the Minister is satisfied that it is necessary so to do.

Third, the third main purpose of this Bill is to make sure that the Kenya Meat Commission which, strictly speaking, is a business organization, should be able to conduct its affairs in a businesslike manner.

Finally, I believe the House will appreciate that the African farmer must play a larger part in the livestock industry than he has done up to now. He must, therefore, be made to realize that the beef industry pays and that the better quality beef he produces, the more money he gets out of it. These aims, therefore, are behind those proposed amendments to the existing Act and taking into consideration, Mr. Speaker, Sir, what I have already said, that this House has already passed this Bill, I would, with these few words, beg to move.

The Assistant Minister for Health (Mr. Matano) seconded.

(Question proposed)

(Question put and agreed to)

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

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. Although there was a matter to be raised on the adjournment, the hon. Member concerned, I think, is not here. The House is therefore adjourned until tomorrow, Thursday, 26th May, at 2.30 p.m.

The House rose at fifty minutes past Five o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1

SCIENTIFIC FARMING METHODS

Mr. arap Biy asked the Minister for Agriculture and Animal Husbandry to tell the House what his Ministry was doing to encourage African farmers, particularly Kipsigis, to farm scientifically, when the Ministry in question was not ready to finance these farmers in the form of loans.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Everything is being done to encourage Kipsigis farmers to adopt scientific farming methods and the Ministry is only too willing to provide agrarian credit, if only the applicants would come forward. Up to November last year, two applications only had been received, totalling £100, out of the district allocation amounting to £13,000.

Thursday, 26th May 1966

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

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

PRAYERS

NOTICE OF MOTION

ADJUSTMENT OF DISTRICT BOUNDARIES

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, on behalf of my colleague, the other Minister of State, I beg to give notice of the following Motion:—

THAT this House having regard to administrative, development and communication problems experienced in some districts, approves that the Government institutes immediately steps to ascertain the need for adjusting boundaries of the existing Administrative Districts.

In particular to take immediate steps in accordance with the wishes of the people:

- (a) To divide Central Nyanza District into at least two Administrative Districts.
- (b) To investigate and adjust the boundaries of existing districts and provinces as may be desired.

ORAL ANSWERS TO QUESTIONS

Question No. 53

DEPARTURE OF EXPATRIATE DOCTORS FROM KENYA

Mr. Barasa asked the Minister for Health to tell the House how many expatriate doctors had left the country since independence. Also, could he tell how many more wished to leave.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The answer is that there were 800 doctors before independence and now we have only 800 doctors.

Mr. Barasa: Mr. Speaker, Sir, would the Minister tell the House how many Kenyans are now undergoing training as doctors, whether in Kenya or outside Kenya?

The Speaker (Mr. Slade): That is rather a different question.

Mr. Matano: Mr. Speaker, I think that is a different question altogether, because the question was, how many doctors? He did not say how many Kenya doctors or Kenya-born doctors. Therefore, I am not in a position to answer that.

Mr. Muliro: On a point of order, Mr. Speaker, is the Minister's reply not irrelevant because the questioner asked how many doctors (expatriates)

had left the country since independence and how many wish to leave? This was Question No. 53 and, according to the reply of the Assistant Minister, this question has not been answered.

The Speaker (Mr. Slade): Well, you are asking for an answer to that now.

Mr. Matano: Mr. Speaker, Sir, since independence, fifty-seven designated medical officers have left Central Government service. In addition, there have been four non-designated officers, Asians, who have resigned from Government service. Although these doctors left Government service, it does not follow that they left Kenya, as they may still be practising in the country. It can be expected that about five expatriate doctors are likely to leave the Government service in the near future to take up other employment in or outside Kenya.

It should be understood that the responsibility of the Minister for Health is to ensure a high standard of medical practice throughout the country, that is to ensure a high standard of professional competence inside Government service and outside Government. The Minister for Health expects all doctors to serve the public well, wherever they may be, and any negligence on the part of any doctor—whether in private practice or Government practice—will be dealt with in accordance with the law.

The country should be grateful that Kenya has been able to maintain the number of doctors at about 800. Within the next four weeks, we expect another lot of eleven doctors to qualify from the Makerere College school and to take up employment in Kenya. This means that the Government will have to increase its total establishment for doctors in the public service to more than 132 medical officers, in order to absorb those who are just qualifying and also to employ others who will be coming to Kenya from overseas.

The House should know that in 1963, there were forty-nine registered African doctors in Kenya. In 1966, there are sixty-three African doctors in Kenya forty-eight in Government service and fifteen in private or local government employment. This figure is too small and it has therefore been decided by the Government that an extra medical school should be established in Nairobi to serve as an extension to the medical faculty at Makerere. This new school will start with thirty students and we hope that in time—

Mr. Muliro: On a point of order, Mr. Speaker, would the Minister who is answering answer the question? All that he is talking about is irrelevant. The question asks how many doctors have

[Mr. Muliro]

left the country and that should be a number; and how many wish to leave. These are mere numerical figures. What is all this irrelevance about, Mr. Speaker?

The Speaker (Mr. Slade): Order! I think the Minister has answered that question now in the first part of what he has told the House. He has gone on to give some interesting information which is related to the initial question and answer, and is really very much by way of answer to the supplementary which Mr. Barasa wanted to ask. I do not think the House should resent this additional information.

Mr. Mbogoh: On a point of order, Mr. Speaker, is it in order, at this stage, to register my dissatisfaction at the conduct of the Assistant Minister who is answering this question? Mr. Speaker, Sir, the Assistant Minister, to start with, stood up and gave a very irrelevant answer while the aim of the questioner was to find out information. Now he stands up again and starts making a long statement. Is that the purpose of asking questions in this House, Mr. Speaker?

The Speaker (Mr. Slade): Hon. Members may well be dissatisfied with the original answer, but I think the Minister has corrected his error by giving a very complete and full answer now; and, again, I do not see why the House should resent any additional, but relevant, information that he cares to give.

Mr. Matano: Thank you, Mr. Speaker, for clarifying the position, but my point was on the question asked: how many doctors had left the country. The thing is that a lot of doctors have left Government service, but they have not left the country. Those two things are different. I mean, for a doctor to resign from Government service does not necessarily mean that he has left the country. That is why I said there were 800 doctors before independence and we still have 800 doctors in the service. That is what I am trying to say. When he went on asking me questions, Mr. Speaker, as to how many Kenyans and the rest of it, I felt the hon. Member was entitled to know all these details. That is why, Mr. Speaker, I am trying to clarify the position at the moment. If the Members are keen to know all the details, I am quite prepared to give the details, but if they want me to be short, brief and concise and just give exactly what they ask me, I am quite prepared to sit down and let the Members ask other questions. But I think a lot of other hon. Members are very keen to know exactly what the position is and that is why, Mr. Speaker, I hope you will allow me to continue with my reply.

Mr. Speaker, Sir, I said that, within the next four weeks, we expect another lot of eleven doctors—I am sorry if I am going to repeat, but I am so disrupted by the hon. Members that I do not know where I stopped—to qualify from the Makerere College school and to take up employment in Kenya. This means that the Government will have to increase its total establishment for doctors in the public service to more than 132 medical officers, in order to absorb those who are just qualifying and also to employ others who will be coming to Kenya from overseas.

The House should know that, in 1963, there were forty-nine registered African doctors in Kenya. In 1966, there are now sixty-three African doctors in Kenya forty-eight in Government service and fifteen in private or local government employment. This figure is too small and it has, therefore, been decided by the Government that an extra medical school should be established in Nairobi to serve as an extension to the medical faculty at Makerere. This new school will start with thirty students and we hope that, in time, this figure can be raised to 100 students per year. This extra facility will enable East Africa to train more doctors for service in these three countries, and it is hoped that the House will welcome this move.

Recruitment of doctors from overseas will continue. The Government is also considering the improvement of terms and conditions of service for all medical personnel, including medical auxiliaries, but it will be remembered that many of the expatriate officers who have left the country have done so partly for their own personal and partly for political reasons. We cannot hold back somebody who has definitely made up his mind not to serve Kenya. We will do all we can to help those who wish to help Kenya to remain with us as long as possible, and I wish to assure the House that I will continue to take great personal interest in this matter.

Question No. 58

BRIDGE OVER LUSUMU RIVER

Mr. Mulama asked the Minister for Works to tell the House whether, in view of the dangerous state of the bridge over the Lusumu River, his Ministry was going to allocate funds for the reconstruction of this bridge.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. My Ministry is aware that the abutments and wing walls of the Lusumu Bridge are cracked and the bridge is, therefore, being kept under surveillance. At

[The Minister for Works]

the present time, this bridge is in no worse condition than various other bridges in the country.

Subject to the raising of funds, my Ministry hopes to include the reconstruction of the bridge in its Development Plan in, approximately, the financial year 1968/69.

Mr. Mulama: Mr. Speaker, Sir, arising from the Minister's reply, would he indicate to this House what he thinks and what he takes to be the fact for him to say that this bridge is not dangerous? How many accidents have so far occurred since 1963 to 1966?

Mr. Mwanyumba: Mr. Speaker, Sir, sometimes we also find it difficult to understand hon. Members' questions, because they are quite vague sometimes. However, Sir, I will not be able to give the figures as to how many accidents occurred in the period he has mentioned, but if he wants to know why we say that it is no more dangerous than other bridges, I will tell him. My engineers in my Ministry are constantly in touch with the engineers in his area and we feel there are other bridges in other parts of the country which need more supervision than this particular bridge.

Question No. 59

ROAD WORKS: KAKAMEGA DISTRICT

Mr. Mulama asked the Minister for Works to tell the House when actual work was going to be started on (a) the Kakamega-Mumias-Busia Road; and (b) the Bungoma-Mumias Road.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. My Ministry has no plans for working on the Mumias-Busia Road, except between Mbwekas and Busia, where the work should be completed within the next twelve months.

On the Kakamega-Mumias-Bungoma Road, where planning is already under way, we should like work to start as soon as we can secure the funds. Application has already been made to a source of finance in an endeavour to obtain funds for this project, among others, but I regret to say that since negotiations at present are in a very early stage, I cannot give the hon. Member any indication of when work might start.

Mr. Mulama: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the Kakamega-Mumias-Busia Road is on the Development Plan and was approved? Also is he aware that the Ministry's reply to certain questions put to that Ministry was "that certain funds were not

available, and that immediately these funds were available the work should start immediately," and accordingly—

The Speaker (Mr. Slade): I think that is enough in the way of questions; if you have more questions, we will have to have these answered first.

Mr. Mulama: — the actual road work would start in 1966?

Mr. Mwanyumba: Mr. Speaker, Sir, the hon. Member is very kind because he is answering his own questions. I would like to assure him that when funds are available, this road will be started, together with other roads which have been earmarked for construction by my Ministry when we get funds from the sources from where we are trying to get them, particularly the Kakamega-Mumias-Busia Road, which is included in our Development Plan. If the hon. Member wishes to look at the Development Plan book, he will be able to see that this particular road is included.

Mr. arap Biy: Mr. Speaker, Sir, could the Minister tell this House what he means by "as soon as the funds are available, the work will be started", when will this money be available?

Mr. Mwanyumba: Mr. Speaker, Sir, the Government, itself, has no money to finance these projects included in the current Development Plan, but the Treasury is trying to get money from outside Kenya in order to effect these plans. I have said that the negotiations are still going on and it is rather early for me to say when perhaps we may be able to get money. Several Governments overseas have been approached and they have not yet given their indication as to whether they will make money available for these projects. It is not only this road, but many other roads and many other bridges in the country which are involved.

Question No. 46

AFRICANIZATION: SURVEY DEPARTMENT

Mr. Godia asked the Minister for Lands and Settlement to tell the House whether he intended to Africanize the posts of Assistant Director, Superintendent of Surveys, and Training Officer in the Survey Department.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The House is already aware that the post of Director of Surveys has been Africanized by the only African in the country who was qualified for the post.

Unfortunately, there are no Africans at present who are fully qualified to hold the posts of Assistant Director, Superintendent of Surveys, and Training Officer.

[The Assistant Minister for Lands and Settlement]

There are, however, three African staff surveyors in the service and, when they have acquired sufficient experience and passed the necessary examinations, they will be considered for promotion to these posts.

Bearing in mind the question of Africanization in the Department of Surveys, the Ministry has started a crash training programme. This year thirty-seven students are attending the University College, Nairobi, as opposed to only one previously. Four are studying in south-west Essex, in Britain, and three others are to go to Canada. In the Survey Training School, twenty-five students have been enrolled to train as surveyors. The House may not be aware, Sir, that there is an acute shortage of surveyors in the country and it is still necessary to recruit more expatriates from overseas, especially in view of the increased demand of survey work due to the heavy expansion of land consolidation and the settlement schemes.

Generally, of course, there is a shortage of surveyors in the whole world of which Kenya is a part. It would, therefore, be appreciated if the hon. Members will impress upon high school leavers to take more interest in survey work.

Mr. Godia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that there are "three African surveyors" who do not have sufficient experience to take over the work from the expatriates, I would like to know, Sir, if the Assistant Minister considers it necessary to get these three African surveyors who are working within the Ministry to understudy the present officers so that they may take up the work, after them, within the shortest possible time?

Mr. Gachago: Mr. Speaker Sir, the Ministry's machinery for Africanization is working and the machinery is set, as I have said in my reply, that when it is expedient for these officers to take up these positions, they will be promoted as and when they qualify.

Mr. Gatuguta: Mr. Speaker, Sir, when we ask this question with regard to Africanization, we are told every time about experience and so on, could we know from the Assistant Minister, in this particular case, how many years' experience is required in order that the person may take up any of these posts? What examinations are they supposed to pass?

Mr. Gachago: Mr. Speaker, Sir, of all people the hon. Member, who is a qualified lawyer, knows very well that, in order to be a lawyer,

you have to pass a legal examination, and to be a surveyor, Mr. Speaker, Sir, you also have to pass an examination which has to be generally passed by any person if he is to become a surveyor. On the part of experience, Mr. Speaker, as the House will appreciate that survey work is field work and a lot of work is done during the training period and even during qualification outside, so that the student or the candidate may know as much as possible about survey work. Mr. Speaker, Sir, we have experts who are constantly reviewing the training and experience of these officers and, as I have said, nothing will be delayed and, when and if these officers qualify, they will be promoted.

Mr. Shikuku: Mr. Speaker, Sir, arising from the last reply by the Assistant Minister to the effect that experience will have to be determined in connexion with the field work, could he tell this House who will be the judge of those already in the field to certify that particular student or particular trainee has had enough training? Will it not be the same Europeans now who will have to say that So-and-so is fit, and if so, is he aware that these people are not willing to have themselves replaced?

Mr. Gachago: Mr. Speaker, Sir, it is not my fault if the hon. Member was sleeping. When I said that the post of Director of Surveys has already been Africanized, if the post has been Africanized, then I do not consider that the person who is in that position is a European.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to misrepresent what I have said? I was asking about the surveyors and not about the post of the personnel officer, or whatever he said. I was talking of the surveyors, and they are under certain people in the field.

The Speaker (Mr. Slade): I do not think the Assistant Minister misrepresented what you said. He answered what you said, though you might not like his answer.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House as to when the target date is to be set for those African surveyors in the field for them to qualify and take up the post of Superintendent of Surveys?

Mr. Gachago: Mr. Speaker, Sir, we do not believe in time-tables for this kind of promotion, because as it will be appreciated by this House, different people have a different capacity of absorbing education and experience. It all depends on the person to be considered.

Question No. 65

LAND CONSOLIDATION IN NYAMBENE

Mr. Ithirai asked the Minister for Lands and Settlement to tell the House when land consolidation for Meru has been planned and was Nyambene to be included.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Nyambene was included when land consolidation work was being planned in Meru. It has been due to the shortage of staff and the distance from South Meru to Nyambene that work has not yet started in the area.

However, the pressure of work is now easing in the southern area and teams will be posted to Nyambene in the next financial year. Arrangements to gazette Nyambene as an adjudication area are in hand and this will be done immediately.

Mr. Mate: Mr. Speaker, Sir, in reply, the Assistant Minister said that Nyambene would be included in the next financial year. Is he aware that this next financial year is next month? If so, does he mean that it will start this year?

Mr. Gachago: Mr. Speaker, Sir, I mean the next financial year, whatever the hon. Member understands by that.

Mr. Ithirai: Mr. Speaker, Sir, why is that Mr. Angaine's place is always done and Nyambene is not?

Mr. Gachago: Mr. Speaker, Sir, I would like to correct the statement made by the hon. Member, which is incorrect. My Ministry does not consider personalities when allocating staff for land consolidation, and the fact that Mr. Angaine is a Minister for Lands and Settlement does not necessarily mean that Meru will be given priority over other districts or that his area will be given priority over other areas of Meru.

We have a very efficient Director of Land Consolidation and he determines which area is to be started and how the staff are going to be allocated.

Question No. 27

STADIUM FOR ELDORET

Mr. Tuwei asked the Minister for Co-operatives and Social Services whether his Ministry would consider building a stadium in Eldoret similar to the Afraha Stadium in Nakuru.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. Where such stadiums exist, they have been built by the local authority and the local people,

although in the past, such authorities have been able to get some help either from Central Government or from the now defunct African Trustee Fund.

The Government now channels such funds as it can make available for sport, through the Kenya National Sports Council and any local authority, able and willing to build itself a stadium, and able to finance most of the cost, is at liberty to apply to the council for a grant.

However, the funds available are not large and the council has many demands made upon it for financial aid to sporting activities, so this should not be taken as a guarantee that any application will be successful either wholly or in part.

I do not know what the hon. Member means by an "outstanding" stadium, but I hope he will find the new stadium very pleasing and fitting for Eldoret.

Mr. Seroney: Mr. Speaker, Sir, will the Minister say which new stadium he is referring to? The stadium which the hon. Member asked the question about is the stadium which, I think, the hon. Member happened to visit in about 1961.

Mr. Ngala: Mr. Speaker, Sir, I am talking of the municipality stadium at Eldoret which was embarked upon as a project only last year. This stadium is going to cost £25,000 and will be built in stages over a period of three to four years. It is near the showground.

Question No. 54

BUNGOMA AFRICAN COURT

Mr. Barasa asked the Attorney-General to tell the House why the African Court of Appeal had been removed from Bungoma. Was the Attorney-General considering the reestablishment of such a court which had been there in the past.

The Attorney-General: Is that Mr. Barasa's question? I am not quite sure that I follow this?

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Attorney-General not to pay attention to what is going on, and also to refer to the hon. Member, Barasa, as Mr. Barasa? Should he not call him the hon. Mr. Barasa?

The Speaker (Mr. Slade): We can all be absent-minded at times, but I am sure the Attorney-General will remember to address hon. Members as hon. Members.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply to the hon. Mr. Barasa's question.

[The Attorney-General]

(a) Appeals from African Courts are heard by a magistrate, and there has never been a full-time appeal magistrate stationed at Bungoma.

(b) If the case-load becomes sufficient and more magistrates become available, it might be possible to post an Appeals' Magistrate to Bungoma.

Mr. Barasa: Mr. Speaker, Sir, arising from the Attorney-General's reply, would the Ministry consider establishing a mobile court so as to enable them to aid people and have access to places like Bungoma and such other places?

Mr. Njonjo: Mr. Speaker, Sir, the Judiciary has not been able to create magistrates who are mobile.

Question No. 28

VEHICLES FOR INFORMATION OFFICE, ELDORET

Mr. Tuwei asked the Minister for Information and Broadcasting if he would provide the information officer at Eldoret with enough vehicles so that the department could serve the district and adjacent districts.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The number of vehicles for the Department of Information at Eldoret is limited by the amount of money available to the Ministry. Eldoret operates under the Nakuru Office with one Land-Rover, which is all that can be spared until our fleet of vehicles is increased.

We have overcome transport difficulties to a large extent by co-operating with the administration and other public bodies to share vehicles on important occasions and so give as adequate a service as possible to all districts. The public itself can assist by notifying our office of a forthcoming event which they would like covered.

Mr. Tuwei: Mr. Speaker, Sir, it happens that that Land-Rover has to cover three districts, not Eldoret alone. When the hon. Members in Elgeyo/Marakwet Constituency and in Nandi hold meetings, and, at the same time, we hold meetings in Eldoret, it happens that the Department of Information cannot serve the hon. Members and give information when they hold their public meetings. So, would the Minister add at least one Land-Rover as from today?

Mr. Osogo: Mr. Speaker, Sir, it appears that the hon. Member seems to assume that the information services serve the hon. Members only. This is not the case.

What I would like to tell him is this: if he can move a Motion in this House to increase taxes of these people, then I will be very happy to get a Land-Rover for him. We can even buy one tomorrow.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Minister's reply, where he says that the hon. questioner should move a Motion to enable the people of that area to pay more taxes, can he tell this House whether people in the three districts, Elgeyo/Marakwet, Uasin Gishu and Nandi, would pay enough taxes to pay for only one Land-Rover for the district?

Mr. Osogo: Mr. Speaker, Sir, if they pay more, then we can get two Land-Rovers. It depends on what the hon. Member has in mind. He can suggest here that we increase taxes for the whole country in order that my Ministry gets enough money to buy vehicles for the whole country. I would be the first Minister to support that Motion.

Mr. arap Biy: Mr. Speaker, Sir, would the hon. Minister agree with me that without Land-Rovers or other vehicles in that area, the presence of the officer-in-charge is completely valueless?

Mr. Osogo: I agree with the suggestion of the hon. Member for Buret. As I have said, it is a question of money. If the hon. Member is suggesting that the Government has money and is not buying any Land-Rovers for all areas in the country, he is wrong. The position is that, since there is no money, there are no Land-Rovers.

Question No. 68

RE-EMPLOYMENT OF KARURA FOREST WORKERS

Dr. De Souza asked the Minister for Natural Resources if the Minister was aware that the statement made to the House of Representatives in November 1965, that workers in Karura Forest had been reinstated, was incorrect, and that the workers were still being employed for only half a month each and being paid only Sh. 32/50 per month as salary.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The official report records that the then Minister for Natural Resources, Wildlife and Tourism replied as follows to the hon. Member's Question No. 119 on the 8th December 1965. I quote as follows: "The arrangement referred to by the hon. Member concerns the months of October and November and full-time work will be resumed in December 1965. In fact, it has actually been resumed. It must be noted, however, that employment over 270 days per year depends on the availability of funds."

The employment being offered to the resident forest workers in Karura Forest at present is entirely in accordance with the previous statement. It is true that all the resident workmen were

[The Assistant Minister for Natural Resources] employed for only half a month in February, but this arrangement was suggested by the local representative of the Kenya Civil Servants Union. Instead of employing half the workers for the whole month each, I reiterate that Government is not obliged to employ resident forest workmen for more than 270 days per year and that employment for longer than this period depends on the availability of funds.

Dr. De Souza: Mr. Speaker, Sir, is the Assistant Minister aware that what happened on the last occasion is that the workers were put on half-month's employment at a meagre, miserable salary of Sh. 32/50 per month, and that when I asked my question they were reinstated? About two months after I had asked my question, they were again suspended and put on a half-monthly salary, and now that I have asked my question they have been reinstated again? I want an assurance from the Minister that they will be fully employed.

Mr. Malinda: First of all, Mr. Speaker, we must consider the availability of funds and, during this financial year, twenty-six men have been required to go on leave for forty-five days, in accordance with the contract which these people enter into with the Ministry. The total labour force is now being employed during May, and it is proposed to employ them all again in June. Government has agreed to a minimum wage for these resident forest workmen, and such men at Karura receive a minimum of Sh. 70 per month for full-time employment. Over and above that, Mr. Speaker, Sir, they get free housing, free water, free fuel and they also have a bit of land to cultivate where they can get some food for their livelihood.

Dr. De Souza: Mr. Speaker, Sir, is the Assistant Minister aware that the forest workers at Karura are human beings like anybody else, they have families and they need to pay for their clothes, school fees and food? In that case, Sh. 70 is totally inadequate and the Government should give at least the same wages as it demands private employers to pay.

Mr. Malinda: Mr. Speaker, Sir, this wage of Sh. 70 per month, considering the hidden benefits that accrue to these workmen, is in accordance with the minimum wages for the Nairobi area.

Mr. Muruli: Mr. Speaker, Sir, the conditions of work that the Assistant Minister gives here, do they apply to the forest workers of Karura Forest alone or do they apply to the forest workers in Kakamega Forest as well?

Mr. Malinda: Mr. Speaker, Sir, I shall need notice to answer that question.

The Speaker (Mr. Slade): Yes, Kakamega Forest is another question.

Mr. Mbogoh: Mr. Speaker, Sir, would the Assistant Minister then tell the House why the Government should exploit workers like that while in this country we want to get the salaries increased?

Mr. Malinda: Mr. Speaker, Sir, I do not agree with the suggestion by the hon. Member that Government is exploiting these workers.

Dr. De Souza: Mr. Speaker, Sir, is it the Minister's contention that it is perfectly legal for private employers in Nairobi to pay Sh. 70 a month plus housing, water, fuel and a little patch of land to plant maize? If that is so, I am sure the public is quite shocked at it.

Mr. Malinda: Mr. Speaker, Sir, I was replying in comparison with what private employers here give to their workmen.

Question No. 47

PROPOSED FORM II EXAMINATION

Mr. Godia asked the Minister for Education if he would assure the House that the Junior Secondary Examination which he was proposing to introduce from the end of this year would determine the careers of the Form II students, i.e., whether they should continue with some of professional training or whether they should continue with further education.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The new Form II examination will be offered voluntarily to those pupils in Form II who wish to take it, in order to secure recognized certificates which they can use to secure jobs or professional training. For instance, college places for training of P2 teachers will be offered to those who will pass this examination. However, it is not intended to use this examination to determine whether pupils completing Form II studies will gain admission in Form III or not. The position is that in all maintained schools, pupils who gain admission into Form I can go right up to Form IV unhindered by an examination at the middle, and, for that reason, it is not necessary for this new examination to be used in that way.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will he consider finding places for boys and girls in *Harambee* secondary schools who want to continue with further education up to Form IV?

Mr. ole Konchellah: Mr. Speaker, Sir, the pupils from *Harambee* schools are also going to take this examination, and if they pass well and if the *Harambee* schools have facilities to give

[Mr. ole Konchellah]

more education for these pupils for two more years, there is no objection from the Ministry of Education.

Mr. Nyaberi: Mr. Speaker, Sir, may I know from the Assistant Minister whether such an examination will be offered to the schools in the City of Nairobi, such as the President Kennedy Memorial College in the centre of Nairobi? There are private schools in Nairobi.

Mr. ole Konchellah: If I may repeat, Mr. Speaker, Sir, this examination is open for all schools. Even if the Nairobi City Council private schools do not do this examination, they are supposed to do the Cambridge School Certificate which they have also to pass and get their qualifications, so that they will be recognized, having passed an examination, so this examination is open for all schools.

Mr. Shikuku: Arising from the Assistant Minister's reply, Mr. Speaker, could he enlighten the House as to what will happen to those who are already in Government-aided schools who happen to fail that examination? If they did and several students from *Harambee* schools passed, would the Minister assure us that these students would be removed and be replaced in Form III by those who came from *Harambee* schools and passed the examination, so that they can have higher education?

Mr. ole Konchellah: Mr. Speaker, Sir, I think this question needs a bit of explanation, but I have already said that the Ministry of Education is not going to interfere with the chance that a student had in Form I. If he fails the examination and he wants to continue with education in Form III and Form IV, the Ministry of Education is not going to interfere. We are not going to remove students who had a chance of getting to secondary schools just for the sake of getting a place for somebody who perhaps did not do very well in the K.P.E., because the reason why a student is in a *Harambee* school is perhaps that he did not pass K.P.E. well. On the other hand, Mr. Speaker, the *Harambee* students will have to continue in the *Harambee* schools, because the system now is that, when a child is in Form I, he has the right to continue up to Form IV, and that is the system and the policy of the Government.

Mr. Kamau: Mr. Speaker, Sir, according to the reply of the Assistant Minister, he said that the Government is not going to interfere if a student fails. What is the use then of having this examination if a student fails and the one who passes will not be given preference over the one who fails in the Government school?

Mr. ole Konchellah: Mr. Speaker, Sir, the reason why we are going to set this examination, I would say, is because of public feeling, and I think it has been the feeling of Members of this House that this examination should be set up. One of the reasons is this, that in addition to Form II pupils in *Harambee* schools, the teaching profession will also benefit in two ways. P3 teachers who pass this examination will obtain promotion to the P2 grade. Secondly, P2 teachers' training college will use this examination for the recruiting of P2 material for training and thus do away with the present selection examination which does not qualify anyone. It is also expected that where Form III vacancies occur, they will be filled and that this examination can also serve that need.

Mr. Muliro: Mr. Speaker, would the Minister not agree with me that this examination places at a disadvantage the pupils who go to the non-Form IV secondary schools, and even if a child is first class, if he happens to get no chance in a normal Form IV school, he will be at a disadvantage to one who goes to, say, a place like Alliance High School.

Mr. ole Konchellah: Mr. Speaker, Sir, I did not quite get the question of the hon. Member.

Mr. Muliro: Mr. Speaker, would the Minister not agree with me that this examination places a brilliant child at a disadvantage who goes to a school which does not have a Form IV class, but happens to go to, say, a *Harambee* school, a private school which does not go up to Form IV?

Mr. ole Konchellah: Mr. Speaker, I think, in general, I do not agree with the hon. questioner and, on the other hand, as I said before, it is the policy of the Government at the moment to give a pupil who has obtained a chance of getting into Form I a chance to go up to Form IV. So even if a *Harambee* pupil passes the examination very well, it is upon that *Harambee* school to try and maintain the education of that pupil to a Form IV standard.

Mr. Godia: Mr. Speaker, Sir, since the number of pupils attending the *Harambee* secondary schools in the country is more than those attending Government-aided secondary schools, does the Minister not consider it necessary to do something in order to help these pupils in *Harambee* secondary schools who sit this Form II examination, so that some of them can go ahead to Form IV and write their School Certificate?

Mr. ole Konchellah: Mr. Speaker, Sir, I am quite sure the Ministry and the Government are trying to help these pupils, but actually how the questioner put the question is where we disagree, because when a *Harambee* school was built, the

[Mr. ole Konchellah]

community in that area came to the Government and said that they wanted to put up a *Harambee* school, they wanted it to be registered and they had the funds; "We are not going to trouble the Government to finance that particular school." But, Sir, the community is given permission to carry out the project of building the school and also starting the school, so the Government has been trying to get funds to help, because, if we have the funds, we would also be able to help those *Harambee* schools and they can continue their education to Form IV. We do not want to promise something when we do not see the funds with which to maintain those schools.

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

*Question No. 14*EMPLOYMENT IN THE WEST KENYA
MARKETING BOARD

Mr. Makone asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether he was aware that the West Kenya Marketing Board had practised injustice in employment of the maize producing tribes. For example, fourteen Kisii as compared with thirty-four Luo marketing produce inspectors.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply of, "No", could he could give us the list of names of the people quoted here, namely, the people who are working in the West Kenya Marketing Board? Could he give us the names and tell us how many there are?

Mr. Murgor: Mr. Speaker, Sir, in any case, the West Kenya Marketing Board does not exist any more and the hon. Member should not go back to practices which may have been rectified by the dissolution of the said board. The Ministry's recruiting policy has been based purely on merit and this is what has been, and will be, directed to all boards under the Ministry. As far as I can interpret the question, any further supplementary questions would be obsolete and would be dealt with as they arise since the West Kenya Marketing Board no longer exists.

Mr. Makone: Mr. Speaker, Sir, would the Assistant Minister agree with me that this is a case of employment before the dissolution of the board?

Mr. Murgor: Mr. Speaker, Sir, I do not think I need to say more about this board, since this board does not exist now.

Mr. Omar: Mr. Speaker, Sir, arising from the original reply given by the Assistant Minister, could he tell the House whether it was true, when this board was in existence, that it employed fourteen Kisii people and thirty-four Luo people?

Mr. Murgor: Mr. Speaker, Sir, whether they employed Luo people or Kisii people, they are all Kenyans.

Question No. 67

INTERMEDIATE SCHOOLS FOR K.P.E. PASSES

Mr. Makone, on behalf of Mr. Ngala-Abook, asked the Minister for Education whether he would consider, as a matter of urgency, promoting a good number of decent and suitable intermediate schools in all provinces, to start at Form I and II for the time being, to absorb the many K.P.E. passes who were now stranded, so as to enable these pupils to sit the recently announced Junior Secondary School Examination in two years' time.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. There is no possibility of providing additional Form I and II courses, at present, for pupils who have passed the Preliminary Examination but have not obtained admission to Form I-IV streams, since all capital and recurrent funds, and qualified teachers, that are available and expected to become available, are fully committed, by my Ministry's development programme for expanding secondary school facilities.

However, while immediate action to give these pupils, or any significant proportion of them, a further two years of education is quite impracticable at this stage, the Ministry is not indifferent to the need to make suitable provision for them, and more particularly for those who complete their primary education at a relatively early age. Before any plan can be formulated, careful consideration must be given not only to the financial and other material implications of such a proposal, but also to the type of education which would be best suited to such children and best fitted to the country's needs.

Mr. Makone: Mr. Speaker, Sir, would the Assistant Minister and the Ministry of Education consider a policy whereby the pupils sit an examination at the end of Form II instead of Standard VII, so as to allow all students in Kenya who take the K.P.E. at the Form II level to be able to join in technical and other training?

Mr. ole Konchellah: Mr. Speaker, Sir, the Ministry and the Government sympathize with the whole situation, but I will just try and give

[Mr. ole Konchellah]

the hon. Member a number of figures in which, perhaps, the Government would involve itself if it is going to carry out the whole project.

In 1965/66, the Ministry's programme has created some 3,500 new Form I places, but, during the same period, the number of K.P.E. candidates has risen by 86,000 and the number of passes by 40,000. To provide Form I and II courses for approximately 60,000 people who passed, but who were not able, this year, to find places, would require over 3,400 classes at more than 1,700 schools. It would cost about £25 million for buildings and equipment and nearly £7 million a year by the second year. On the other hand, they will need 4,500 extra teachers who will need to take the courses. So, Sir, these figures, if the Government is going to decide to educate these people, will need funds which the Government, at the moment, does not possess.

QUESTION BY PRIVATE NOTICE

IRREGULARITIES IN MOMBASA DOCKWORKERS' UNION ELECTIONS

The Speaker (Mr. Slade): Mr. Omar, I think you have a question by private notice? Will you ask it now?

Mr. Omar: Mr. Speaker, Sir, I beg to ask the Attorney-General:—

- (a) Is the Attorney-General aware of allegations that corruption, bribery and other forms of malpractice prevailed during the recent election of the Mombasa Dockworkers' Union?
- (b) Would he be prepared to institute an inquiry into the affair?

The Attorney-General: (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. Perhaps I should, first of all, say that this question should properly have been answered by the Minister for Labour, but I have discussed it with my colleague, the Minister for Labour, and in view of the allegations which have been made; allegations that there was corruption, bribery and other forms of malpractice prevailing during the recent election in Mombasa, the Dockworkers' Union elections, we decided that I should reply to this question.

Mr. Speaker, Sir, I would like to preface my answer by saying this. Before the dockworkers' elections took place, the Minister for Labour and his Permanent Secretary went down to Mombasa and saw the parties who were involved, to make sure that the elections were carried out

peacefully. Now, Sir, having said that, my answer is this. The election of the Dockworkers' Union held on the 19th May, 1966, was properly supervised by the Ministry of Labour. No complaints regarding any malpractices have been made by members of the union to the Ministry of Labour or to the Registrar of Trade Unions, and I therefore, do not consider any inquiry is necessary.

Mr. Speaker, Sir, I am surprised that this question should have been asked, because the following morning after the elections, Mr. Mwanyumba who was one of the candidates, made a statement to the Press in which he thanked all who had voted for him and said that, although he had lost the election, he considered that it was carried out in a most democratic manner. He personally undertook to support the man who was elected, Mr. Juma Boy, and asked all his followers to do the same.

Mr. Omar: Mr. Speaker, Sir, arising from the reply given by the Attorney-General that, before the election took place, the Minister for Labour and his Permanent Secretary went to the Coast and met both parties and cleared all the difference that existed, is he not aware that after the meeting of the parties with the Minister for Labour, one party went and hired hotels and bars and brought free drinks and food which were provided to the voters so that they would not vote for the other party?

Mr. Njonjo: Mr. Speaker, Sir, I merely want to say this. There was no single incident during the voting period, or even at the time of counting the votes, the results were announced to a jubilant crowd who were anxiously waiting for it. The new General Secretary, Mr. Juma Boy, was carried shoulder-high and there was dancing in all the streets of Mombasa, but all in good humour. Mr. Speaker, Sir, all I would like the House to consider is this. If there are allegations, such as have been posed in this question, of malpractices and corruption, what I would expect an hon. Member or, for that matter any member of the public to do, is to go to a police station, make a sworn affidavit that these malpractices that are being alleged did, in fact, take place, and I am prepared to see that the Criminal Investigation Department investigates the allegation.

Mr. Muruli: Mr. Speaker, Sir, is the Attorney-General aware that the questioner had some personal interest in this affair?

Mr. Omar: This is a very serious allegation that the hon. Member who has just sat down has made.

POINT OF ORDER

DECLARING AN INTEREST

The Speaker (Mr. Slade): Order! It was not put in the right way. I was going to stop Mr. Muruli because he was, as he put it, imputing a wrong motive in the question. If it is suggested that an hon. Member has a personal interest in a matter which he has raised, the right way to do it is on a point of order to ask him to declare if he has any interest, and not to allege that he has one.

Mr. Muruli: Mr. Speaker, Sir, can I therefore ask the hon. Member to declare whether he has an interest?

Mr. Omar: Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order! We are dealing with a point of order.

Mr. Omar: On a point of order, Mr. Speaker, Sir, there is no question of declaring my interest in the affair, because I am a constituency Member for this area and, after the election, Sir, I received a delegation from the members of the Dockworkers' Union who participated in the election—

The Speaker (Mr. Slade): Order! When you are asked to declare your interest it means to declare whether you have any interest, any personal interest in the matter, outside your duties as a constituency Member. That is all you are being asked now. You can say no.

Mr. Omar: Mr. Speaker, Sir, I do not have any personal interest, but what I am saying is that after the election I received a delegation—

(Resumption of discussion on Question by Private Notice)

The Speaker (Mr. Slade): Order! We do not want to hear all that.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that the Attorney-General has not known that such things like drink was given free and that hotels were hired, and this showing more or less like that a political motive was there, in that case, as the Attorney-General does not know what happened during the political campaigning, would he tell this House whether it is lawful for some people to give their supporters such things in a case like that?

Mr. Njonjo: Mr. Speaker, Sir, my duty, as Attorney-General to the Government, is not to answer hypothetical questions. What I did say, and what I still ask the hon. Members to do, is, if there is any allegation of malpractices by his constituents, all I would ask him or advise him to do, is to go to a police station in Mombasa and make a statement on these allegations.

Mr. Ochwada: Mr. Speaker, Sir, since for some time we have had such allegations made, which, eventually, are found to be false allegations with no ground to support them at all, could the Attorney-General tell the House what he would do if it were found out that no member of the public or no member of that particular union came forward with a constructive statement to the police stating that there were malpractices and corruption involved in the election of the Dockworkers' Union?

Mr. Njonjo: Mr. Speaker, Sir, I do not know whether you follow that question, but I am afraid I do not.

Mr. Ochwada: Mr. Speaker, Sir, the Attorney-General did ask the hon. Member that if there was any member of the union with concrete evidence that there were malpractices and corruption involved in the Dockworkers' Union, he should go to a police station in Mombasa and make a statement, or if there was any member of the public who had any concrete evidence of malpractices and corruption involved in the Dockworkers' Union, he should report to a police station. Supposing, Mr. Speaker, Sir, no members of the public and no members of the union came forward with a statement to the police, could the Attorney-General tell this House, what he intends to do, because we are getting fed up with these witch-hunting allegations against the public and against the Members of this House?

Mr. Njonjo: Mr. Speaker, Sir, as the hon. Member has rightly said, I am not going to engage in witch-hunting. All I can do is investigate a matter which is brought before the police by an individual member of the public. However, Sir, as this hon. House knows, the hon. Members in this House are free to make allegations which, some of them cannot even substantiate, but then that is democracy.

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

MOTION

LIMITATION OF DEBATE: PRIVATE MEMBERS' MOTIONS

The Minister of State President's Office (Mr. Koinange): Mr. Speaker, Sir, on behalf of my colleague, the other Minister of State, I beg to move:—

THAT the debate on Private Members' Motions should be limited in the following manner:—

A maximum of one and a half hours with not more than twenty minutes for the Mover, twenty minutes for the Government Official responder, and ten minutes for each other

[The Minister of State, President's Office]

Member speaking, and that ten minutes before the time for expiry the Mover be called upon to reply.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

The Speaker (Mr. Slade): Hon. Members will appreciate that is a repetition of a Motion which was passed during the last Session, and which has ceased to have effect with prorogation, so that a further Motion of the same kind is necessary if the House wishes to continue with the same restriction.

Mr. Mbogoh: On a point of order. Mr. Speaker, Sir, I beg to move that the question be now put.

The Speaker (Mr. Slade) I do not think I need put that to the House because there was no other speech in this debate.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE NATIONAL HOSPITAL INSURANCE BILL

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to seek your advice here, because since yesterday, when this Bill passed its Second Reading, a few technical points have arisen which require extensive amendment. I am advised by my technical officers that they will need some time to do this. However, if we take the Bill today it will have passed the stage where we could make extensive amendments.

In this case, would it be in order if this Bill comes up next Tuesday?

The Chairman (Dr. De Souza): Yes, you can move that the Committee stage of this Bill be adjourned until next Tuesday.

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I beg to move that the Committee stage of this Bill, the National Hospital Insurance Bill, be deferred to the next sitting day.

(Question proposed)

(Question put and agreed to)

Mr. Shikuku: On a point of order, Mr. Chairman, I wonder whether it will be in order, during the course of this suspension, if any hon. Member has any amendment to make, to present this to the Minister? Would the Minister entertain that?

The Chairman (Dr. De Souza): If any hon. Member gives notice in writing to the Minister before 2.30 in the afternoon, and he accepts it, then it would be all right.

We will now move on to the next Order.

THE KENYA MEAT COMMISSION (AMENDMENT)
BILL

(Clauses 2, 3, 4 and 5 agreed to)

(Clauses 6, 7 and 8 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Kenya Meat Commission (Amendment) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE NATIONAL HOSPITAL INSURANCE BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report that consideration of the National Hospital Insurance Bill be deferred to the next sitting day.

REPORT AND THIRD READING

THE KENYA MEAT COMMISSION
(AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Kenya Meat Commission (Amendment) Bill and approved the same without amendment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the Kenya Meat Commission (Amendment) Bill be now read the Third Time.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

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

MOTION

LOAN GUARANTEES: TANA RIVER AND EAST AFRICAN POWER AND LIGHTING COMPANIES

THAT this House approves the execution of the following guarantees by the Government of Kenya—

- (a) to the Commonwealth Development Corporation of the repayment of a loan not exceeding £3,500,000 together with interest thereon and other charges (if any) for the time being outstanding being lent by the Commonwealth Development Corporation to Tana River Development Company Limited for the purposes of meeting the local costs of the First Stage of the Seven Forks Hydro-electric Scheme, known as the Kindaruma Scheme; and
- (b) to Glyn, Mills and Co. of the repayment of a loan not exceeding £1,844,661 together with any interest thereon and other charges (if any) for the time being outstanding by Tana River Development Company Limited and by the East African Power and Lighting Company Limited in any of the events provided in the guarantee (wherein Glyn, Mills and Co., Tana River Development Company Limited and the East African Power and Lighting Company Limited are described as "Glyns". "Tana" and "E.A.P.L." respectively, and the Agreement dated the 21st January, 1966 and

made between Glyn, Mills and Co. of the one part and Tana River Development Company Limited and East African Power and Lighting Company Limited referred to as "the Financial Agreement") as provided in the following clauses:—

(1) If any Government or any public or local authority or any company, person or body of persons acting under or by reasons of the provisions of any law then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of Tana's property, assets or share capital or take any action for the dissolution or disestablishment of Tana or any action which would prevent Tana from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payment of all moneys then due to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

(2) If any Government or any public or local authority or any company, person or body of persons acting under or by reasons of the provisions of any law then for the time being in force shall condemn, seize or otherwise acquire or appropriate all or any substantial part of E.A.P.L.'s property, assets or share capital or take any action for dissolution or disestablishment of E.A.P.L. or any action which would prevent E.A.P.L. from carrying on its operations or any substantial part thereof, the Government hereby guarantees the due payments of all moneys then due and to become due to Glyns under the Financial Agreement and of any Promissory Notes purchased by Glyns thereunder and will within seven days of the due dates thereof pay to Glyns all such moneys and the amounts of all such Promissory Notes then remaining unpaid.

(The Assistant Minister for Power and Communications on 25th May 1966)

(Resumption of consideration in Committee interrupted on 25th May 1966)

The Minister for Power and Communications (Mr. Mwendwa): Mr. Chairman, Sir, before I give the Members the information they asked for yesterday, I do wish to apologize for not being able to come here for reasons which perhaps the Member will appreciate. Yesterday we had a meeting in the Central Legislative Assembly and by Constitution I am not allowed to be substituted by any other Member. I had to be present at this meeting of the Central Legislative Assembly. When I came here, after obtaining permission to do so, I found that my Junior Minister had already moved the Motion. For this reason I am quite sure that the hon. Members will accept my apology, because I could not help being absent.

POINT OF ORDER

RULING ON ADJOURNMENT OF CONSIDERATION

Mr. Balala: On a point of order, Mr. Chairman, yesterday when we were debating this Motion, and when the Committee of Supply resolved to debate this Motion again today, the Members who objected to the Motion being discussed yesterday were of the opinion that the interest rate and the period of repayment should be included in the Motion.

However, today we find the same Motion which was presented yesterday is being presented again today without any amendment, without the inclusion of the interest rate and other technical points included in the Motion.

I do not know whether it is in order for this Motion to be brought here today in the same form as it was yesterday, without any amendment.

The Chairman (Dr. De Souza): The Minister is strictly at liberty to bring the Motion in whatever form he wants to. The question is whether the Members who asked for and obtained the adjournment yesterday will be satisfied or not. That is for them and for the House to decide. The Minister is entitled to do as he pleases. That is a different matter.

Mr. Shikuku: On a point of order, Mr. Chairman, if I may follow up your ruling where you said that the Minister is entitled to do as he wishes, but it is up to the House to decide. Would it not now be in order for the House to move a Motion to the effect that we should block this Motion now?

The Chairman (Dr. De Souza): It is in order for any hon. Member at any stage to move that consideration be deferred for the time being, or that consideration of a particular Motion be adjourned to another day. However, I think it is

only fair to give the Minister a chance to speak first. We do not know what explanation he has to offer.

(Resumption of Consideration of Motion)

The Minister for Power and Communications (Mr. Mwendwa): Mr. Chairman, Sir, I think it is very unfair for an hon. Member to speak before he hears what I have to say. It is only fair that all the Members first listen to me and then they can comment. There are quite a few points on which the hon. Members wanted information. Before I give this information I would first of all like to clear one point which the hon. Members have raised today, which will make it impossible to make any amendment to the Motion.

This Motion concerns a loan to which the Kenya Government is one of the partners or shareholders. If amendment is to be effected to the whole Agreement, then it will have to go back to London because there are other parties that will be involved in the amendment. That will take at least six months from now. If it is the wish of this House to delay the Kindaruma project for another six months, if not longer, and for the whole project to stop now because there is no money to carry on with the work before this loan is guaranteed, then the Members will tell me so. However, I feel it is my duty to warn the Members of this effect, because it will have a grave effect.

For the reasons given, I think, Mr. Chairman, that it is fair for the Members to listen to me first and later on they can say whatever they have to say.

Hon. Members asked a number of questions yesterday during the debate and these are my replies. I would ask the hon. Members to listen to me very carefully because some of the points are technical points and they need careful attention.

(1) The rate of interest in the case of the Commonwealth Development Corporation loan is $1\frac{1}{4}$ per cent above the Commonwealth Development Corporation borrowing rate from the Government of the United Kingdom, at the time of each advance; and in the case of Glyn, Mills and Company loan, the interest is $5\frac{1}{2}$ per cent.

(2) The Commonwealth Development Corporation loan is repayable by seventeen equal instalments, starting on the 1st December 1971, and ending on the 1st December 1987. Interest only will be paid until the 31st December 1970.

The Glyn, Mills and Company loan is repayable by twenty half-yearly instalments, starting on the 15th December 1967, and ending on the 15th June 1977.

[The Minister for Power and Communications]

Both loans are repayable in sterling and the Government has been granted a certificate of approved enterprise under the Foreign Investments Protection Act.

(3) The reference to other charges, if any, is in accordance with section 3 (1) of the Loan Guarantee Act, and is designed to cover charges connected with the negotiations and grant of the loan.

The preliminary expenses have already been paid and the only charges outstanding which might be the subject of the guarantee are legal fees, commitment fees, payable to the Commonwealth Development Corporation on advances drawn in arrear to the drawing schedule, and the management commission of $\frac{1}{2}$ per cent, payable to Glyn, Mills and Company.

(4) In accordance with the shareholding and licensing agreement made between the four shareholders upon the redemption by the Government of all its loan capital and any other obligation arising out of this capital commitment, or upon the expiration of the bulk supply licence granted to the Government, the Government will have the right to purchase the shares held by other shareholders at their par value of Sh. 1,500, that is, when the loan has already been fully paid, all the shares held by the other three partners will revert to the Kenya Government. Therefore, the whole project will then be Kenya Government property, together with the assets. We will then own the company and its assets.

(5) Glyn, Mills and Company are old established merchant bankers in London, who, in this case, are acting for a syndicate of banks, consisting of themselves, Barclays Bank Limited, the Midland Bank Limited and Westminster Bank Limited.

(6) Members also asked about the effect on the Kenya/Uganda Electricity Agreement of 1955. The provision in the Kenya/Uganda Electricity Agreement, 1955, for the supply of a minimum requisition demand of 30 mW. by the Uganda Electricity Board to the Kenya Power Company Limited will be altered under supplementary agreement freely negotiated between the two parties in 1964. However, account was taken of the extra capacity provided by Kindaruma. The Uganda Electricity Board will, on the commissioning of the first 20 mW. set at Seven Forks towards the end of 1967, be relieved of the obligation to supply on requisition by the Kenya Power Company Limited as to a maximum of 15 mW. of additional power.

(7) The shareholders in the Tana River Development Company Limited are, the Kenya Government, the Commonwealth Development Corporation, the East African Power and Lighting Company Limited and Power Securities Corporation Limited.

Let me say here, Mr. Chairman, that I do not want the Members to be confused in the name Tana River Development Company Limited. This is a company which is non profit-making. It is a company composed of the nominees nominated by the four partners I have mentioned, one of them being the Kenya Government. The others are the East African Power and Lighting Company Limited, the Commonwealth Corporation Limited and Power Securities Corporation Limited. They formed themselves into another non profit-making company, in the name mentioned above, which is completely in charge of the whole project.

This association of partners in the new company ensures the closest co-operation with Government policy in matters of finance, technical co-operation and future sponsorship of the successful stages of capital provision as need arises.

In addition, Mr. Chairman, I would remind Members that a Motion, approving the guarantee to the Commonwealth Development Corporation in respect of this loan, was passed by this House on the 27th November 1964.

It was subsequently agreed that the Motion may be *ultra vires*. That means that the Motion which was passed here had to be supported first by an Act which was then not passed; and, therefore, the Act was brought into this House in March, this year, to enable the Motion to be brought again so that it would have the effect. This is the reason why we are now bringing this Motion here, which had already been passed in November, 1964, but it had already overtaken the Act which was necessary to make the Motion effective. It was subsequently agreed that the Motion might be *ultra vires* the Constitution without further legislation which was only enacted in March, this year, in the form of the Loans Guarantee Act, 1966. The Motion failed to appear on the Order Paper before the House rose on 11th March, this year.

The commissioning date is considered vital—and very vital—Mr. Chairman, to the meeting of the country's future power requirement: and the scheme having been approved by the Government was preceded with Commonwealth Development Corporation finances by temporary—and I repeat temporary—limited guarantee from the

[The Minister for Power and Communications] East African Power and Lighting Company Limited in anticipation of formal approval of the guarantee under the new Act. Therefore, here, Mr. Chairman, I must pause and say: if this Motion is not carried in this House, what will happen is that the work will stop in Kindaruma from today. Tomorrow all the people employed in Kindaruma will be sacked because the Commonwealth Development Corporation cannot afford to give any more money to Tana River Development Company Limited without any guarantee from this Government.

Mr. Chairman, this is the first guarantee for which approval has been sought, especially under the Loans Guarantee Act. In passing that Act, however, the House gave formal approval to the thirty-nine guarantees, including some to Commonwealth Development Corporation listed in the schedule to the Act.

Mr. Chairman, may I assure this House that this is a very complicated matter. It has a lot of data, it has a lot of things to be seen to. I promise the House, Mr. Chairman, that a booklet is going to be written and circulated to the Members for their information in order that they can read the whole project from the beginning up to the end, so that they know exactly how much money is involved into this project. Therefore, may I appeal to the Members that it is essential, and very essential, not only to this House and the Members themselves, but to the country as a whole. It is after Kindaruma is completed that Kenya will start getting its own power, its own light, and electricity then will be taken even to places which have no electricity today, like Kitui, Isiolo, the west part of Machakos, Butere, and also Lamu, Kilifi, and all other places which today have no electricity. I think this is our pride.

For the information of the Members, Mr. Chairman, also, the Kindaruma project will be carried out in three stages involving some £30 to £40 million. Today we are taking only a small section of the Kindaruma project which requires only £6½ million and, therefore, our getting the rest of the money, which Kenya Government cannot get—we have not the money.

Mr. Chairman, I appeal to the hon. Members to approve the Motion. I beg to move.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, while seconding the Motion I would like to give the following information, and this is customary.

Mr. Chairman, Sir, I would like to inform the House of the total—

The Chairman (Dr. De Souza): The Motion was in fact proposed yesterday and no seconder is required for Motions in Committee of Supply.

The Assistant Minister for Finance (Mr. Odero-Jowi): I see. This is the information I am giving. I would like to inform the House of the total contingent liabilities in respect of Government guarantees up to date. This is, Mr. Chairman, £40,262,480, made up as follows:—

£8,801,381 included in the schedule of the Loans Guarantee Act, and £31,461,099, which is our share of the guarantees entered into under the special legislation for East African Railways and Harbours, the East African Posts and Telecommunications, and the other services.

So far we have not entered into any guarantee under the £30 million authorization of the Loan Guarantees Act. The two guarantees being considered today will be the first to be entered into under the Loan Guarantees Act. Thank you, Mr. Chairman.

Mr. Shikuku: Mr. Chairman, I think the hon. Mover who has just moved the Motion again, or rather, continued yesterday's Motion has tried to give us long technicalities yet he knows very well we are not technicians here, and, at any rate, Mr. Chairman, the quarrel we are having with the Motion is that it has not been stipulated in the Motion how much we are supposed to pay in interest; and we are guaranteeing the Motion. Probably the interest might be increased, which we have not guaranteed at all. I am wondering who negotiated on behalf of this Government this type of resolution. Surely I do not have legal brains, but any man with common sense would agree with me that this is too hollow, and we are up to approving something that might be very difficult to live up to or to be able to pay back because there are so many loopholes in that resolution.

Mr. Chairman, the booklet referred to by the Minister, that we shall be informed of what is happening, is actually the opposite of what we should be told. We should have been given the booklet before the resolution. It is pointless for us to pass the resolution here and get the booklet tomorrow. What sort of explanation can we have from that booklet when we have already approved the resolution? It is gone, and the money gone, too, with it. Therefore, Mr. Chairman, I feel that in future the Government must be very careful. Of course, we will have to excuse the Minister for having tried to appeal to us. He has said that at the last moment. He ought to have said it at the beginning because he was warning us. You do not have to warn these Members here. We are very responsible people,

[Mr. Shikuku]

elected to this House and we are not going to be warned by a single Minister here; but you can appeal to the hon. Members.

Since the Minister has appealed, and humbly, too, I feel we should warn him now that in future the hon. Members in this House must be fully informed of any money transactions because we are a nation, a young nation, and we are apt to get ourselves into a hell of a mess if we are not careful with the people who are handling the money, particularly Britain. They are very crafty on these issues.

I think the person who negotiated the whole issue and who was present when the drafting of this resolution was made should also be warned that in future we do not want such hollow resolutions which can include a lot of things which can be slipped in. With this warning I hope the Government will be alert in future not to bring us such a hollow resolution and expect to get away with it, and in view of the fact that it is only the first part of the loan, I hope we will be getting the second part, but since it is the first one and since I am the president of the poor people whom I know very well, this is going to make so many people unemployed who will go hungry, I think we will let the Minister get away with it this time, but not in future.

Mr. Wariithi: Mr. Chairman, I would like first of all to say that the Minister has tried to appeal to us, and tried to give us the importance of the Kindaruma Scheme, which we know very well, in fact it is quite true that we, in this House, are aware that we need electricity and power, but perhaps even that being the case, this is not an excuse as to why we should be hurried up and rush through a resolution without being quite satisfied that we are doing something which is fair to this country.

To start with, if I may explain this word guarantee in my own way, it means that if this company we are guaranteeing the loan for is unable to pay, the Kenya Government will have to, and for that reason it is important that we should be made quite clear what we are committing our Government, our taxpayer to in the event of non-payment of the loan by the company. That is why I will support the president, the unknown, unregistered president of the poor people, when he says we should be told the exact rate of interest. The wording of the resolution says not exceeding £3,500,000 together with interest thereon. What rate? Is it the market rate or is it whichever is negotiated? We are not told. We were told in a subsequent answer by the Minister what the rate will be, but it is not specified

in the resolution. It could be somebody in the office who prepares the notes, he can say it will be 5 per cent or 5½ per cent, 1¼ per cent above what one normally pays. Mr. Chairman, I am not satisfied that the Minister has given us the wording particularly which is water tight, as we say in law sometimes, which does not allow the possibilities of changing the rate for convenience of one particular party or the other. The answer to that matter is complicated is not an explanation which would satisfy this House, that we are not being given all the facts because it is complicated. It may be that these people are not interested in reading but some are keen to know exactly what we are doing. In any case, it is a fact that people are going to lose their jobs, maybe a threat, because we know that people are unemployed, therefore if we do not approve this more people will be sent on the street. These are a kind of threats which I do not think are very convincing. We are told that if we do not pass this now the matter will have to be sent back to London, and this will take six months, and therefore it is very, very urgent. Anyway, all that I am saying, Mr. Chairman, is that if it is something important we should be given the information, not to come at the last minute and appeal to us by what we already know our problem is in this country. Therefore, then you are tied up for twenty good years, some of us may not be living at that time, that is only when this project will become part of the Kenya Government. Of course, one may argue you are given a long time to pay, because you cannot pay quickly, but then one wonders where we are heading. If you are going to borrow money, and you provide that the project continues for twenty years, before it reverts to the Kenya Government, it seems to defeat some of our thinking.

In any case, there is another point here, Mr. Chairman, I would like to raise. I want to declare my interest before I do so. Being a member of the legal profession, I am going to raise one or two points which may appear as if I have some interest. I would like to say first of all that I have no interest, and that I am not looking for work, but I want to raise this matter because some of us in the legal profession are getting worried as to why our own Government continues to give legal work to foreign firms, pay a lot of money, and some of these firms' members or partners are not citizens of this country, and they have no interest except the money they get in this country. I would like to ask the Minister a few questions. Now this loan is quite substantial, three and a half million, and the other one is almost two million, should I know Mr. Minister, if you do not know now maybe you can

[Mr. Wariithi]

tell me later, the total legal fees paid or payable for negotiating these loans? Preparing the necessary documents. It is known by hon. Members of this House, that for all these loans there must be a firm of lawyers to draft the documents, to negotiate, to approve and all that sort of thing. That is the first thing that I would like to know, and that is the total legal fees paid or payable to negotiate and carry out these loans. The second question is who are the advocates, or the firm of lawyers in Nairobi who have been given this work by Government? What is the name of that firm of lawyers? Further, I would like to know, maybe as the policy of the Government, the Minister will not be able to tell me, I would like to know why is it that the Government gives all the legal work to firms of advocates who are neither citizens, or who have no interest in this country. I said earlier that I am a lawyer and I am not asking for work, in fact I am over-worked. I would just like to know why is it that most of this important Government work, is given to foreign firms, whereas the former Asians were Kenya citizens, in fact there are very few Africans if you put it that way, and I am not asking because I am an African, but is it the policy of the Government to continue giving work to these firms of foreigners? I know a number of statutory boards and their lawyers, I know them, not that other firms cannot do the job, because maybe for the last ten to fifteen years they have been doing it and therefore you continue with the same pattern, despite the fact that there has been a change of Government.

Mr. Chairman, these are the two points that I wanted to raise, and to end up my point is that I would insist and request the Minister that the information he has given us be properly included in the Motion itself, so that we know exactly what the total commitment is that we are committing ourselves to. But while he says it is complicated, there is going to be a booklet, people are going to lose jobs, this sort of thing I do not think is very important to some of us.

Mr. Balala: Mr. Chairman, Sir, you will remember yesterday when we opposed this Motion, and we asked for it to be brought today, I hope we will not be misunderstood to be opposing this Motion or to be opposing the context of this Motion, but we asked that this Motion be brought back today with the view that the points raised, the technical points raised, such as the interest rate, and the period of repayment shall be included in the Motion. To our surprise the Minister did not think it fit for these technical points to be included in the Motion. I

must say, that when we opposed this Motion we opposed it because we were of the opinion that there may be some changes in the future, within the context of the agreement or the Motion which we may pass. I can tell the Minister that from the explanation received from his Assistant Minister yesterday, and from the convincing argument and explanation put forward by the Minister himself this afternoon, there have been some differences between the explanations of the Assistant Minister and the Minister, and the differences are, the Assistant Minister yesterday could only reveal to us that the interest rate is 1½ per cent, he also stated that the repayment period is twenty-five years, the Minister today told us the interest rate is 1½ per cent over the Commonwealth Development Corporation, and 1½ per cent interest rate for the Glyn, Mills—

The Minister for Power and Communications (Mr. Mwendwa): On a point of information, Mr. Chairman, I would like to inform him that I said that it is 1½ above the Commonwealth Development Corporation borrowing rate from the United Kingdom, now I think that brings the percentage up to, if I can remember, 7¾ per cent in total. In the other one, Glyn, Mills loan interest is 5½ per cent.

The Chairman (Dr. De Souza) I think that is what you said.

Mr. Balala: Therefore, Mr. Chairman, I can assure the Minister that his weak Assistant Minister, I still repeat his weak Assistant Minister, could not give us the proper explanation, and could not convince us on this Motion. That is why we thought that the Motion is short of explanation.

Mr. Chairman, the other point which I raised, which is not technical, but a point which perhaps, or an opinion which may be shared by the ordinary man, is that I cannot understand why the Government thinks fit to give room to foreign private companies to participate in this important national project. I should have thought that the Government could take this project on its own, because we have been crying here that the Government should acquire the very important national projects of this country. Instead, today the Government is still continuing with the policy of giving room to private foreign investors to make profits out of our national industrial projects like the Kindaruma Project.

With these few remarks, Mr. Chairman, I support the Motion.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, I would like to congratulate the Minister for clarifying the

[The Assistant Minister for Health]

position as other hon. Members have said earlier that there was some confusion and misunderstanding yesterday, and people did not really know exactly where they were. Well it is partly because some of us are still new in the Ministries, and we are still learning our trade, and therefore, we do make mistakes, but the Minister has come this afternoon and clarified the point, and I am glad to note that Members here are happy about this, because I think this is one of those adventures which we simply must go into. Kenya, as we know, needs power, without power we cannot progress. We need power, we need man power, we also need the capital to carry on, and therefore, here we are encouraging the Government in trying to bring in power to the common man, we need power for industries, we need power for lighting our houses, we need power for transport even, and therefore every encouragement should be given to the Government to try to see that this power comes in. When I heard the Minister talking about the $7\frac{1}{4}$ per cent interest, I think we are very fortunate indeed, and we should congratulate the people who negotiated this loan, because these days, in money market, to be able to get a large amount of money like this, at this rate of interest, is very, very fortunate indeed. I think we should congratulate the Ministry, and the people who went to negotiate this loan to be able to get that low interest. Therefore, I feel we should really go ahead with the plan and we should not put any interest at all, and we should even congratulate the Minister for being able to get this work started immediately.

Another point which I want to bring up is the question of power within our own boundary. It is very, very important that Kenya should have its own power within its own boundaries. We get a lot of our power in this country from Uganda. At this very moment Uganda is in trouble. We hope and pray that that trouble will not last long. We hope and pray that that trouble will not affect us, but there is nothing to stop the trouble coming across to us. Suppose that trouble goes on and the Jinja hydro-electric power there is disrupted, what will happen to Kenya? We may not be able to do anything here in Nairobi. Are we going to depend on Uganda indefinitely? The Minister now is trying to plan something which will make Kenya independent of any other country. We shall be independent with power of our own, power which will be generated here within our soil. Surely, this is the time when we should give every encouragement to our Minister to be able to produce this. This is something very, very serious indeed because without power there is almost no country.

Mr. Chairman, Sir, there is another point I want to raise. In supporting this Motion today, we shall confirm and demonstrate to the people outside the borders of our country that our promise can be honoured. This Motion was brought up here and we passed it, and everybody in this House was happy about it. We all cheered and were very, very happy when we were told that within a few years we shall be able to electrify almost every home in Kenya when this scheme is actually working. For us now, today, to come and tell the Minister that we are not going to give this guarantee, we are not going to allow you to spend this money or give this guarantee for this money, it means that, in other words, we are telling the outside world that we cannot keep our word. Is that really worthy of the name of our country? I feel, Mr. Chairman, the time has come that we must show the world that when we say something, we mean it, and this time we mean business. Our people cannot wait any longer, they want to see improvements in every field, and as time goes on ticking by they want to see changes and here is a big change; this will change every home that we have in the villages in our country.

Mr. Chairman, Sir, I feel we are now talking about something very, very serious and I do appreciate the problems that were raised yesterday; I do appreciate the difficulties that could not be understood by the Members of Parliament yesterday because they were not clarified, but the Minister has come with all the points quite clearly today. He has clarified every point, all the problems that we were not sure of have now been put quite clearly. Therefore, I hope there will be nobody in this Chamber who will oppose this Motion. Mr. Chairman, Sir, I do support the Motion very, very strongly indeed.

Thank you.

Mr. Jahazi: Mr. Chairman, Sir, I have also a few things to say on this Motion—

The Minister for Power and Communications (Mr. Mwendwa): Mr. Chairman, Sir, may I give a point of information before the Member speaks, so that he has something to speak on, if he will give way. I want to give you information.

Mr. Jahazi: To whom do you want to give information?

The Minister for Power and Communications (Mr. Mwendwa): You, so that you—

The Chairman (Dr. De Souza): I think, Mr. Mwendwa, it would be better to wait until he has finished and then you can find out
 (Inaudible).

Mr. Jahazi: I do not need any information. Mr. Chairman, Sir, the Minister can give information later, but I do not need this information for the time being.

I would say that I do not know who negotiated this agreement—whether it was our Government or one of their various experts—but, let us face it squarely, the agreement was really one which hit us below the belt. I know very well that in the present circumstances it is not very easy to go to London and negotiate a loan and come with a loan in your hands where you have gained all the advantages over those who have the money. They have their money now and they are blackmailing us with that money, and you cannot get a cent or a pound in London or America, wherever you go, unless they know that they have milked you so much that by the time you repay they will have received their money three or four times over. Those are the conditions. If you like it, you get the loan; if you do not like it, you come back empty-handed, you face very tough people to whom you promised too much at home before independence, and if you are unlucky you get overthrown. This is the trouble that is facing our Government now. I think Members who criticize all such agreements must know very well what hard times the Government is facing in getting a loan.

I know very well that the Minister for Power is anxious to see this thing going through and he fears that somebody will be kicked out of a job. Maybe it is true. Maybe he was threatened during the lunch-hour, saying, "You chaps are not doing anything. If you do not want this, we are withdrawing this and your men will not have work tomorrow." They have the money and they can threaten him with any words, and he is a desperate man at the moment because if we block this, those people may carry out their threat, even if for a day. But all I know is that this is a transaction, it is a money transaction. This group calling themselves Glyn, Mills and Co. are a combination of banks in London and some of them are here, like Barclays and all this big group. They are a money group, they know where to hit you where it is most painful; they have the economy of Kenya, they know everything, they know the whole world. So they know where to threaten the Minister most: that is, "We are going to move out of Tana River Development tomorrow and we will see what you can do."

Of course, the Government negotiated with good intentions, that all they had was to give this country power, whatever the cost, and they know that by dilly-dallying around and trying to be too clever they will not get the money,

so they had to accept this agreement. Therefore, I do not blame the Ministry or the Government, I blame squarely these money fellows who are so mean and who are trying to exploit our situation and try to give us such hard conditions that we have to take it as they want it, because they give us a loan and say, "All right, for twenty years we will be getting whatever milk will come out of this project. The moment you finish, then it will be yours." They have calculated, knowing very well that by that time they will have had three or four times as much profit as anyone, because they are not helping. Whoever says they are coming here to help develop us with an agreement like this one, we say they are not helping us; they are doing business, they are blackmailing us, exploiting our situation and getting as much as they like from us in our present difficulties. If anyone says that the Russians would have given us better, the Chinese would have given us better or the Americans would have given us better, I would say that he is lying to himself. Wherever you go, when it comes to borrowing, this is the best or the worst we could get. If there is anything worse than worst, well that is what is in store for us, but there is nothing better, I am quite sure, because if you happen to read a lot about the problems we are facing, you will find out that all the under-developed countries are facing the same thing, whereby you find that the capitalists who have centres in London, Paris and New York use all the capital to blackmail and exploit the situation we have here. They pay less for our products and they make us pay more for their products.

Therefore, we are always on our toes, flying to London to beg for loans and these loans to them are big business because we are now their money market, where they can make us much as they can, because we have no choice; we have to go to Russia, America, Britain or to France, but the conditions are the same, and once we get there, it is the same in one way or another.

But what I would like to tell the Government that in negotiating, if you bargain, it is the same as going to Bazaar Street when a Muhindi tells you a shirt is Sh. 20. If you pretend to be a lord, a rich man, and say, "Oh, Sh. 20; it's nice, pack it", he will do so, but if you are shrewd and say, "No, somebody next door just told me it is Sh. 15; how can you charge me Sh. 20?" then he will say, "Oh, somebody next door is selling at Sh. 15. All right; after all, you are my friend for a long time; you can have it for Sh. 15, but don't tell anybody else that I have given you this for Sh. 15." So when our Government go to negotiate, they must also be shrewd in these negotiations, in bargaining, trying to bluff these

[Mr. Jahazi]

fellows by talking about the Americans, the Chinese giving them a little threat: "The Mongolians will give us free of charge", or something like that. They should negotiate until they see that really they cannot go any point further. If the Government had tried to do that, they would have at least obtained a better deal than this.

I appreciate the point made by our learned friend, the hon. Mr. Wariithi, who said that it is high time that we trusted our own lawyers because you negotiate with a firm of lawyers in London. You know this world is full of ten-percenters. If these firms of lawyers could be approached and we could say, "Whatever we get from these chaps, we will give you 5 per cent or 2 per cent; you milk them, advise them this way and that way", and you come here and tell us, "Our experts in London say we cannot get better terms, so we must accept", without consulting our local lawyers. They trained there, they may know the tricks. Therefore, you must take them in confidence and you will see that they will save us from a lot of wolves who are trying to milk us as much as they can.

I know that the Minister cannot go to London himself and negotiate anything when it comes to money; even here, at a local bank, he must take somebody with him because the banks are profiteers, they want to make money out of you. They pretend to give you a loan, but do not think that the loan is free of charge or they have done a great favour. They must calculate and see that this fellow has an overdraft of £5,000. That is nothing to be proud of: "Barclays Bank gave me £5,000 overdraft." They know how much they are making out of you, and within a year your £5,000 has brought them so much that they do not care a damn whether they gave you a loan; you have given them a loan instead. It works out like that.

Therefore, Mr. Chairman, I would like to tell the Minister that his coming here and saying, "You approve this because tomorrow people are going to be sacked," is not very impressive, it is not intelligent. We want these negotiations to be carried out wherever they may be intelligently and then come here. We are always sympathetic and listen, but it does not mean to say that just because a few chaps will be sacked from this project tomorrow, that will be enough to make us silent and say, "Pass this Bill because the Minister says people are going to be sacked." That is not enough. The Minister is dealing with intelligent people in this House, not dealing with rubber stamps who would come in and say, "Although I made a mistake here, don't worry

because my word or the Government's word must be respected; let these people not say that our word is not respectable, that we are not reliable, and all this." He must understand the system we have is that it is not the Minister who approves this. Whatever he does, whatever promises he gives people anywhere, he knows that he is answerable to us here. We can reject this, we can stop it, we can delay it, we have power to do so.

Therefore, he should not come here transferring the threat he received from Glyn, Mills and Co. and the Commonwealth Development Corporation and all the other people, and say that we shall all be moved by their threats. We know that the Assistant Minister has spoken about the advantages of having our own power supply here, about light in every house, about, maybe, bicycles going by electricity and all that. We know that, nobody is disputing that, but we do not want to go bankrupt for this. We know that this was the subject of negotiations. We would like to know how we get this electricity in every house, every hut in Murang'a, in Giriama country, in Digo country and everywhere. We want to know how it came, because really to say that although this is yours, it will not be yours for twenty years, while the company that has been operating here for the last, I do not know how many, years, we are demanding that the Government take it over, the East African Power and Lighting and yet a new company comes—

The Chairman (Dr. De Souza): Mr. Jahazi, you are repeating yourself. You have made this point about twice before. I do not like interrupting you, but you are repeating yourself.

Mr. Jahazi: Yes, Mr. Chairman, but I do not think I have made so much on that point because I want to put so much emphasis on—

The Chairman (Dr. De Souza): You are repeating yourself.

Mr. Jahazi: I want to put so much emphasis on that point because this is not the first and last agreement. We would like to tell the Minister to be very, very careful because there lies the peace of this country. With the trend of things, we want the Government to own more and more in this; we want more public companies, whereby in all public utilities the Government have a say and a hand. When we see a new company coming up and we find that we will not have much say until twenty years' time—he said in 1987 or something like that—we are bound to shout, even repeat ourselves, Mr. Chairman, if it is necessary, to drive the point home to the Minister—

The Chairman (Dr. De Souza): No, no. There are Standing Orders and even though you may feel rather strongly about a matter, it does not entitle you to go against Standing Orders; you are not entitled to repeat the same point over and over again. I think you have made that point about twenty years about three or four times. It is not permissible to allow you to come back to it every five minutes.

Mr. Jahazi: Thank you, Mr. Chairman. I think if I have done it four times it has reached the place I want it to go.

Since the whole question revolves on what I have been saying, I would urge the Members to help the Minister and the Government, knowing that the deal here is very rotten, but this is the best they could do because if they refuse to do this our people tomorrow may be sacked and there will be no power here—I do not know—for the next twenty years.

With those few words, Mr. Chairman, I beg to support.

Mr. Balala: On a point of order, Mr. Chairman, may I move that the Mover be now called upon to reply?

The Chairman (Dr. De Souza): Actually, this is the Committee stage and the Mover does not have to reply, but he can do if he wants to.

The Minister for Power and Communications (Mr. Mwendwa): Mr Chairman, I would like to put a few points to the Members.

First of all, I must thank the hon. Members for the points they have put across on the Floor here, but there are one or two I want to clarify before I sit down.

First of all, there is nobody in this House who will be more pleased than myself to see African advocates forming themselves into a group of advocates for the Government to consult them in matters of this nature. Most of the advocates are here in this Parliament, unfortunately, and therefore I welcome the suggestion that our advocates should come forward, form themselves into a consortium of advocates, so that we can consult them any time the Government wishes to negotiate.

Mr. Chairman, the other thing I want to put to the Members is, this is not an agreement, it is just a guarantee. There is an agreement with the Government, within its powers of negotiating an agreement, which the Government has already signed, and in the agreement every single thing is there, and it has been studied very well: that is, the time of payment, the rate and everything.

Therefore, Mr. Chairman, I did not feel it was really necessary to put all this information in the Motion itself but I will be willing, as I said, to put this in the small booklet which I want to give to the Members.

Mr. Chairman, Sir, another thing which I would like to say is this. I would be very pleased myself to see all the private companies go if it could be helped, but, unfortunately, we find ourselves in the position where financially or otherwise we cannot do without getting assistance from a private company, therefore, it is because of these that the Government is forced to negotiate with private companies for money. Mr. Chairman, for the information of the hon. Members sitting in this House, may I tell them that there is no country today, in fact, I know of no country today which does not require financial aid from another country. For that matter England is one country which is getting a lot of money from the World Bank; United Kingdom. Therefore, Sir, this is not unique. Mr. Chairman, Sir, where countries have had a revolution, the first thing which the revolutionary, whatever you call it, sits down to do is to examine the financial position of the country as a whole, and the first thing they announce is that they are going to welcome foreign money. This, Sir, is what they say, because no African country today can stand on its own feet as far as finances are concerned. Therefore, this situation is not unique.

Mr. Chairman, Sir, another point which I would like to point out is this. I do not want to take much longer because I am very pleased about this Motion, and for the interest of the Members. The completion of the Tana River Development is a revolution, which is going to open up dry places like Kitui, and all the dry places along the Tana River right down to the Coast. It is going to be developed, when this project is completed, because the project is moving down along the Tana River. Therefore, Sir, I think the Members here will see this revolution take place while they are alive.

Mr. Chairman, Sir, the last point I would like to make is this. I have not been threatened by anybody. The information I gave the House I thought was necessary for the Members to know. I did not actually mean to threaten at all, because I would be the last man to threaten the Members here. They are hon. Members, like myself, and we have to respect each other. If I respect the Members, then they will also respect me. I am very pleased with the way they have actually treated my Motion. I feel that I have nothing else to give them except to say, thank you, hon. Members.

(Question put and agreed to)

(The House resumed)

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

REPORT

LOAN GUARANTEES: TANA RIVER AND EAST AFRICA POWER AND LIGHTING COMPANIES

Dr. De Souza: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution on the Order Paper and has approved the same without amendment. I do not know whether you want me to read the Motion.

The Speaker (Mr. Slade): No, we will spare the House.

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

CONSIDERED RULING

SUGGESTIONS OF PRIOR GOVERNMENT PROCEDURE IN MOTIONS ON LOAN GUARANTEES

The Speaker (Mr. Slade): Hon. Members I have listened with interest, from outside, to the debate which led up to this Resolution; and it has occurred to me that I might make a suggestion for future procedure in such cases which will help the House. Hon. Members were quite rightly very anxious to understand exactly the terms, purport and reasons for guarantees of such large sums of money before they approved them. The Minister gave full particulars in the course of the debate, but, as he said himself, some of

them are so technical and complicated that it is not very easy for hon. Members to follow. Again, when hon. Members pressed for more details of the actual terms of guarantee to be included in the Resolution, the Minister pointed out that the Resolution was already at great length, and indeed, some hon. Members themselves complained of its length and complexity. Now, it does seem to me that in such cases, where there is a very large amount of money involved and very technical circumstances, which Members ought to understand before they approve the guarantee, but which they can hardly be hoped to understand merely hearing the course of debate, it might be the solution if Government would lay on the Table of the House, a few days before the Motion, a Sessional Paper setting out the whole story, including the terms of the guarantees; which the Members could study, and even seek advice on, before the Motion comes to the House. Then, they would come with full knowledge of all that was involved, and the Motion itself could be very brief. It could refer, simply, to the Sessional Paper, and, thereby, impliedly include in the Motion itself, instead of merely as an explanation in debate, include by reference, all the detailed terms of the guarantee.

I would add that that, of course, is only necessary in such a large and complicated issue of this kind. There are many occasions when the terms of the guarantee are so simple and the circumstances are so clear that there would not possibly be any reason for a Sessional Paper of that kind.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Friday, 27th May 1966, at 9 a.m.

The House rose at Five o'clock.

Friday, 27th May 1966

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 15

PASSION FRUIT DISEASE IN KISII

Mr. Makone asked the Minister for Agriculture and Animal Husbandry to reveal to the House, in view of the fact that his Ministry had intended to send an expert to Kisii to study and investigate the cause of the threatening passion fruit disease, the result of investigations.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. Experts have already been to Kisii and have the following findings: (a) The disease in question is known as "Brown Spot" and is caused by a "Fungus *aternaria passiflorae*". (b) A spray known as "copper fungicide" has so far produced satisfactory results.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, that the experts were sent to Kisii, does it mean that these experts went to Kisii alone and not to Kipsigis where passion fruit is also grown?

Mr. Murgor: Mr. Speaker, Sir, I think this question is relevant to Kisii only; it referred to Kisii.

The Speaker (Mr. Slade): Yes, but, at the same time, I should think that what an expert discovers in Kisii is of value to the whole country.

Mr. arap Soi: Mr. Speaker, Sir, if the results of the investigation have come out, what is the Ministry doing in the way of propagating the information? What methods are they using, so that this is brought to the knowledge of farmers?

Mr. Murgor: Mr. Speaker, Sir, we have our field staffs in both districts of Kericho and Kisii and all the officers are aware of the findings and they are telling the farmers the way they can spray their passion fruit.

Mr. Mbogoh: Mr. Speaker, Sir, would the Assistant Minister tell this House how this information will be propagated to everybody in the country, because Kisii was used as a Government investigation centre to investigate the cause of this fungus, so can he tell us how this will come to be known in Embu and everywhere else in Kenya and then we can also know the process.

Mr. Murgor: Mr. Speaker, Sir, circulars have been sent to all agricultural officers in the whole country.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says the Government is trying to use a copper fungicide to eradicate the pest. What is the Ministry doing to see that there is cross-breeding of strains of a stronger resistance, so that we have a proper variety which can resist these disease more effectively than using fungicide which is very expensive?

Mr. Murgor: Mr. Speaker, Sir, trials are still going on and when we have a better result from these trials than the present one, then we will use that.

Mr. Makone: Mr. Speaker, Sir, will the Assistant Minister tell us what type of trials he is referring to? The question here is, what is the Ministry doing to help? Does it subsidize the farmers to buy this fungicide? What is the Ministry doing? There is no question of investigating and then leaving it like that. What is the Ministry doing to help the farmers?

The Speaker (Mr. Slade): That is not actually the question; the question was the result of investigations, but perhaps the Minister can answer.

Mr. Murgor: Mr. Speaker, Sir, I quite agree with what you said. The question was only on investigation and I have given what the Government is doing on these investigations.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister tell the House how much each farmer is expected to pay in order that the fruit may be treated against this passion fruit disease?

Mr. Murgor: Mr. Speaker, Sir, I need notice of that question.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he agree with me that what he has told us is almost a lie because many of these—

The Speaker (Mr. Slade): Order! We do not either almost or quite say "lies" about other Members' statements.

Mr. Nyaberi: Yes, Sir. In my opinion, Sir, many of these crops are dying in the Kisii country and I think the experiment the Assistant Minister has spoken about is not working and we are not satisfied with the answers he is giving the House.

Mr. Murgor: Mr. Speaker, Sir, as I said earlier, the result of the first trials was satisfactory. The officers concerned are still trying other methods, not only that one.

Mr. Balala: Mr. Speaker, Sir, if the Assistant Minister says that the results of the investigations are satisfactory, why is his Ministry now saying that it is also trying other methods.

Mr. Murgor: Mr. Speaker, Sir, I quite agree that the first trial was satisfactory, but that is not the end; we are pursuing other means.

Question No. 60

SOIL SURVEYORS: INCREASE OF

Mr. Mulama asked the Minister for Agriculture and Animal Husbandry whether, in view of the envisaged increase in the number of agricultural projects, the Ministry would increase soil surveyors instead of having only one surveyor on contract for the whole country.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, I beg to reply. The Ministry has, in fact, two soil surveyors, not one. One, a Kenyan, is at present abroad receiving further training, but a further soil surveyor is being seconded to Kenya under the technical assistance programme. In addition, there are two assistant soil surveyors. Further technical assistance in this field has also been applied for.

Mr. Muliro: Mr. Speaker, Sir, would the Minister initiate plans to increase the number of soil surveyors as it is very urgent now with many African farmers who do not know how to tend the soil?

Mr. Murgor: Mr. Speaker, Sir, soil survey is a post-graduate course of two years. Students currently studying for a Bachelor of Science degree in chemistry, etc., can be approached to specialize, but they need to graduate first.

Mr. Mulama: Mr. Speaker, Sir, arising from the Minister's reply, would he tell this House what necessary steps he is taking to see that the training of surveyors is accelerated because of the urgent need in the country?

Mr. Murgor: Mr. Speaker, Sir, the Ministry is doing all it can, if it can find students in colleges who wish to take these courses, and we are trying very hard to persuade them to take this surveyor's course.

Mr. Godia: Mr. Speaker, Sir, would the Assistant Minister consider advertising for this course, so that suitable candidates who are in some of our colleges can apply?

Mr. Murgor: Mr. Speaker, Sir, that is always the practice.

Question No. 49

FULL-TIME SCHOOL INSPECTORS

Mr. Godia asked the Minister for Education if he would consider strengthening the headquarters and provincial inspectorate teams by employment of full-time schools' inspectors, who should take over the functions of inspection from the education officers, whose important responsibilities were of management, administration and supervision of the schools under their jurisdiction, since the ordinary education officers had no time to devote to inspection of the said schools well.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. This has been the intention for many years, but financial stringency has not allowed all our desires to be fulfilled. The Ministry's Inspectorate has provision for twenty-five full-time officers, whose main responsibility is the inspection of schools, advising staff and all work connected with the improvement of syllabuses. Arrangements have also been made to station at every provincial headquarters, a full-time inspector of schools, to assist the provincial education officer in this specialized task. I can assure the hon. Member, therefore, that, as soon as finances can allow, more and more officers will be appointed to provide the best advisory and inspectorial service to all our educational institutions.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, is he aware that, at the present moment, schools all over the country are not being inspected? The officers—he mentioned one or two—do not find time to make a full inspection of schools and, as a result, the standard of education in the schools is much lower than it used to be in the days of the colonial régime.

Mr. ole Konchellah: Mr. Speaker, Sir, as I said before, this has been the intention for many years of the Ministry of Education. It has been the intention, but the Ministry has been also short of funds.

Secondly, Sir, we have inspectors stationed in provincial headquarters who are also giving services of inspecting schools in various districts in the province. On the other hand, education has been divided into two, there is secondary education which is in the province of the Central Government, and the present inspectors whom we have are inspectors for the Central Government who, most of the time, deal with secondary education. In primary education, for which the

[Mr. ole Konchellah]

county councils are responsible, at the moment, there are no inspectors, but there have been a number of assistant education officers who are actually helping in inspecting these schools. Since that time, the Ministry is doing its level best to see that in every district, when we get the finances, they will have an inspector of schools.

Mr. Godia: Mr. Speaker, Sir, while we are looking for the finances with which to carry out the work as indicated by the Assistant Minister, will he consider the possibility of instructing the present education officers in the field to carry out the double duty of inspection as well as administration and supervision of schools?

Mr. ole Konchellah: Mr. Speaker, Sir, the education officers in the district are doing administration work which is also a lot of work, but we have already also said that, perhaps, we will have negotiations with the Ministry of Local Government, which is in charge of primary education, to see that this inspection is also carried out, so besides administration, our officers will carry out inspections until we get the money to employ more inspectors.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says that the Ministry has no finance with which to finance these officers, so would the Assistant Minister tell us how he expects one officer in the provincial education office to carry out inspections, whether it is only the secondary schools, of all subjects, including domestic science, and also physical education, which formerly used to have their own experts who used to inspect these subjects and advise the teachers in the schools? How can one man possibly do all these subjects?

Mr. ole Konchellah: Mr. Speaker, Sir, I said originally in my reply that it has been the intention for many years of the Ministry of Education to have these inspectors, but we are lacking the funds. Secondly, the present men whom we have in the provincial headquarters do carry out inspections on the lines that they visit various schools where they hold meetings with the education officers and also try to arrange a proper inspection beside the work of administration which the assistants of the district education officer are doing, because administration officers are doing a lot of work, and I believe that an administrator would not be able to carry out proper inspection. These inspectors from the provincial headquarters will visit the districts and discuss these issues with the district officers who are also being trained.

*Question No. 16***STOCK THEFT: KISII AND KIPSIGIS**

Mr. Makone asked the Attorney-General if he could tell the House how many cases of stock theft had been reported between Kisii and Kipsigis on the border during the year 1964/65. Also if he could tell the House how many of these people had been convicted and how many had to serve a sentence of fourteen years with the *kiboko*.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I think first of all might I apologize for coming here late. I apparently had miscalculated my time and I thought that the previous questions would take longer than they did. Mr. Speaker, Sir, I beg to reply.

In the Kisii District, there were 352 reported cases of stock theft in 1964 and 297 in 1965.

Arising from these offences, 82 people were convicted in 1964 and 55 in 1965. None of these people are serving a sentence of fourteen years with corporal punishment.

Mr. Speaker, Sir, I might add this before I answer any supplementary questions. The Penal Code provides for a penalty of fourteen years imprisonment with corporal punishment for stealing stock. The Criminal Investigation Department have provided the necessary figures which I have quoted and all we do when we prosecute in cases is to impress upon our courts the seriousness of these offences. As the hon. Members know, we cannot tell the courts what sentences they should give to offenders, but I am sure the courts realize the seriousness of these offences.

Mr. Makone: Mr. Speaker, in view of the seriousness of this, would the Attorney-General tell us the purpose of passing legislation in this House when the whole country accepted this sort of sentiments, in view of the seriousness, which will cost the Government a lot of money with the tribal clashes arising out of these stock thefts?

Mr. Njonjo: Mr. Speaker, Sir, I hope I did not give the wrong impression. I did not say that the courts have not given a long term of imprisonment, and also that of corporal punishment. Courts have done this, but what I hope will happen is that, when people are brought before the courts for having stolen stock, they should be given a long sentence and corporal punishment as well, because when a person steals, perhaps, one animal from another person, it might mean his whole wealth, and that is why I feel and we are trying to bring these facts to the notice of these courts: the fact that these offences

[Mr. Njonjo]

are serious and they should be given serious sentences so that they act as a deterrent to other people.

The Speaker (Mr. Slade): I think that, so far as the law is concerned, this is not a mandatory sentence, but merely a maximum sentence.

Mr. Njonjo: It is a maximum sentence.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that there were 352 cases in 1964, what is the Attorney-General doing, in connexion with the Ministry of Home Affairs, to reduce this business?

Mr. Njonjo: Mr. Speaker, Sir, I think the hon. Member will know that the Ministry of Home Affairs has now established a Stock Theft Squad which, I am informed, has reduced the amount of stock theft in the country. This squad is going to go around the country and all I can say is: stock thieves beware.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the reply given by the Attorney-General, my views are that out of these eight-two cases, none of them have been imprisoned for fourteen years and, therefore, many people are wondering whether this law is really in force. This has, therefore, encouraged stock theft between the Kisii people and the Kipsigis people, I do not see how he has given—

The Speaker (Mr. Slade): What is your question, Mr. Nyaberi?

Mr. Nyaberi: Mr. Speaker, Sir, my question is that the fourteen years sentence is not working.

The Speaker (Mr. Slade): I think the Attorney-General has already explained that this is a maximum sentence within the discretion of the court.

Mr. arap Biy: Mr. Speaker, Sir, as the Attorney-General knows pretty well that this practice is a two-way traffic between the Kisii and the Kipsigis and that out of eighty-two people who have been convicted, could he tell the House how many of them are Kisii and how many of them are Kipsigis?

Mr. Njonjo: Mr. Speaker, Sir, my answer to that question is this. When a person is brought before a court we do not go into what tribe he is, we just call him an accused person. Seriously, though, I think the hon. Members can help in this problem also. As you know, in certain areas, stock theft is a sport and some people think that if you steal stock from the other section or tribe they have succeeded and made their point, but if we, in our public utterances, condemn stock

theft and those who are known to have stolen are brought before the police, I am sure this problem will be eradicated.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Attorney-General's reply where he says that the committee which was set up by the Ministry of Home Affairs is dealing with the question of stock theft, could he tell this House what ways and means this committee is using to reduce stock theft in this country?

Mr. Njonjo: Mr. Speaker, Sir, I did not speak about a committee. I spoke about a Stock Theft Squad, which is a unit of the Kenya Police. I do not have to describe what it looks like, I think everybody knows.

*Question No. 33***AFRICAN REGISTERED CONTRACTORS IN ELDORET**

Mr. arap Too, on behalf of Mr. Tuwei, asked the Minister for Works if he could tell the House why Mr. Samuel Muchahi of Eldoret, who was a registered contractor, was not taken into consideration when he applied and advertised his tender, while the Plumbing Co. Ltd., an Asian firm in Eldoret, had been favoured too much.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. The information given to the hon. Member for Uasin Gishu appears to be completely incorrect, as far as my Ministry is concerned. Both contractors are registered with the Rift Valley Division of my Ministry. Mr. Samuel Muchahi is registered for work up to £5,000 and Messrs. Electro Plumbing Co. Ltd. for work up to £25,000.

During the past eighteen months, Mr. Muchahi received twenty-two invitations to tender: seven in 1964/65 and fifteen in 1965/66. He tendered for eighteen and did not tender for four. During the same period, Messrs. Electro Plumbing Co. Ltd. received sixteen invitations to tender: ten in 1964/65 and six in 1965/66.

At present, Mr. Muchahi is working for the Ministry of Works on three contracts as follows: Contract No. HO. 1989, £1,990; Contract No. HO. 1990, £7,300; Contract No. RVD. 322, £425.

Meanwhile, Messrs. Electro Plumbing Co. Ltd. has only one small contract on with the Ministry of Works, at present worth £1,500.

In view of what I have said, it is clearly incorrect for the hon. Member for Uasin Gishu, or anybody else for that matter, to say that Mr. Muchahi is not always taken into consideration and also that the Asian firm in question is favoured in any way by my Ministry.

[The Minister for Works]

Mr. Speaker, Sir, before I retire, I would like to apologize for having been late for this question. I was around the building trying to get the answer which I had not received before.

Mr. arap Too: Mr. Speaker, Sir, will the Minister tell the House why Mr. Muchahi was restricted to a contract of £500 whereas the Asian was given up to £20,000?

Mr. Mwanyumba: I have said that Mr. Muchahi has a contract worth £5,000 and not £500 as the hon. Member says.

Well, it just depends on the tenders given to contractors on their merit and ability. If Mr. Muchahi can prove that he can do the work which we want him to do, then we give him the work. However, if he cannot prove that he can do it, then he is given what we, in the Ministry, think he should be given to do.

Question No. 29

INFORMATION OFFICE AT ELDORET

Mr. arap Too, on behalf of Mr. Tuwei, asked the Minister for Information and Broadcasting if he was aware of the inadequate information office in Eldoret.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. My Ministry is fully aware of the inadequacy of information coverage throughout the country and it is our aim to expand and improve this service as rapidly as finances permit.

There has never been separate financial provision for a sub-office in Eldoret and the present establishment there is being operated on the Nakuru budget. Any greater expenditure in Eldoret would be at the expense of service elsewhere in the province.

I am sure that the hon. Member for Uasin Gishu will agree there has been better coverage in the North Rift since the opening of the office in Eldoret even though the office is inadequate. I can assure the hon. Members that this improvement will continue and will be accelerated as fast as possible with the money available.

Mr. arap Too: Mr. Speaker, Sir, will the Minister assure the House that he will make provision for extra money during the financial year 1966-1967?

Mr. Osogo: Mr. Speaker, making provision for money is a different thing, and getting the money is another. I could make provision, but most probably I would not get the money.

Mr. arap Too: Mr. Speaker, Sir, is the Minister not aware that if he makes provision we will have to grant him the money from this House?

Mr. Osogo: Mr. Speaker, Sir, I am pleased to hear that I can get money from this House. I will certainly make the provision and I hope that that House will give me the money.

The Speaker (Mr. Slade): We will go on now.

NOTICE OF MOTION FOR THE
ADJOURNMENT

TERMS OF SERVICE IN THE CITY COUNCIL

The Speaker (Mr. Slade): Hon. Members will recall that Mr. Shikuku gave notice of his desire to pursue on an adjournment two questions, Question No. 9 and Question No. 42, both of which concern in one way or another terms of service of staff employed by the Nairobi City Council. I think those matters could be conveniently dealt with on adjournment in one discussion. I have allotted next Tuesday on the adjournment for Mr. Shikuku to raise these matters.

CONSIDERED RULING

CHANGE IN THE ORDER OF BUSINESS

Before we proceed with business I refer to Order No. 7, which is Mr. Gatuguta's Motion, which concerns the Ministry of Commerce and Industry.

This morning, just before we sat, Mr. Kibaki came to me and asked me to apologize to the House for the fact that he is not able to attend today on account of a previous engagement of some importance, and he had no Assistant Minister available. Quite likely we shall not reach this Order, if the two previous Motions run for their full time. However, in case we do, there is one of two alternatives: either to proceed with the Motion and stop in time to allow Mr. Kibaki to reply on another day when he has read HANSARD, or, if it suits Mr. Kamau and the Ministry of Education, to change the order and put Order No. 8 in place of No. 7. I see we have the Assistant Minister for Education and Mr. Kamau here. Perhaps they would tell us if it is convenient for them to do so in the event of our getting past Order No. 6.

Mr. Gatuguta: On a point of order, Mr. Speaker, I would like to mention that, as far as my Motion is concerned, I would like to move it when the Minister is in the House. If possible, this Motion could be debated next Friday.

The Speaker (Mr. Slade): That is even more reason for changing the order if the Ministry of Education can manage that.

[The Speaker]

Mr. ole Konchellah, would you be prepared to take that Motion if we reach it?

The Assistant Minister for Education (Mr. ole Konchellah): Yes, Sir!

The Speaker (Mr. Slade): Mr. Kamau, would that suit you?

Mr. Kamau: Yes, Sir.

The Speaker (Mr. Slade): Thank you. For the convenience of the House we will change the Orders. Order No. 7 will become Order No. 8 and Order No. 8 will become Order No. 7.

MOTION**INCREASED FARM DEVELOPMENT PLANS FOR EMBU, MERU AND MACHAKOS**

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

THAT in view of the fact that the largest part of the Eastern Province is arid and no farming can be done; and as a result famine relief measures will be required every year, this House urges the Government to accelerate the development of farming standards in those areas like Embu, Meru and Machakos which could produce enough food to feed the population of the Eastern Province by giving:—

- (a) Water development loans.
- (b) Farming (large and small) loans.
- (c) Stepping up land consolidation where it has not been done.
- (d) Dairy and ranching cattle co-operatives be formed as soon as possible.

Mr. Speaker, Sir, in moving this Motion it is my wish that it takes the shortest time because I do not see any argument against the Government here, that the Government might say I am fighting against it, or I am forcing them to do anything.

It is known throughout the country that during the recent famine relief, you found that famine was concentrated much more in the Eastern Province than in any other place. We found people dying of hunger in the Eastern Province, say, Machakos, Kitui, and this is where most of the Government funds were used. Mr. Speaker, this shows that there is something short there. It is not that the land is so bad. It merely means that something has been neglected and this is why I am trying to remind the Government that something must be done. If the Government can remember that instead of bringing maize from America it can grow its own maize through the

efforts of the people and help of the Government, then, in that case, I think that the Government will do something to remedy the situation.

Mr. Speaker, there is a very large mass of land covered by the Eastern Province and this can support ten times the present population if only some improvements could be made. Indeed, Sir, in Kenya as a whole, I still believe there should not be anything like birth control practice, because we can have enough land, if it improved, to support a larger population than Kenya is supporting at present.

So, I only urge the Government to do something in the Eastern Province so that the improvement of land can support the population that would be forthcoming.

POINT OF ORDER**READING OF NEWSPAPERS IN THE CHAMBER**

Mr. arap Biy: On a point of order, Mr. Speaker, is it in order for the hon. Assistant Minister to read a newspaper in this Chamber?

The Speaker (Mr. Slade): No, it is not in order even to bring it in, unless he wishes to refer to it for purposes of debate. I do not see the necessity here, so will you please remove your newspaper, Mr. Moss. Please take it out of this Chamber.

(Resumption of debate)

Mr. Mbogoh: Mr. Speaker, what I am asking for in this Motion is that loans be granted to people who are living in the lower areas where there is no water. You find, Sir, that in many cases in the Eastern Province, the few rivers which are there are very much on the surface, and these can be used for irrigating any piece of land which may require to be irrigated. Also, the depth of water is not much so that if the Government can aid farmers to bring water from boreholes, this would be easy. For example, Sir, in places like Kitui and Embu South as well as parts of Machakos and Ndaraka it will be found that farmers are very eager to have water, and if only they could have water it would be very easy for them to work extremely hard and get the proper food grown there. Mr. Speaker, this place can be the granary of Kenya if only water can be provided.

In areas like Embu, Meru and parts of Machakos also, as well as those higher areas where water is not so easily obtained from rivers, there could be machinery and water rams which would carry water from the rivers to the upper areas. Mr. Speaker, in such areas, especially where

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Embu Town is situated, as the centre of the Eastern Province and the centre of the district also, you find that the people there buy vegetables whereas the vegetables can be grown very easily. Africans have tried many times to get contracts for schools, prisons and places like the newly built Kindaruma Scheme, but the question is always, can they rely on the small quantity of rain they get to grow vegetables throughout the year. This brings us to a very difficult corner because only when there is rain the people can grow vegetables. They cannot do this throughout the year because it is not possible to grow vegetables during the dry months. As a result the Asians have been given the contracts and they are able to know when vegetables grow in Meru so they supply the department at that particular place. Then, when vegetables grow in Nyeri, they go and bring the vegetables from Nyeri and supply these departments at the proper time. However, in Embu nobody has money and they cannot get this for lack of water. So, it is not possible for us to supply vegetables or whatever foodstuffs that could be grown.

So, the Eastern Province has very difficult times because if there was water, maize or potatoes could be grown. You find that the people have to follow the seasons for these crops. So, when the rains fail it is very difficult and we cannot do anything except to wait for the Americans to supply us with their maize.

So, Mr. Speaker, I think that if the Ministry could give such loans, then cotton and sisal farming, together with mixed farming, could be carried out.

We are very good cattle farmers and you find that when we have graded cattle these cattle need a lot of water. Unless you have a source of water supply close to your house you find it difficult to give the cattle water. As a result you have to employ labour to go to the river every morning to get water for the cattle. If you do not have enough money to employ labour, then you send your wife every morning to the river to bring water. This is very expensive. So, it would be useless to keep that kind of cattle unless you have adequate water supply; otherwise the maintenance expenses will be very high. In this event it would not be advisable to continue keeping such cattle on your land.

Mr. Speaker, Sir, land consolidation in the Eastern Province has not progressed very well. You find, for example, in my own area—Embu North—where land consolidation was finished quite a long time ago, people have done very

well in farming, but when you go to places like Embu South where no land consolidation has been done, you find that they have to depend on us all the time. Kitui and parts of Meru have to depend on those people who have consolidated their land because they can only concentrate on farming on those small pieces where the land has been consolidated, while those chaps in, let us say, Embu South, cannot make anything work: that is, they cannot farm a big piece at a time because they have one piece here, one piece there, one piece there, and that does not give them any advantage. As a result, you find every year that they have to depend on Embu North and Gichugu where land was consolidated before, and if, at any rate, their land was consolidated, they would be shown in no uncertain terms that they will have to depend on that land and not to depend on other people. So when the weather permits, they will have to go and work just there without running ten miles to look for a piece of land, and that will help them to concentrate their labour on one particular place.

Mr. Speaker, Sir, it has been brought to my notice that in Mwea area we have quite a lot of money spent on a rice scheme which is now on the Central Province side. This rice scheme on the Central Province side is on the same kind of soil as the Mwea which is on the Embu side, and if, at any rate, the Government means to have development of every small place in the area, this Mwea which is on Embu side would be also irrigated with the same water which irrigates the Mwea on the Kirinyaga side, so that the development is equalized. This Mwea we have on the Embu side lies mostly on Embu South, and also you find that so many Wakamba live in that area from Machakos, from Kitui, and this would not be only for Embu, it would be even for the Central Province people who live there with their cattle. This irrigation scheme would help the whole country apart from Embu people and the Eastern Province.

Mr. Speaker, also we have very good ranching grounds in Embu and unless co-operatives are encouraged for this ranching and also some money spent on the ranching, it will be difficult for the general public to go and start ranching co-operatives without any experience and without any money, just with the few cattle they have, and then be able to succeed. So I am asking the Ministry here again to try as hard as possible to encourage them and also get the co-operative officers who have some qualifications to go there and do the work, not just to bring a co-operative officer—I do not know what education most of them have—who, when he is told by people to

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help them form a ranching co-operative, says, "I don't know, you have to go and ask the Ministry of Agriculture now because I'm not concerned with that." I always thought that in our areas where farming is the main occupation, co-operatives and agriculture could not be separated at all. The Ministry of Co-operatives and the Ministry of Agriculture, in that case, must work side by side because they have the same thing and we look at them as the same thing.

It seems that sometimes co-operatives are on one side and agriculture is on the other side, and I believe that with the two advisers in the same district we can always have enough advice to have our ranching schemes succeeding.

Mr. Speaker, there is another difficult problem with our own areas. Coffee co-operatives have been left to be exploited by some position, and I do not know how it came about. You find that coffee co-operatives are run by co-operative societies and the agricultural staff are running the organization of co-operatives. This is the time when coffee co-operatives should be told in no uncertain terms that this is the department which is in charge of you and, instead of coffee growers every year shouting to the Ministry of Agriculture and saying, "We want our commissions reduced, we want this service brought to us.", and then the Minister for Agriculture going to the Minister for Co-operatives and saying, "This is not mine.", and the Minister for Co-operatives saying, "This is not mine, it is under the Ministry of Agriculture.", this is the right time that the co-operatives were told exactly whether they should come under the Minister for Co-operatives absolutely and with no interference from anybody else, or under the Minister for Agriculture, because they are agricultural co-operatives, and that would be quite sensible.

Mr. Speaker, I beg to move.

Mr. Mati: Mr. Speaker, Sir, I intend to use very few minutes in supporting this Motion because, as the hon. Mover has said, it is self-explanatory.

First of all, Mr. Speaker, I think we agree that we cannot rely on American maize indefinitely to feed the population of this country. If we are agreed on that, then it follows that we must find ways and means of producing enough food in this country for our people. Our suggestion, Mr. Speaker, is that there is enough land with good soil in the districts mentioned here, the districts of the Eastern Province, including Kitui and a few others which have not been mentioned here directly, which can be made

use of. But the only difficulty is that this area lacks one very important quantity, and that is water. Mr. Speaker, Sir, there is enough water running down the Tana River which is sufficient to irrigate the whole of this area we are talking about today, but we find that what has so far happened is that the Government has been interested in utilizing the water of the lower Tana. This leaves out a very large tract of land in the Eastern Province which has very good soil and which is very good land which could be used not only for farming but also for ranching.

We therefore suggest, Mr. Speaker, that the Government must consider extending the irrigation schemes along the Tana River to include those areas which we are dealing with here. The eastern part of Kitui, for instance, Mr. Speaker, where the land is quite plain and where it cannot be argued that it would be difficult to irrigate the land, could be considered for this and also parts of Machakos. The Yatta area, for instance, could be made use of. These areas could form a very productive part of Kenya where we could grow all the maize we need and grow even—

The Speaker (Mr. Slade): Order! Mr. Matano, I think you forgot that you should not pass between the Speaker and the Member on his feet.

The Assistant Minister for Health (Mr. Matano): Sorry, Mr. Speaker.

Mr. Mati: Also we could grow other crops like wheat.

Mr. Speaker, I think what holds us back in our progress in extending our agricultural activities in this country is this idea, which was the idea behind the minds of the former colonial rulers of this country, that there are areas of Kenya which are of high potential and others which are of low potential.

Mr. Speaker, Sir, if we think in those terms, we have to ask ourselves what kind of potentiality we are thinking about. If, for instance, the highlands of Kenya are good enough for coffee, tea and other crops of that kind, are they good enough for those crops which grow in the lowlands. The areas which have so far been regarded as lowlands have a high potentiality in the production of other crops which would not do so well on the highlands and we must make use of this. I therefore suggest, Mr. Speaker, that we must move away from thinking on these outmoded lines and we must also move away from thinking that only certain crops are useful. I do not, for instance, hold the view that maize is the only crop which could solve the famine problem of this country. There are other crops, for instance, various crops of beans, various types

[Mr. Mati]

of millet which grow in the lowlands and which could be just as useful in feeding the people of this country and we must make use of them.

Mr. Speaker, Sir, it is useless to expect the farmers in these areas to do much unless they feel that their land is theirs, and the only way of making them feel that, we know nowadays, is to consolidate the land so that they can do their best to develop it and so that they can raise loans on that land. At the moment, Sir, these farmers are handicapped because they have no security on which to borrow sufficient money in order to develop their land. We therefore urge, Sir, that consolidation should be extended to cover these areas as soon as possible. This, Sir, will enable these farmers to borrow money in order to develop their farms, borrow machinery because I do not think that so long as the people in these areas depend on the hoe, they can do much, but, Sir, I think that it is time we encouraged our people to use machinery, not to depend on the hoe, and not only to use ploughs but tractors. This, Sir, is very important.

Mr. Speaker, Sir, ranching, obviously, is the thing which lends itself easily to these people and therefore every effort must be made to encourage ranching co-operatives. This area covered in our debate here, Mr. Speaker, Sir, could form the most important source of meat and milk product for this country and also for export. Mr. Speaker, Sir, we must start thinking in terms of the whole country, and not to think in terms of certain areas which have been fortunate enough in being more developed than others. As the hon. Mover said, Sir, the area of Mwea which has been irrigated is no more better than the adjoining area, in fact, I happen to know, because I visited this area, that many of the unutilized areas of Kitui, Machakos and Embu are better than the area which has been irrigated in Mwea. It is therefore clear that if only we can provide water to these areas we would be able to produce as much food as we need for our own consumption and even for export.

Mr. Speaker, Sir, I beg to support.

(Question proposed)

Mr. Kamau: Mr. Speaker, Sir, I take it that this is the most important Motion which has been brought to this House by the hon. Member for the eastern area, Mr. Mbogoh, for one very simple reason. We have known for some time that the population of this country is increasing tremendously, and the more we leave the whole of our land uncultivated, under-developed, the result will be that we will be subjected, or have to import, the foodstuff from abroad. Also, we

will have to import textiles and goods from abroad. I know myself, physically, because I have travelled widely in this area, that if the Government, for instance, take part (a) of the question, developed the water schemes, there is no doubt that this area could be more productive especially with regard to cotton, sisal and other such things, for example, I know, Sir, that the peas and beans are doing very well in that area.

Mr. Speaker, Sir, it is a problem today that the people from this area are finding it very difficult to cope when the drought comes, for the simple reason that rain is very scarce and therefore if water irrigation is brought about, and it is also encouraged by the Government, there is no doubt that these people of that area would receive a very heavy crop. We have seen, Mr. Speaker, Sir, in places like Egypt through irrigation people are selling cotton throughout most of the countries in the world. When I visited Egypt, and especially Cairo, I noticed that through irrigation they have grown very good cotton very well. If that can be done in a country where rain never falls, then I do not see why this should not happen in Kenya.

Therefore, Mr. Speaker, Sir, this Motion has taken time and especially during our six-year development plan, because, Sir, if this Motion is accepted by the Government, then by 1970 even the people who are living in the area such as in Central Province where the rain is rational we will eventually be importing crops from the eastern area. For this reason, Sir, I would like to dwell on the question of land consolidation in that area.

Mr. Speaker, Sir, we know very well that before a person, as laid down by the Government, is given a loan he must have security. If the Government thought to consolidate the land in this area, they will facilitate individuals to get title deeds and they will be able to borrow money or get loans from the moneylenders, and to this, if that is done, there is no doubt that we shall not experience any famine in this country which we sometimes do today. As one of the hon. Member said, we cannot rely on importing maize or other crops from other countries and, at this stage, if the Government and especially the agricultural department make every effort and try to help the people in the eastern area in every way possible, there is no doubt that we are going to have very good sisal, beans and even pumpkins are doing very well in such an area.

Therefore, Mr. Speaker, Sir, I think this Motion, as the hon. Member knows very well, is a very self-explanatory Motion and I do not think that we should waste our time because it is very clear.

[Mr. Kamau]

Mr. Speaker, Sir, I therefore beg to support the Motion.

Mr. Mbai: Mr. Speaker, Sir, I stand to support this Motion very strongly. Mr. Speaker, Sir, in supporting this Motion I would like to say just a few things. I am not going to take very much time, because most of the points which I wanted to put forward in support of this Motion have been already expressed by the Mover and the Seconder of the Motion. Therefore, Mr. Speaker, Sir, I will be very brief in what I have to say.

First of all, Mr. Speaker, Sir, we know that water is essential both for human consumption and development of all sorts. Mr. Speaker, Sir, the areas mentioned in the Motion lack water very much. If these areas could be provided therefore with water development loans, it would enable the people in the area to construct rock-catchments, dams and boreholes which would give adequate water supplies both for agricultural purposes and for human consumption.

Mr. Speaker, Sir, as regards the farming loans, we know that the Government policy, at the moment, is to encourage the people, or the farmers, to follow the modern method of farming, but with this modern method there is certain modern equipment which is required, but the poor farmers in these areas cannot afford to buy them if they are not assisted, in the form of loans by the Government. Mr. Speaker, Sir, some of this equipment means ploughs, tractors and other big machinery, also things like fertilizers which are very expensive.

Mr. Speaker, Sir, I now would like to say something about *katumani* maize. Sir, in the Eastern Province, especially in the districts mentioned in the Motion, we do not have much rain. It has been found out, Sir, that this type of maize, *katumani* maize, does grow very well in dry areas, because it requires very little rain and becomes ripe in a very short time. Therefore, Mr. Speaker, Sir, if the farmers are given loans they could enlarge their present farms and plant much more of this type of maize and that would then enable them to get rid of the problem of persistent famine in these particular districts.

Lastly, Mr. Speaker, Sir, I would like to say something about the ranching co-operatives. Our people in the Eastern Province, especially in these districts, are very interested in forming ranching co-operatives, but they have the problem of finding the capital in order to start their co-operative society. So, Sir, if the Government could make arrangements to give these interested people capital in which to start their co-operative society that would be one way of giving them assistance

in promoting ranching co-operatives in this area. Also, Mr. Speaker, Sir, if the farmers could be given loans they would construct dips and also employ people to help them on their farms.

As I said earlier, Mr. Speaker, Sir, I do not intend to take much time and say much, because most of the points have been put forward by the Mover and the Seconder. The Motion is very straightforward and therefore I hope that the Government is going to accept it. I do not see any difficulty in the Government accepting this Motion.

Mr. Speaker, Sir, with these few words, I beg to support.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, I would like to start by pointing out a point which might be misleading to the hon. Members. The Motion is asking the Government to expand the farming development in the areas Embu, Meru and Machakos which could produce enough food to feed the population. My own understanding of this, and I am sure that of most of the Members, is that the development should be accelerated in the high-potential areas of those districts. But, Mr. Speaker, Sir, these are not only the problematic areas. It is not only in Kangundo, Imenti or Kevo where these problems are raised. Rather it is in Makueni, Mberie and Tharaka which need more attention. It is therefore, Mr. Speaker, Sir, my intention to amend this Motion by deleting the words "those areas like Embu, Meru and Machakos" which appear in the fifth line of the Motion, and inserting in place thereof the words, "Eastern Province".

Mr. Speaker, Sir, I beg to move the amendment.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, in seconding this amendment, I would like to point out, to the hon. Mover and the hon. Members who have spoken on this Motion, that all has been done by the Government to implement all the requests in this Motion. What I would appeal to the hon. Members, Mr. Speaker, Sir, is that it is no use coming to this House and saying that the Government should start assisting or forming co-operatives. What the hon. Members should do is to try and encourage their constituents to form the co-operative societies that they are asking for here and then the Government will assist them. It is not surprising that the hon. Member for Embu North, Mr. Mbogoh, did not know that there are already co-operative societies who own about 694 stock, compared to other places. If he knew that this

[The Minister for Information and Broadcasting] was there he should be aware of what the Ministry of Agriculture is doing in trying to help the co-operatives by giving them artificial insemination assistance so that they produce grade cattle in their co-operatives.

Now, Sir, another problem which we are faced with is with regard to the payment of loans. This is another difficulty which is worrying the hon. Members of this House. They should impress on their constituents that all loans which are given out are revolving loans and unless they are paid up to date other farmers will not get the loans, because it becomes very difficult for the Government to get extra money.

Now, Mr. Speaker, Sir, with your permission, I would like to tell the House that a total amount of about Sh. 366,000 has been loaned out to people in the Eastern Province, and about Sh. 944,000 is still outstanding; it has not been used at all. This money should revolve to other farmers to enable development to take place in this area. Mr. Speaker, Sir, as the hon. Member, the Assistant Minister for Agriculture, has moved an amendment to this, it means that we do not want any area specified in this. The Government is aware of these needs and we only want to cover this area, and I am sure the hon. Members of this area and of all the country will accept that the Government has fully accepted the Motion only moving the few specifications that the Motion is giving out.

Mr. Speaker, Sir, I do not hesitate to say that the hon. Member for Embu North will accept this because if he looks at this Motion, he will find out that he has left out the district of Kitui which also suffers from the same problem as the others. I would like also to mention one small thing, Mr. Speaker, Sir, and that is that only yesterday we secured a loan for the Kandaruma Seven Forks Project. With all due respect to the House and the country, if this project comes to reality and if it finishes a lot will have been catered for that is being asked for in this Motion. This project is a big one, it is going to have a dam outside this area on the River Tana, and as the hon. Member for Githunguri said, it is true that he has been to places like Sudan which are very dry places, but which have been helped by projects such as the one which is being started at Tana River. Therefore, Sir, I only hope and pray that the Kandaruma Project comes to reality and gets finished because it is going then to help the people in that area and many other parts of Kenya, east of the Rift Valley, in development.

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

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): Debate is now purely on this alteration of words until we dispose of this question.

Mr. Mbogoh: Mr. Speaker, Sir, I do not think there is any need of discussing this further because my aim in Moving this Motion was not really mentioning specific areas. It is all right so long as Eastern Province is mentioned. So I accept the amendment.

The Speaker (Mr. Slade): In that case I will put the question of the amendment.

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

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

(Question of the Motion as amended proposed)

Mr. Ngei: Mr. Speaker, Sir, I must first of all thank the hon. Member for Embu North for presenting this very important Motion, touching the areas that have been considered in the past decade to be arid. I do not believe that the area which is arid is not good for farming. Therefore, in bringing a Motion like this will really change the chapter of history in the Eastern Province, a province which has been regarded in the past years as a famine-stricken area, and an area which, reading from the Press in connexion with the activities of famine relief, can be considered on equal geographical terms with the Sahara. I do not believe, really, that this area is arid.

Mr. Speaker, I believe this area has a vast agricultural potential, especially in regard to cash crops, especially if the Government is prepared to tap the existing facilities. When I say facilities, I mean physical or geographical facilities of the area.

Therefore, I stand to support the Motion and I would like to point out a few things which the Government should be hunting for, not witch-hunting, but hunting for realities there are quite a lot of things that can be tapped.

Let us, first of all, take the geographical presentation of the area and see what is there already; whether the Government will be going into excess expenditure in trying to give more money for the capital expenditure or whether, in fact, it will have to spend less money. There are areas where the Government have already done something and have presented a success to the Government. I would like to mention a few

[Mr. Ngei]

examples and I hope the hon. Members will not say I am particularizing the area where I come from. We know that near Kibwezi there is a river which flows easily; its waters are being tapped by the Diva plantations which is a privately owned farm. A certain percentage of this water goes to cover or irrigate an area of 500 acres. This is one example. The other example is the Yatta Furrow which, for years, we have been told, cannot be brought on the same level as the Mwea/Tebere Irrigation Scheme.

There is also another river at Meru—I forget the name—which flows between the valley between Kangeta and Kindwa Township. It is a very big river which passes through the air strip and which can irrigate the lower parts of Meru.

There is yet another river which is untapped in Embu. This could also irrigate a vast area of the district or the lower portion of the Embu District.

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

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

This is known to all, and the Government must really take action quickly to develop this area. That is why as far as paragraph A of the Water Development Loan goes. Government will not spend a lot of money if it intended to take these geographical facilities which are available in the district. I do not want to mention more on this subject because the Minister concerned is aware of this. The Minister for Information who was an Assistant Minister in the Ministry of Agriculture had ample time to travel by air in order to see the water layout in the Eastern Province. Therefore, it will not be very hard for the Government, financially, to consider giving more money for water development.

Let us now turn to the people themselves. We have been told in the past that God helps those who help themselves. The people in the Eastern Province, having the conditions they have at the moment, conditions which are not favourable like the conditions which are near to the hon. the Assistant Minister's home down in the Rift Valley, have come out to challenge nature; they have come out to tell nature that it cannot have its way, and that they are determined to have their own way. In other words, I am saying that the people work very hard and, therefore, these people are prepared to help themselves. If the Government can only give them a simple impetus, then these people will turn an arid area into an area of great potential for agriculture.

They are already in existing co-operative ranching societies and the newly formed ranching co-operative society in Meru. These have vast amenities in the way of cattle-keeping. Government should take additional care of these co-operative ranching societies by stepping up their loans and paying more attention—and I am not saying that the Government is not paying sufficient attention—because the workers and the officers in the area should be more serious. Then the area will have enough money from the ranching co-operative societies.

Next comes the question of land consolidation. There have been, what I consider to be, voluntary consolidation of land in areas such as Machakos, Embu and Meru where you have individuals changing their own *shambas* to seek the proximity of their main homesteads. Here I would like to say that if the Government helps by giving finances to these people, then they will be able to develop the already consolidated land which has resulted in a bigger acreage.

Mr. Deputy Speaker, it has been said politically that the Eastern Province has been neglected very badly, not only agriculturally but industrially as well. I think if the Government did something to step up the agricultural standards of the Eastern Province, then the accusation of neglecting the area industrially will be a little bit forgotten because the people will be occupied with farming the area.

Now, let us turn to the area itself. The area, in some places, has been suitable for cash crops like coffee and, of course, tea. However, the Government must be reminded that this area is a very good area for tobacco growing, cotton growing and cash crops like green gram, dhall, etc., which have a very good export market in the Indian sub-continent or other areas where these are consumed. I would like the Government to establish the cash-crops officers in the area so that they can take care of this line. Government should pay much more attention to things like the small cash crops, like green gram, cotton, etc. It is not only things like coffee and tea in which there is money; there is also plenty of money in things like millet, green gram, dhall because these are consumed mainly by the African population as well as the Asian population. Therefore, Mr. Deputy Speaker, the Government must not be allowed to think that there is money which only comes from coffee and tea, and because the climatic conditions of the area do not favour the growing of such things that there is no need of advancing loans for new and improved farming methods.

[Mr. Ngei]

I would like to go a little bit further. At the moment some of us, life myself, are exploring the possibilities of what I term the people's own backs. We have consulted the Ministry concerned about this. These are thrift or credit societies. Here I would like to give an example to show eagerness or fervour in this connexion in the Eastern Province. In my own place I am trying to establish a credit society and I am happy to say I am becoming very successful. Now, when I reach a target of Sh. 2,000,000 will the Government be prepared to give me another Sh. 2,000,000 so that my area can be divided into farming communities and be given implements like tractors to plough their land. In this way they will bring up production because it is production which is the most important thing. Production means quality and we cannot get quality unless we have the amenities for ploughing and preparations for planting.

Mr. Deputy Speaker, it seems as if my time is over. I would like to stop here. I would like to support the Mover of this Motion very strongly and I hope Government will take heed of the Motion and implement the necessary arrangements as soon as possible.

CONSIDERED RULING**LEAVE OF HOUSE FOR GOVERNMENT RESPONDER TO SPEAK TWICE IN DEBATE**

The Deputy Speaker (Dr. De Souza): Hon. Members, it appears that Mr. Murgor was under a slight misapprehension when he spoke. He thought that he would only speak on the amendment and not on the main Motion as he would have another chance to speak on the main Motion later. He has asked permission to speak again, which, normally, he would not be able to do. However, being the Government responder for this Motion perhaps the House would give him leave to speak again in order to enlighten the House on other aspects of Government policy that we would now like to speak about. If the House does give him leave I will ask him to speak again.

Hon. Members: Yes.

The Deputy Speaker (Dr. De Souza): All right, Mr. Murgor, you may speak again.

(Resumption of debate)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, first I must thank you and the House for allowing me to speak again. The Government appreciates the urgent need to develop all areas

of the Eastern Province and, indeed, any other province that may have been ignored during the colonial days. As well as the development of such crops as cotton, tea, coffee and castor seed, a special effort has been made by the Government to increase the acreage under maize.

During the 1965 Maize Campaign programme, a total of 10,000 acres were planted on a demonstration basis, at a cost of £2,500. The money was spent on improvement of seed, fertilizer and insecticides. During 1966 planting season it is intended to put up an even greater campaign initially to involve 2,000 one-acre plots. In the 1966 Short Rains it is planned to boost the acreage under programme to 40,000 acres.

In the 1965 maize demonstration campaign involving 10,000 acres the seed and fertilizers were issued on credit. It is hoped that the money will be recovered during 1966. I cannot get tired, in this respect, in asking all hon. Members to instil in their constituents that such loans are on a revolving fund basis and if they are not repaid other farmers will not be able to borrow or to benefit from these funds.

POINT OF ORDER**READING OF SPEECHES**

Mr. Kamau: On a point of order, Mr. Deputy Speaker, as I understand what the hon. Assistant Minister is reading, is this supposed to come under the Motion? Is he allowed to read his speech word for word?

The Deputy Speaker (Dr. De Souza): Well, of course, nobody is allowed to read a speech, if he is reading it. I would ask him to speak extempore. Even the Ministers are not allowed the privilege of disregarding Standing Orders. Everybody has to abide by the Orders, even if he is a Minister. So, I think, Mr. Murgor will not read his speech now.

If you were referring to whether he is being relevant or not, I think he is being relevant. In fact, he is giving what are the achievements by Government in regard to development in the Eastern Province. I think that is what it is.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, what would happen if the House felt that the hon. Assistant Minister is not really reading his speech but merely following his notes?

The Deputy Speaker (Dr. De Souza): Well, it is for the Speaker to decide whether he is in fact reading or looking at his notes. One does not, in a reply like this which might need the looking

[The Assistant Minister for Agriculture and Animal Husbandry]

into of certain figures and that sort of thing, need to be strict. One would allow him to look at figures, take, probably regard to more copious notes than he would normally be entitled to. However, he is not entitled to read a full speech. That is, of course, out of the question. I gave him a certain amount of latitude and I am sure he will not abuse it now.

(Resumption of debate)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Deputy Speaker, Sir, most of these replies have several figures which I think I ought to read out.

Sir, the total acreage which can be planted with maize in the province is 600,000 acres, of which 350,000 acres are grown in the drier areas. For these areas Katumani maize varieties have been bred and proved successful.

Mr. Deputy Speaker, I now want to give specific loan examples in regard to funds for agrarian loans which cover water and other loans allocated to the Eastern Province.

District	No. of loans	Small-Scale		1965/66
		1964/65	No. of loans	
		Sh.		Sh.
Machakos ..	35	81,800	46	187,500
Kitui ..	—	—	16	35,150
Meru ..	34	83,200	78	182,010
Embu ..	24	80,000	37	104,300
	93	245,000	177	508,960

Over and above, large-scale loans have been issued as follows:—

	1963	£
Machakos	62,045
Embu	4,627
Meru	1,000
		<u>£67,672</u>

From these figures, Mr. Deputy Speaker, Sir, it is clear that the Government has not ignored the Eastern Province. Maybe, where loan funds have not been issued certain Agricultural Finance Corporation conditions have not been fulfilled. For large-scale loans the following conditions must be fulfilled:—

(1) Not less than fifteen acres of productive land likely to produce a gross income of £500 within a reasonable period.

(2) Less than fifteen acres of productive land in the district, and the district agricultural committee recommends that the piece of land will yield a gross income of £500,000 within a reasonable period.

(3) Two or more small-scale farmers in partnership who, in the opinion of the district agricultural committee, would be able to produce reasonable gross revenue of £500 in a reasonable time.

(4) In all these cases above, Mr. Deputy Speaker, the applicant must satisfy the Agricultural Finance Corporation that either a title to his land was consolidated or demarcated pending issue of title deed.

For large-scale loans, the district agricultural committee and provincial agricultural board recommend applicants purely on the potential of their land earmarked for development.

It is, however, important, Mr. Deputy Speaker, and I cannot over-stress this, that hon. Members should appreciate that unless loan holders repay their instalments regularly, the revolving fund that these loans funds constitute gets frozen and no more funds are available for lending. This matter is now becoming particularly alarming and, consequently, during the last session of this House, at times my Ministry had to answer at least one question every week on loan funds. The thing is that districts have fallen behind in their payments. The situation in Eastern Province was as follows at the beginning of this calendar year:—

District	Total Amount Advanced	Arrears Outstanding as at 31-12-65	Arrears as Percentage of Funds Issued
	Sh.	Sh.	
Machakos ..	734,006	175,634	23.9
Kitui ..	385,517	178,825	46.3
Meru ..	1,900,150	454,142	23.9
Embu ..	646,967	136,029	21.2
TOTAL ..	<u>3,666,700</u>	<u>944,630</u>	<u>25.8</u>

I do appreciate, Mr. Deputy Speaker, that we have just had a bad year in 1965 and I sincerely hope that now that we have had a good rainfall we shall receive more repayments.

The Government's aim has always been to help those farmers who display initiative and sense of responsibility; and so long as my field officers continue to get full co-operation of the farmers and hon. Members, I have no doubt that the Eastern Province will be able to produce adequate food for her people.

As far as range development is concerned, the policy is governed by the status and ownership of land and generally loans for water and ranching development can only be given where the land has been legally set aside and so proper arable schemes can be started, and also where people are willing to follow a proper development plan. In the land owned by the county councils, where previously graziers paid fees to the

[The Assistant Minister for Agriculture and Animal Husbandry]

councils, the land is now being allocated by the county councils to ranching co-operatives formed from these graziers. In many cases, the assets involved in handing over are considerable and further loans are being given for development. In Kitui there are now at least three registered ranching co-operative societies, while the other districts have at least one registered ranching co-operative or is considering one. There are adequate funds available for loans to these co-operatives, while, at the same time, the Government is anxious to see the formation of more of these co-operatives. The only thing hindering formation is the speed with which the people themselves can form into a co-operative society.

In the areas where land is under some form of ownership by the people, the local people are being urged to form individual ranches if the areas are large enough, to join together and form co-operative societies or form grazing schemes or group ranches.

Most of the Government's effort to date has been spent on the formation of co-operatives on county council land as these are relatively easy to form with less land problems and it is hoped that they will form a good demonstration.

For this reason, it may appear that little has been accomplished in the actual formation of co-operative ranches in the occupied areas of Eastern Province, although various groups have discussed this. However, an example has been set in Embu where clans are offering land in encouraging the formation of these co-operative societies.

Now, Mr. Deputy Speaker, Sir, turning to land consolidation, the Government's intentions are set out in the Revised Development Plan but the hon. Members might like to know that already 85,000 acres have been consolidated in Meru and most of the Embu District is completed. Work is in progress in the Makueni area of the Machakos District and the Government is trying to accelerate land consolidation, not only in Eastern Province but throughout the country. When the Lawrence Commission Report has been studied by the Government, it may well be possible to complete land consolidation in the whole country—that includes Eastern Province—in the next eight to ten years' time, as opposed to forty years which it would have taken the Government to complete the work at the present rate of speed.

Now, a word about quality grade stock in the province. Mr. Deputy Speaker, Sir, it is the Government's intention to encourage the use of

artificial insemination in all areas of high potential as a means of increasing and improving milk production. In Meru, Embu and Machakos artificial insemination has been in operation for some time, mostly on exotic stock, but it is hoped to cross the Zebu stock so as to increase the grade stock in the areas. The hon. Members might like to know that there are at present some 5,590 grade stock in Meru which will increase as land consolidation proceeds. These animals are catered for by light dairy co-operative societies and one dairy union. The comparative figures of grade stock in Embu is 694 and Machakos 500.

Mr. Deputy Speaker, Sir, this is a long and important Motion. This Government has pledged itself to full-scale development in every aspect. A Motion that is prodding the Government to reveal its achievements in development and state its future policies is always welcome. On behalf of the Government, Mr. Deputy Speaker, I therefore accept this Motion.

Mr. arap Bii: Mr. Deputy Speaker, Sir, I must thank the Assistant Minister for having, on behalf of the Government, accepted the Motion. As such, Mr. Deputy Speaker, I have very little to say on the Motion.

Sir, in the world map Kenya is classified as one of the outstanding agricultural countries which are developed and, as such, Mr. Deputy Speaker, we have to urge the Government every now and then to have all the corners of the country well developed, so that the country stands and deserves the name which it is given: that of being an agricultural country.

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

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

The Eastern Province, Sir, is one of the most neglected areas and, as such, we are asking the Government to put in a full effort in order to have these parts of the country developed within a reasonable period of time.

Sir, as I said earlier on, the Assistant Minister having accepted this Motion, I have to thank the Government and the Ministry. I beg to support the Motion.

Mr. Godia: Mr. Speaker, Sir, I also must take this opportunity of congratulating the Assistant Minister in the manner in which he has taken the Motion. In accordance with his explanation, we are satisfied that the Government has taken an interest and has seen it fit to help in the improvement of the situation in the East Province.

Mr. Speaker, we are satisfied that the Government has been doing and is doing its best in seeing that the people in this province are doing a

[Mr. Godia]

good job on their farms by the use of better seeds and also fertilizers. In accordance with the explanation given to the House by the Assistant Minister, it will be necessary for us Members of Parliament and also for the public to urge all those farmers who are advanced seed and fertilizers on loan to see that they pay these in time, so that other farmers may also make use of them.

Mr. Speaker, Sir, I do hope that the Ministry of Agriculture will do its best to increase the staff, so that land consolidation, not only in Eastern Province but in the whole country, is completed. Most of the farmers in the country are crying for title deeds for their land. The problem here is that of staff. I think the Ministry of Agriculture should go into the question of increasing the staff, so that this work is completed as quickly as possible. I think, Mr. Speaker, in certain areas, certain consolidation officers are applying go-slow methods; they do not want to do the work as quickly as possible, for reasons which I do not understand. They appear, Mr. Speaker, not to be checked; there is nobody who is actually seeing that they are doing the work. Although they are trusted, although they are men who are responsible and are supposed to do their work efficiently and quickly, they are not doing so. They are applying go-slow tactics which, I think, are delaying development, not only of the Eastern Province but of the whole country. Therefore, I think the Ministry of Agriculture should keep their eye on these officers to see that they are doing their job properly.

At the same time, Mr. Speaker, I do hope that the Ministry of Agriculture will see to it that soil conservation in the whole country—not only in the Eastern Province—is maintained. Some of the agricultural officers who are supposed to help the farmers conserve their soil tend to forget that that is the most important job for them to do. They do little in assisting the farmers in conserving their soil. Therefore, I think they should take a very keen interest in seeing that this work is speeded up.

Now, Mr. Speaker, Sir, I appeal to the Ministry of Agriculture to apply the same methods which are being applied in the Eastern Province to the rest of the country, in seeing that the people really gain the benefit of the land and that they get the best from their farms.

Mr. Speaker, Sir, as this Motion has been clarified by the Assistant Minister, I feel that the Government—particularly the Ministry of Agriculture—is moving forward well and I think we support the Motion.

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. Mbogoh: Mr. Speaker, Sir, when the Assistant Minister accepted this Motion, I was quite happy about it, but I wish to warn the Ministry that it is useless to accept a Motion here and then do nothing. It is necessary that it is accepted and something is done, and it should be seen by people to be done. A good Government, Mr. Speaker, is one which will promise to do something and do it and then, at the end of the period, it will be able to look back with pleasure and tell the people that at least something has been done towards the remedy of the colonial imbalances in the Eastern Province.

Therefore, Mr. Speaker, I would thank the Assistant Minister and also the Minister for Information—who used to be an Assistant Minister for Agriculture—for the objectiveness of their reply. As they have mentioned, Mr. Speaker, that artificial insemination is being tried, I wish again to add that artificial insemination has failed very, very disgracefully and unless something is done about it, there is no use in using such a method when it is wasting people's money. When you have a heifer and you go to the people concerned to try and get it artificially inseminated, you only find that you pay Sh. 10 for every one single insemination, and you do it 100 times without getting anything out of it. It has failed and failed and I can produce enough evidence to show that in Embu it is very, very rare that it works. So, Mr. Speaker, I think that the Ministry of Agriculture should be able to trace and know whether there is something wrong with the present application.

Mr. Speaker, another thing which I would like to add to this is something concerning Ministerial visits to areas of Eastern Province. Many times I have complained here that no Minister ever visits some of these areas, and the Ministry of Agriculture has been favoured by nature in having a Minister who has no constituency, so he cannot say that he has been busy with his constituency. The Assistant Minister has his own constituency, but the Minister himself has no constituency, so he cannot tell us he was busy in his constituency. He should be able to follow exactly what his people are doing in the province and then he can come back and say he knows exactly what is going on.

Here again, Mr. Speaker, there is something which I have been speaking about many times: that is, the misuse of the Ministry's vehicles. I do not think that vehicles are being used, especially by senior officers, to the benefit of the people they are serving, and unless a very tight

[Mr. Mbogoh]

schedule is kept in the Ministries—whether by police or by the administrators—I think it will be difficult to check the use of these vehicles and a lot of money will be wasted while we want this money to be used to develop our farms.

Mr. Speaker, again I would stress the fact that we should not spend a lot of money on foreign aid. We do not want to be aided by foreign countries and also pay a lot of money to them to buy their own goods, because if the money—for example, I learnt yesterday that in the region of Sh. 5 million or £5 million was spent during the famine. I think if the Government had taken steps to have proper plans and to know where to develop and what to develop, this money would not have gone to any country to buy all these famine relief measures. Therefore, I again stress here, Mr. Speaker, that famine relief is just being taken as a pleasure because of the mistake of the Government, and now it is high time the Government and the Ministry learnt something very, very seriously,* learnt that with proper planning the food that we eat would be grown in our own areas and all that money that we pay, at the moment, for famine relief could go to buy tractors or buy seeds of a higher quality, improve the investigation centres, and this would be for the benefit of our people and not end in the bankruptcy of our country.

Mr. Speaker, I remember last year that we could not plant cotton in our area while people had prepared the ground because when the agricultural officer tried to get the tractors, he could not get them from anywhere and that was because the money which was to come from the Ministry of Agriculture through the Cotton Board could not be available in time to prepare this ground. Therefore, Mr. Speaker, I still urge the Government to make sure that when the time for planting comes, it is time for planting, and not time for fidgeting and looking for small things when the farmers are waiting for the seed and also for the machinery.

So, Mr. Speaker, in ending this question, I wish to stress that the money that the Government will spend on famine relief or on family planning in Kenya—because they think that if we do not have planned families, there will be too many to be fitted in this country—will be wasted, and I would call that a waste of time and money. People can have ten children each and still have places to live in this country, as long as there is proper planning, and the population of our country being maintained means quite a lot.

Therefore, Mr. Speaker, I thank the Minister concerned and hope that he will not just shelve

these proposals and then say that he has accepted and therefore there is nothing else to be done.

So, Mr. Speaker, I beg to move.

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

Resolved accordingly:

THAT in view of the fact that the largest part of the Eastern Province is arid and no farming can be done; and as a result famine relief measures will be required every year; this House urges the Government to accelerate the development of farming standards in Eastern Province which could produce enough food to feed the population of the Eastern Province by giving:—

- (a) Water development loans.
- (b) Farming (large and small) loans.
- (c) Stepping up land consolidation where it has not been done.
- (d) Dairy and ranching cattle co-operatives be formed as soon as possible.

MOTION

SUBDIVISION OF MERU DISTRICT

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

THAT in view of the size and administrative problems of Meru District which is so large, this House urges the Government to subdivide Meru into North Meru, Central Meru and South Meru Districts with respective district headquarters at Maua, Mitindwa and Egoji; and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

QUORUM

Mr. arap Biy: On a point of order, Mr. Speaker, when such an important Motion is coming up, is it in order for this honourable House to go on when there is no quorum?

The Speaker (Mr. Slade): You are raising the question of whether there is a quorum? There is no quorum: so ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have very nearly a quorum now and it would be a pity to adjourn the House an hour and a quarter too early. Perhaps some hon. Member would act as a whip and find the remaining three Members that we require. We are still one short.

Thank you very much, Mr. arap Too. We now have a quorum. I would ask hon. Members to respond more quickly to the Division Bell which

[The Speaker]

does mean that we are going to adjourn for lack of a quorum, which is not to the credit of the House. As it is, we had to wait eight minutes, which is longer than the House is usually prepared to wait for a quorum.

Will you now proceed, Mr. Mate.

(Resumption of Mover's Speech)

Mr. Mate: Mr. Speaker, Sir, the reasons for moving this Motion are that it has been the wish of the Meru people and for a long time a problem of the administration in Meru that the district is too large for one district commissioner and therefore development is very difficult. Mr. Speaker, Sir, for those who may not have acquainted themselves with the geography of the Meru District, let me explain it to them. The Meru District extends westwards up to Nanyuki, northwards to Isiolo and Garba Tula and to the east it goes as far as Tana River and borders with the Kitui District, and to the south it stretches to Embu District.

Mr. Speaker, Sir, the problem here is that the district commissioner's office, which is in the centre of Meru, it is 54 miles to Nanyuki. If one goes north to the Nyambene area it is about 40 miles to the border and Isiolo. Now, Sir, coming down towards Embu it is 68 miles to Thuci River and going eastwards towards Kitui it is almost 40 miles. So, Mr. Speaker, Sir, for administration purposes for the Government officers, in order to be able to move freely, it becomes rather difficult.

Mr. Speaker, Sir, we have, in Meru, the problem of poor communications. There are not any telephones in the district. The roads are very poor and, at the same time, the administration has to go on, but the complaint which has been put forward by the successive generations of district commissioners and administrators in Meru is that it is unwieldy. Mr. Speaker, Sir, I would therefore like to submit that the one way, which I can think of, of making it easier is to subdivide the area so that closer administration can be done by the district commissioner living near his people, and not having one district commissioner who has to travel long distances, sometimes, in the wet weather over very bad roads, and finding it very difficult to reach the particular area where they want to go. Mr. Speaker, Sir, the Meru District has twenty-five chiefs.

Mr. Speaker, Sir, that means that we have the district officers in the particular divisions and the district commissioner at the top to supervise the population. Mr. Speaker, Sir, today when education, health, agriculture and social problems

have increased with progress it is difficult for one administrator to be able to manage these day-to-day problems. I am glad to say that the Government have progressively been trying to solve these problems of transport, communications and also giving us more administrative officers on the ground in the division. We have had, recently, two more people appointed district officers. That, Mr. Speaker, Sir, is not enough though. It is a problem that the problems of administration are increasing; also the population problem. Therefore, Mr. Speaker, Sir, I feel that the one way of getting rid of these problems is to up-grade the status of the district officers by making them district commissioners in this particular area and, in this case, I have already suggested that Meru be divided into three. This will be able to solve the problem on the spot.

Mr. Speaker, Sir, I realize that there will be problems of money. The Government may say that it is all very well, the Motion can be accepted, but do we get the money to establish the officers in order to employ more officers and to equip the three districts? Mr. Speaker, Sir, I submit that that is not a real problem, because the district commissioner's office in Meru is as old as any building that was built in 1906. It was built by the hands of the people of Meru. It is a very old office and the district commissioners of Meru have been in that office up to now, and even the District Commissioner, Meru, is in that same office today. Mr. Speaker, Sir, the administration in Meru continues to be in that very old office. This, the Government ought to be ashamed of, because a new one should have been built; but if the district commissioner is able to work in that rather poor office, then the question of having offices of a very high standard does not matter very much. It is just a matter of principle of having people on the spot with greater power.

Now, Mr. Speaker, Sir, as far as the one office in the north is concerned, that is North Meru District, which would comprise the Nyambene Division, Igembe and Tigania, the Maua divisional headquarters has fairly good facilities. If only we up-graded the officer and he became a district commissioner, rather than remaining a district officer, he would not have to go 40 miles to the district commissioner if there is a problem. It would be better than having to go to the district commissioner or the Administration with problems that perhaps could be solved there. Now, Sir, in the Central Meru which includes the Timau area and the North Imente Division, that is where the district commissioner is today. That does not present a problem because otherwise those same offices can be used for the divisional offices which are next door.

[Mr. Mate]

Mr. Speaker, Sir, in the South Meru District which would include South Imenti Division, Nithi Division and Tharaka, there is where we would have a problem. We have two nearby sites which could be used; Egoji is one of them or Kieganguru Chief's Camp next, but that would be up to the administration to settle with the Government.

There would be a problem there of getting a proper building, but with the population, the potential of Meru, their coffee, cultural and other potential, this should not be a real hinderance, because we must face that so long as the principle is accepted, the question of having to build a headquarters would not be left out of the programme. If it is said that the programme suggested is good and it should be done, then there is no real problem.

Mr. Speaker, there may be the question of having to ask county councils for help. It is all very well. We have what we call area councils, some of which have very good budgets. They have better budgets than some of the districts in Kenya. An area council in Meru has a very good budget. So the up-grading of these particular area councils, and grouping them in order to place them all together to form a district, would not be a real problem. So, I think the question of finance could not be so formidable because this, I feel, would solve the question of accelerated development and would cater for the future better. Therefore, Mr. Speaker, it is the principle of the matter which I feel is very, very important for development, because each county council would be able to concentrate and do more for their particular areas, and it would hasten development.

Mr. Speaker, I do not want to dwell on this for much longer because I am more interested, I feel, in hearing what the Government's response is. My feeling here is that I must show that there is a problem; but, then, there is the question of the amendment of the Constitution. Our Constitution says that there should be only forty-one districts in Kenya. That would also have to be looked into. I am sure that if Government accepted the idea that in order to get development, not only in Meru but in many other parts of Kenya where, maybe, having more districts and more county councils would accelerate development, then if the idea is accepted as a general principle, the application would not be very difficult. I feel, Sir, that the Government should consider this in terms of better and more rapid development in Kenya so that the Constitution could be amended to facilitate this.

Mr. Speaker, I believe in change. I believe that at times certain changes are required and amendments are not impossible if they are for the better. In this particular case I feel they are for the better because an area like Meru will never be able to move forward quickly enough because of the unwieldy programme of administration, or the departmental programmes of agriculture, education, health, roads and many other programmes which, I am sure, every district commissioner or district officer or departmental officer, serving in Meru, could urge for and say that Meru cannot effectively, administered by one district commissioner, progress. Progress will always be slow. So, Mr. Speaker, I feel that Government should look into this matter, into this programme, not so much as a matter of trying to dislocate anything, but because development itself is so difficult.

Sir, I feel that Government would consider this particular Motion favourably and accept the principle that to get better administration, better progress, the district is too large for one district commissioner.

Mr. Speaker, Sir, I beg to move.

Mr. Nyaga: Mr. Speaker, Sir, I stand to second the Motion as a Member coming from Meru South in the southern hemisphere.

Sir, this Motion is very, very important and I think the House and the Government should consider it very seriously. I do not want to go over the points that the hon. Mover has mentioned. In the first place from the southern hemisphere to the headquarters of the district is about 60 miles. So it is very difficult for any individual who wants to enter into any of the offices of the district commissioner, the district officer or the education officer, anybody. It is 60 miles away. Mr. Speaker, we are poor people in the district because we have been neglected for years and years, and ages and ages. The House and the Government know this, and the Government should do something about it. If these people want to get something from the headquarters they have no money to come from such long distances. They have no money to get to the headquarters. They cannot pay for the buses, they cannot pay for any transportation. Now, this poor man who lives in the southern hemisphere or the northern hemisphere for ever and ever, Amen, will have practically no money to travel a long distance.

Here, Sir, the hon. Mover said that the district should be divided into three districts. I quite agree and heartily support the Mover. We have the northern hemisphere, where we have the North Meru District which caters for the Meru;

[**Mr. Nyaga**]

then, in the centre we have Central Meru which caters for Musindwa. Everyone knows about the export of coffee. In the southern hemisphere we have, the Mover said, South Imente. We have our own buildings also. The very building where the district officer lives is a hut. Let me call it a hut though it is not even a hut. It was built by the people in 1913 and the district officer still lives there now. This is the headquarters of South Meru, whereas here, in Nairobi, and some other places, the chief's centres are built from stones, they are decorated and all this other business. That is not done in Meru. Therefore, we have the old Meru, we have only one headquarters which could very well be the centre of the district. What is most important here is that the Government says it has no money. That is what the Government always says. That is why it says it cannot do anything.

We have that old hut built in 1913; all right, let it be the headquarters of the district commissioner in the southern hemisphere. I do not want to get very much involved in the financial business. We have spoken of that enough. We have been tolerant enough all this time; I am talking of the Meru people.

Let us come to development business now. Let us talk of development in the district. Let us talk of development loans for development in any of the districts. Before we go into that we have to look at education, because they have improved that one. I will give you an example now. This example has been carried on for quite a long time, and that is about the development of secondary schools and schools in general. The division of schools in Meru District, by the county council, is rather—I do not know how to term it—bad. Meru, because of the various denominations, is split up. We have the Pentecostal group, we have the Catholics and we have the Protestants and Methodists. These are in Meru District. Now, in the county council, the Government says, “All right, we have so many secondary schools in Meru District.” The Catholics are scattered from end to end, the Pentecostals are on the other side. So, the schools are divided into three. Now, the Catholics are from this end to that end so they have three schools; this side gets one and that side gets the other. Who is losing? It is the Catholic who is losing because he is from end to end.

Now we come to development loans for development in Meru District. We say, all right, in Kenya we have so many loan projects. So, Meru will get one, Sh. 1,000,000. Kirinyaga, for example, which is two divisions from the northern side gets Sh. 1,000,000. There is no equality

whatsoever. We have to say, “All right, the district is so large. All right, give us Sh. 5,000,000.” Kirinyaga is so small that it should get less. So, I say there is no question of equality. That is why we Meru people have to ask that our district be divided into three parts.

Recently the President visited Meru. He only visited Mutindwa because he only knows this part as the headquarters of the district. From Mutindwa he went to Embu, which is 50 miles away. He knows nothing about the south, or north, or west or east. He just drives right through. Everybody said the President visited Meru, then he came back to Nairobi. We do not want it that way, because my people, Mr. Speaker, always cry and say they have never seen the President. They say, “Who is the President? When shall we see the President?” Other people cry and ask the same thing. I think the Government and the House should consider this very carefully and we that we Meru people who are suffering and have been neglected, left behind should now be helped. We have been left behind for ages and ages. This is the Government of the people. What is written there? Look, what is written there? It says, “For the welfare of society and the just government of men.” If this is true, then we must regard these people, we must help them. I emphasize this now and will do it for ever and ever. All the time I will emphasize that we must be divided into three districts.

Another example, Mr. Speaker, Sir, we have Kanu in Meru. We have the Kanu branch, this is the Kanu Government, the headquarters is at Meru. But there is no Kanu. It is not known. Everybody forgets. Why? They forget because there is no office. The branch is unable to have an office so that the people can know what is going on. There is one office which is so many miles away and cannot be reached by people who are so many miles away.

I want to support the Motion and emphasize that the district is divided into three, one area in the south, another in the north and one in the centre.

So, Mr. Speaker, I beg to support the Motion very strongly.

(Question proposed)

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, the Government does not accept the implication of the Motion, that administrative problems exist in the district to the extent that the split of the district is the only solution. Meru, Mr. Speaker, is one of the districts which is very efficiently administered. It has definitely four divisional administrative

[The Minister of State, President's Office]

centres, Maua, Kinoru, Komo and Imenti, and a sub-division of Tharaka, let alone the district headquarters of Meru.

It has adequate police stations in all these areas, and other Government departments are similarly represented. As a result, Sir, Meru District, witnesses a steady rate of progress.

Everywhere in Meru, in the field of agriculture, education, commerce, the size of progress and rapid development are self-evident. It is not usual that one should see these things as a full administrative difficulty when applied as by this Motion.

I must mention, Mr. Speaker, that the people of Meru suffered slight setbacks some time ago when a number of people were attacked by *Shifta*, but the hon. Member must be aware that by now these are not administrative problems. They are not problems which need or create the desire for the district to be split. They were acts of some disillusioned groups of gangsters who advanced some wishful thinking of a foreign Government. The people of Meru are themselves aware that drastic measures have been taken by Government against these gangsters.

On the whole, Mr. Speaker, I feel it my duty to record here that the Members of this House should start to look at things objectively. I do not consider that it is a constructive thinking to urge the Government to divide a district partly for the sake of dividing it. I may say that the Government has no money to play about in making those requested changes for the sake of changes. We need money for some other important and more valuable matters. It is actually true that the district has been definitely administered and to that extent, that the economic feasibility of the proposed divisions does not exist, and it would be to the detrimental economic centralization of the area if these areas were divided.

Mr. Speaker, from the economic point of view, all the Meru areas have been actually giving the country more profit and development, that actually have been repeatedly discussed even in the other Motion which was followed by this one. The Motion which was passed a few minutes ago is clear evidence to show that the Government has put money into the points of development and not into points of change just for the sake of change. Now it will be definitely contrary to the economy of the country and it will mean that the Government is not taking heed of this sort of thing.

Mr. Speaker, I want to inform the House that the minimum cost to establish a district is about £300,000, and it will be actually a novelty if at all we spend the £300,000 for the sake of chang-

ing some area, which, today, is actually giving the country investing that money for the productive benefit of the area.

It is open to question, Mr. Speaker, whether, at this stage of our country's development, we should commit large sums of money to unproductive projects like the establishing of a new district, a headquarters, and things like that. This could mean diverting men and money from roads, from hospitals, from schools, that Meru wants, and putting that money just for the sake of change. The Government, Mr. Speaker, is not willing to have this change, and therefore we beg to oppose the Motion.

Mr. Ngei: Thank you, Mr. Speaker.

Although I was not here when the hon. Member moved this Motion, I would have really liked to be here to hear the purposes and the problems which he considers to be administrative, in order to pave the way for dividing a small district like Meru into several smaller kingdoms, to be within any kingdoms at all.

He has been very extravagant in the use of language when preparing this Motion, when he says that the Meru District is so large. Mr. Speaker, in the modern world, when we speak of a thing which is so large, we must consider the modern ways of communication and so many other things. If the hon. Member did consider the facilities of communication, if the hon. Member knew that there was a Motion which was coming for development of the Eastern Province, then he would not have been so extravagant to want some money to move from real agricultural development to creating small kingdoms in a very, very small area. Mr. Speaker, I was wondering whether the hon. Member did take into account the question of communication. He ought to have told this House that he wanted more money for the improvement of the roads in the district, so that he can move faster from one divisional headquarters to another. He ought to have told us of the deep valleys and deep rivers of Meru that need new bridges, so that he can move from one area of his constituency to the other area. But just to go and think of creating a kingdom because he wants to be a *Kabaka*, perhaps, in that kingdom, in order that, perhaps, in future he may come to the House very easily by convincing his kingdom, I would say that I oppose the Motion very strongly; and I think, with due respect, the hon. Member did not think very much.

If we speak in the House, do not let the hon. Member think that we do not know the geographical set up of Meru District. He said Mitindwa should be one district headquarters. It is already

[Mr. Ngei]

a district headquarters, and, therefore, you ought to have removed Mitindwa from your suggestion, to create a district, and this is why, Mr. Speaker, I am questioning the thinking of the hon. Member, because Mitindwa is a district headquarters. If then we are left with Maua and Egoji, then we shall say it is only a very short distance from Maua to bring, perhaps, *miraa* to Egoji or Mitindwa. It is only a question of twenty-two miles. If we are going to consider our administrative problems and call a distance of twenty-two miles in the modern world so large, then I really doubt the mathematical capacity of my hon. friend across the Floor. When I say, "across", I do not mean you belong to a different party, I know you are Kanu. I mean across yonder.

Mr. Speaker, I do not want to waste much of the public time and money, but I very strongly oppose this Motion. If the hon. Members were tempted to bring a Motion of this nature just because they think that they want an area which they think is very suitable for their own whims—and I am not accusing the hon. Member, but it is a very serious principle—we shall be open to criticism by the public that we do not think about welfare, which has been emphasized by the Seconder of this Motion, and I doubt whether he understands the implication of it. We shall be accused of not really taking seriously the welfare of our society, of our people, of our community, of this nation. If we are to create what he terms problems which do not exist, so that we may have a channel of spending the public money, then we face a very serious situation in future.

We have a problem in this nation, a problem of the development of the nation, and the money that we get from taxes or from any other revenue must be used for the current and urgent development plans which have been laid down by our own President.

Mr. Speaker, I oppose the Motion very strongly.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, I think the hon. Mover of this Motion is very unfortunate today because it just follows a Motion whereby his colleagues and himself asked for money from the Government for development of the province, and here again he is trying to ask for about a million pounds for division of the districts. I would not say much, Mr. Speaker, because the hon. Member for Machakos North has said practically all that I was going to say.

What I want to add here is that, if this Government had any opinion of dividing a district because of its size at all, there are a number of

districts in this country which need division, administrative and such. The hon. Member, in the course of his speech, told us that the farthest point to the nearest district from the centre was 68 miles. I would only refer him—and I understand, Mr. Speaker, that the hon. Mover of this Motion is a graduate in geography—I would refer him— It is history, Mr. Speaker, I am told. So it is better then, because he does not know much geography of this country. He is a graduate in history.

I am told, Mr. Speaker, in a district like Machakos, for example, from Machakos headquarters to a point like Mtito Andei, which is a very far distance, would be 120 miles. This is almost double the distance he gave us as a reason for dividing this district. Mr. Speaker, this is indeed very unfortunate. One of the Masai districts, such as Narok, for example, needs close administration for development purposes, and if the Government had the money, we would think of dividing up such districts probably for closer administration and development. But Meru District, as the Minister of State in the President's Office stated very clearly, has developed and this cannot be denied. The hon. Member himself has, I am sure, a big farm of coffee and he knows this. He does not need help any more than a person in Kajiado or Narok District who has no coffee and who is trying to plant coffee and needs help from the Government extension officers.

Mr. Speaker, as I said, I do not want to tire the House by repeating what other hon. Members say, but it is only fair that the hon. Member should appreciate what the Government has done in accepting the previous Motion in this House, which asked the Government to give a lot of money for development of the Province, which includes Meru District. So that rather than giving money for dividing up—as the hon. Member for Machakos North says—kingdoms or "Kabakadoms" for the hon. Member for Meru Central, Mr. Speaker, it would be probably a good idea if somebody, after I have spoken, were to move the closure of this Motion because, as we can see, it would probably be rather battling with something which we know will not be supported by other hon. Members.

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

Mr. Mate: Mr. Speaker, Sir, in reply to the Motion, I am surprised that the hon. Minister in the President's Office should simplify issues so much. He has talked about police stations.

[Mr. Mate]

They are there all right. He has talked about divisional headquarters. They are there all right. He has talked about all the things you can find in Meru: good agriculture, good everything, good hospitals. I am saying we want improvement and improvement can only come through administration. If a man or woman living very far away from the district commissioner's office or the education officer's office has to travel to go and see the district commissioner and pay money to go and come back, is it the same as coming from Nairobi to go to Kiambaa or Kiambu? From Kiambu to Githunguri or to Gatundu or to Thika is a very short distance; why do we have so many district commissioners so near each other? Mr. Speaker, I do submit that over-simplifying matters is very bad.

I do agree that the former Motion in the House meant more money for development in the Eastern Province, Meru included, but it does not mean that developing agriculture only, leaving administration alone, will automatically solve everything. The problems of administration in Meru today have become more and more complicated and, for his interest, Mr. Speaker, the Meru are the fifth community or tribe in Kenya; after the Kikuyu, Luo, Baluhya and Kamba come the Meru.

Mr. arap Biy: What about the Kalenjin?

Mr. Mate: The Kalenjin come in somewhere there.

The Kikuyu have seven districts, the Luhya have three, the Luo have two, the Kamba have two and the Meru have one. Some other smaller groups or units have what I call very small districts for reasons of their own which I do not dispute. So, Mr. Speaker, when the Minister in the President's Office simplified matters, he was just trying to say this: Meru can do with whatever they have because God is good to them. It is not just because Meru has agriculture or development that we want the changes, it is because the problems are becoming more complicated.

Mr. Speaker, he referred to the *Shifita* or even freedom fighters. Is he trying to say that *Shifita* problems in Meru were not caused sometimes because of lack of communication? They come into—

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, I did not say that the *Shifita* were freedom fighters at all. He said that I said that *Shifita* were the freedom fighters, and I did not say that at all.

The Speaker (Mr. Slade): I think you may have been misrepresenting what the Minister said. He has corrected you now, Mr. Mate.

Mr. Mate: I said the Minister quoted the *Shifita* or even freedom fighters.

Having come into Meru, one of the reasons, Mr. Speaker, is this: for example, Kathangacine is so far away from the centre that when the *Shifita* come there, people can only walk to go and report it to the nearest chief, and then the nearest chief will go to the district commissioner. There is no proper communication and, Mr. Speaker, I would rather like the Minister to understand that we have no telephones in Meru, very bad roads, and our problems are those of mountainous regions and they should be considered.

Mr. Speaker, the Minister said that Meru has plenty of revenue, good revenue, and we shall have more money for development, which I agree with, but what about the administration? When I talked about size—one of my friends, the Minister for Information and Broadcasting, quoted a distance from somewhere in Machakos to Mtito Andei, or somewhere like that—I was not comparing distances in terms of, say, Thika District or Malindi District; it is the particular problems of the Meru District which the Minister has not tried even to go into, he is just trying to take the matter over shallow ground.

Mr. Speaker, Sir, I do feel that even though the Minister says his Government rejects the Motion, there are merits that I feel Government should look into, in due course.

Mr. Speaker, my friend the Member for Machakos North, tried to make a play of the word "kingdoms". What is wrong with subdividing or dividing? On this idea of unity, it takes bits to make up for unity. If in the district for administration there are divisions, it does not mean that there is no unity. There is blind unity and sensible unity. So when we divide Meru into subdivisions for administration, it is not interfering with unity.

Mr. Speaker, I will not take much time in trying to play on the word "kingdoms" because I am not interested in being a king, I am just an ordinary person among ordinary people. Mr. Speaker, I do feel that the Government, all the same, should look into this problem. They should go into the history of Meru and I hope and trust that in due course, in spite of what the Minister in the President's Office says, we are going to have three districts in Meru.

Mr. Speaker, I beg to move.

(Question put and negatived)

MOTION

ASSISTANCE FOR EMERGENCY WIDOWS
AND ORPHANS

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

THAT in view of the fact that many people in this country died during the war of independence from 1952-60 and left behind many children without parents, this House urges the Government to take responsibility and educate these unfortunate children free of charge and assist the widows financially.

Mr. Speaker, Sir, this is a very, very self-explanatory case and before I go any further, I want to put to hon. Members the fact that this Motion has nothing to do whatsoever with a tribal basis. It is a countrywide Motion and everybody, Mr. Speaker, Sir, has noticed the trend of things happening in this country. It is true that during the Emergency many parents—mothers and fathers—died, fighting to liberate this country from the colonial yoke, and ever since you have noticed how many children were left without care. Today, Mr. Speaker, Sir, in the whole country, you find that in many provinces there are many children who are not going to school; it is not their own fault. It is due to the fact that their parents died fighting for the independence of this country.

It is a fact that when the Government considered educating these children, it would give encouragement to future generations to come forward when the country is in difficulty to fight with new nations because, Mr. Speaker, from history this must not be regarded as part of the last war because as the country grows and civilization comes, we have seen there are now so many people from East and West who are interested in the welfare, in the domination of other countries, and it may happen, too, that one day a certain new country may like to invade Kenya, and the future generation must come and defend it. But if they discover that the Government is not taking care of the orphan children, they would not take any interest.

I would say this, Mr. Speaker, Sir. In any country in the world, after a war it is the duty of the Government to take care of the orphan children and the widows, and Kenya cannot be a unique country whereby these children of the freedom fighters are forgotten. When I say that I do not bring this Motion under any emotion at all, Mr. Speaker, Sir, I know very well that during the fight for our independence, so many people of every tribe in Kenya were in the forest, many were in detention, many were in prison and, therefore, no hon. Member who has the interest

of this country at heart could oppose this Motion because it does not affect a certain tribe; it affects generally.

Mr. Speaker, I know the Government may argue that it has no money to look into these cases, but I would point out what happens in other countries after independence. The Government sets up institutes where they take care of all these children and the orphan children are taught. I think if our Government did the same, no doubt the whole world would know that the Kenya Government appreciated the role played by the freedom fighters during those days.

Mr. Speaker, Sir, I would also inform the Government that it has seen what changes are taking place in the country today, especially that we are now going to have a two-party system in this country. I would like the Government to take very serious notice of this. It may happen that the Opposition will use propaganda in the areas which were badly affected by the Emergency, by saying, "Look, you are forgotten, your children were not cared for by the Government; you are denied education, land or anything of that nature." But because I am confining my Motion to the education of these children, I would only say in an area like the Central Province where—and this is more evident—so many children are without parents and are now without education. They are roaming the streets. This may be very fertile ground for the Opposition to come and say, "Well, see how your parents are forgotten by your Government; you are not given education." This is one of the weapons I would like to draw the attention of the Government to, to see that those children are cared for, and institutions must be found so as to give these children education. I may inform the Government that we are confronted by difficulties of trying to establish as many *Harambee* secondary schools as possible, so as to try and help, Mr. Speaker, Sir, we must find the money for those unfortunate children to be cared for and educated. It is the responsibility of the Government to educate them, because once they are being educated by the Government and the orphan children are taken care of by the Government, they will like their Government.

Today, Mr. Speaker—and this is evident—everyone has seen that we have a very large population of young people in towns, trying to get their living by any evil means such as, Mr. Speaker, if I am allowed to say it, prostitution. Prostitution has increased in our country very badly and this has come through the lack of education of girls. They must be trained and shown other means of getting their livelihood,

[Mr. Kamau]

because they have found the only easy way is to come to town and do all sorts of evil things. These boys and girls who are the future leaders of this country can only be found drinking in bars. In our old customs, Mr. Speaker, Sir, there was an age limit, and for somebody to be allowed to drink he had to be a mature man, but today, Sir, you find a boy of sixteen or eighteen is amongst the worst drunkards in the town—

An hon. Member: Even fourteen.

Mr. Kamau: I am glad that one of my hon. friends has noted even a young boy of fourteen years in a bar, drinking. Why? Because he has no other occupation. He ought to be in school, he ought to be in a training centre somewhere, but because nothing of this kind is provided anywhere, they have found that there is no way out other than to engage themselves in other ways such as drinking, gambling and prostitution. I think, Sir, this ought to be a shame for our Government if they do not take care of these youngsters. These, Sir, are the leaders of tomorrow and if we do not take care of them, then nobody else will take care of them.

Mr. Speaker, Sir, some people may argue that, perhaps, Mr. Kamau is moving this Motion because it was the Meru people and the Embu people who were prominently engaged in this fighting. This, Sir, I would dispute by saying that a large number of Masai were in the forest together, a large number of Luo were in detention and prison together. In fact, Sir, all the tribes were included in this battle. The Wakamba were the most effective tribe in this battle and history shall ever reveal that we were fighting for the right cause, as has been proved to us. So, Sir, if the Government does not take any heed of these youngsters, it will not be doing a service.

Therefore, Mr. Speaker, Sir, I hope when the Minister for Education comes to reply to this Motion he shall reply in the positive and give it very, very serious consideration, that we should see that these unfortunate children, orphans, are given the facilities to go into most of the schools which are in existence today.

Mr. Speaker, Sir, if I may now come to the question of widows. We find that most of the widows who are left without a husband were put in villages and that today we find that these villages have no water, no land for them to cultivate and they just wander around as birds of passage. I think it is the duty of the Government that they should look, even in the case of

these widows, after them, because we must be aware of the fact that they are birds of passage, but that their husbands helped to liberate this country. We, as the present Government, are enjoying the fruits of independence which were gained after blood had been shed by those people who left these widows and orphans, and therefore, we should show our gratitude to these people by helping the people they left behind. I hope, Sir, that when the Minister replies he will put himself in the position of these widows and children and see what their difficulties are, and that their difficulties are his difficulties, their difficulties are our Government's difficulties.

Mr. Speaker, Sir, I therefore have no doubt that the Government is going to take this Motion, accept it and consider it very seriously. I know also how important this Motion is and many Members would like to speak on it. I do not want to dwell on it because it is a self-explanatory Motion.

Therefore, Mr. Speaker, Sir, I beg to move.

Mr. arap Biy: Mr. Speaker, Sir, I congratulate the hon. Member for Githunguri who has just brought this Motion into the House in time for the well-being of those who are left behind from the ones who fought for our political freedom and independence of this country. Mr. Speaker, Sir, in supporting this Motion, I would like to urge the Government to consider those people who fought for the same cause and who lost their lives in the 1900/1907 battle. These people were fighting for the cause of the freedom of this country—

The Speaker (Mr. Slade): Mr. arap Biy, I think that is hardly relevant to this Motion, partly because it is another set of people and partly because the children of those people would be a little bit too old to need education by now. It was a long time ago.

Mr. arap Biy: Thank you very much, Mr. Speaker. I will have to confine myself to this Motion.

Mr. Speaker, Sir, I was not one of the freedom fighters, I did not go to the forest, but, Sir, I know exactly what took place during that time and what happened during the period of Emergency which took place between 1952 and 1960. Mr. Speaker, Sir, thousands and thousands of lives were lost and these lives were fighting for nothing but the freedom of our own people. They were fighting for our own release from the colonial yoke which, Sir, we have achieved, and those of our brethren who lost their lives, their families who are now unfortunate and roaming

[Mr. arap Biy]

around the streets of Nairobi, Nakuru and elsewhere in the country, and probably outside, I think this hon. Government—the popularly elected Government—of the people of Kenya should not turn a deaf ear to the needs of these unfortunate orphans and the urgency of free and compulsory education for these children.

Mr. Speaker, Sir, as the hon. Mover put it, prostitution is increasing at a considerable rate, not only in Nairobi but in every part of the country. It is simply brought about due to the lack of educational facilities and also due to the lack of parental care for the children. Mr. Speaker, Sir, a number of these children are notably known by the Government and I know very well that the Government is ready to say that there is no money for educating these victims because the Motion is asking for free education which, I think, will have to be compulsory for all those affected. Therefore, Sir, the Government will have to take the burden of finding ways and means of getting money in order to educate these children.

Mr. Speaker, Sir, this Government could honourably ask some charitable organizations, such as the Child Welfare Society and other such societies which are being organized in other parts of the world to donate some money to help educate these children so that tomorrow we can have leaders of this country being composed of some of these orphans.

Mr. Speaker, Sir, we are told exactly from history that these children are not suffering through any fault of their own. They are suffering simply because their parents fought for a good cause, and this cause was the independence which we are now enjoying. Mr. Speaker, Sir, today we turn over in our minds the things which are happening now, for example, in Uganda, where a good number of people have already lost their lives. Mr. Speaker, Sir, I am of the opinion that the Uganda Government might consider as a matter of national importance the education of those children whose parents have already lost their lives not through any fault of their own but because of the fault of a few individuals who wanted to keep on retaining their own small kingdoms.

Sir, I do not think I will go on elaborating on the Uganda problem, I was giving that as an example of the Motion which is now before us.

Sir, I hope the Government will sincerely think of finding a way and means of helping these unfortunate children and the widows.

Mr. Speaker, Sir, I beg to second the Motion without any reservations.

(Question proposed)

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, this is a very touchy Motion. However, if the hon. Members who spoke had a small research into what the Government has done for the children who have no parents, or for the widows, they would have realized that the Government has not been sleeping, that Government has not refused to aid such people. Therefore, I feel they spoke as if the Government had not done anything for such people, the victims of the war of the Emergency, the victims of other causes.

Mr. Speaker, the Government does not have a separate policy with regard to responsibility of educating children and assisting the widows of people who were killed during the Emergency. There are facilities to take care of individuals who have been victims of the Emergency and other causes. Government helps needy people, of whatever race or tribe, through a system of remission of fees in primary schools. These are granted on the recommendation of school committees. Such committees being local and right on the ground, and quite often elected by the local population, know the cases of the needy people and, therefore, they recommend the remission of fees within the permitted 10 per cent limit.

If you take into account the fact that in 1965 all revenue from school fees amounted to £3 million you will see that remission may have accounted for approximately £300,000 in primary schools. This went to the poor children who had no parents, whether they were victims of Emergency war or whether they were victims of any other cause.

In this financial year, Mr. Speaker, the Ministry of Education has, in the Approved Republic Estimates, a sum of £54,000 for secondary school bursaries, and this figure is expected to be larger during the coming financial year. An unknown figure is also spent on bursaries by the county councils each year in order to help people in secondary schools.

Government assistance is also available, Mr. Speaker, through relief and distress funds, and widows of those men who died, and have no visible means of existence, could apply for these funds through the district commissioners.

Thus, it can be seen that without singling out the children of those people who fought for *Uhuru* the country is taking care of needy children as far as finances allow. Should a policy

[The Assistant Minister for Education]

of identifying those who fought for *Uhuru* for the purpose of rewarding them be adopted, obviously those who did not fight for *Uhuru* would have to be denied the benefit of such funds as have been described above. This would be a form of injustice, Mr. Speaker, which would not correct the original problem. Since the funds are available a contribution from all citizens and non-citizens alike, whether they fought for *Uhuru* or not, they must be used without discrimination.

Mr. Speaker, Sir, a number of points were raised by the hon. Members and the hon. Mover of the Motion once made a remark that there was a sign of domination either by the East or the West. I do not know whether it was an indication of saying that if these people are not rewarded, or their children are not looked after, perhaps when there is any fight in the future, either against the East or the West, these freedom fighters of ours will not take part again. I think that was not the aim of independence fight. The aim of every Member who took part was not to get a reward at the end. The reward which, I think, we have obtained was only to see that the colonial powers and the colonial yoke, as has been referred to by one hon. Member, were removed. I would have said that that was a reward for every person in this Republic. So, I feel that a general reward has been achieved, but I do not think there is any question of individual reward.

Another thing is this: the Mover of the Motion spoke of two parties. He said that perhaps the Opposition will be using, as a means of propaganda, the fact that people were not rewarded after the war of independence, that people were not given land. I do not think he can say that of the Central Province; maybe he can say that of any other province because in the Central Province there are people who have benefited from the land issue. I can quote today that Nyandarua as a district had never before been Kikuyu land.

Mr. Kamau: On a point of order, Mr. Speaker, may I inform the Assistant Minister that I refrained from saying anything on the land issue. I stated that I would confine myself to education only and would not raise the issue of land.

The Speaker (Mr. Slade): That does not stop the Assistant Minister coming to it.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, the Mover of the Motion stated that perhaps the Opposition Party Members were going to use this as a means of propaganda, saying people were not given land. I said if they did use this propaganda in a province like the Central Province, then they will miss the target because the people who have benefited more from the land issue are the people in the Central Province. They now have a big district which was never theirs. So, if they mention the question of landlessness and free land to people, I wish the House would tell us where this free land is before any propaganda is made.

The Speaker (Mr. Slade): Mr. ole Konchellah, have you much more to say, because if that is so, perhaps this might be a good time to break off?

The Assistant Minister for Education (Mr. ole Konchellah): I do not have much more to say, Sir.

The Speaker (Mr. Slade): In that case perhaps you would like to finish off your speech.

The Assistant Minister for Education (Mr. ole Konchellah): So, Mr. Speaker, Sir, I would like to say that quite a number of points have been raised which were to some extent relevant, like prostitution through lack of education. I feel that prostitution is not due to lack of education but it is due to lack of parental advice. Perhaps the parents do not advise their children. Also, you do not only find that the children of poor people are prostitutes because you find prostitutes among the children of rich men. So, I feel it is only lack of parental advice in this matter which is the cause of this wrong.

With these few remarks, since the time is very short, I beg to oppose the Motion.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business and the House is therefore adjourned until Tuesday, 31st May, at 2.30 p.m.

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

Tuesday, 31st May 1966

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

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

PRAYERS

NOTICES OF MOTION

The Speaker (Mr. Slade): Mr. arap Soi, your Motions have been selected by the Sessional Committee, have they?

Mr. arap Soi: Yes, Sir.

The Speaker (Mr. Slade): I am wondering why there are two in the same name. I understand that yours are the only notices outstanding at the moment, Mr. arap Soi, so you can give notice of them both.

Mr. arap Soi: Mr. Speaker, Sir I beg to give notice of the following Motions:—

AMENDMENT TO THE TRESPASS ACT

THAT this House urges the Government to introduce an amending Bill to the Trespass Act (Cap. 294) with the purpose of deleting the whole of subsection (4) of section 12, which provides for the confiscation and sale of stock by order of a Court.

WATER SUPPLIES FOR BOMET DIVISION

THAT this House draws the attention of Government to the damage that lack of water supply for domestic use and stock has done to the people of drier areas of Bomet Division and further urges this Government to take immediate steps to remedy this situation.

ORAL ANSWERS TO QUESTIONS

Question No. 18

"MZEE" AS NATIONAL TITLE OF HONOUR

Mr Makone asked the Minister of State, President's Office if he could tell the House whether he would, with the approval of the House, legalize, officially, the title "Mzee" as a title of national honour for those who had rendered dedicated national service to the country.

Mr. Makone: Mr. Speaker, Sir, this question had two parts and I only see one part on the Order Paper. The second part was: "What are the other national titles and honours?" I hope, Mr. Speaker, that—

The Speaker (Mr. Slade): Order! Once again I have to point out to Members that if they are not happy with the form of question that has

gone to the Minister, and of which they get a copy, they must notify the Clerk immediately they get their copy. It is too late when the question has come on the Order Paper to say that it is in the wrong form.

Is there anyone here from the President's Office? We will leave this question and hope there will be a Minister to answer it later.

Next question.

Question No. 61

SUGAR AGRONOMIST FOR THE COUNTRY

Mr. Mulama asked the Minister for Agriculture and Animal Husbandry why the Government had not created the post of sugar agronomist in this country in view of the increasing importance of the sugar industry.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, in view of the increasing importance of the sugar industry in the country, the Government has already created and filled the post of sugar agronomist. Over and above, the Government utilizes, with appreciation, the free services of another sugar agronomist employed by the Chemelil Sugar Company.

Question No. 73

EXPANSION OF MUKURUEINI HEALTH CENTRE

Mr. Wariithi asked the Minister for Health when he intended to expand the Mukurueini Health Centre for the large population of South Tetu Division.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to reply. The Ministry does not build health centres. This is the responsibility of local authorities. If the County Council of Othaya/South Tetu wish to extend the Mukurueini Health Centre, in view of the large population mentioned by the hon. Member, they should make the necessary funds available in their own estimates and, if necessary, apply to the Ministry for assistance. No such application has been made to the Ministry.

Mr. Wariithi: Mr. Speaker, Sir, arising from the reply by the Minister, first I would like to say that there is no County Council for Othaya/South Tetu; it is a part of Nyeri District, which has only one county council. Now, could the Minister assure me that if there was an application for assistance from the Nyeri County Council to extend this health centre this would be considered?

Mr. Mboya: Mr. Speaker, Sir, Othaya/South Tetu is a division in Nyeri and, therefore, is covered by a county council. If the Nyeri County Council wish to include this particular dispensary in its estimates and applies for assistance, this will be given. Normally, it is given on a £-to-£ basis. The Government will naturally consider other priorities.

Question No. 76

ROADS IN TURKANA DISTRICT

Mr. Ekitella asked the Minister for Works to tell the House, since Turkana District had been left behind by the Colonial Government, when the Kenya Government was going to improve the roads in Turkana District.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. By Turkana District, I assume the hon. Member means Turkana County area. In the draft Development Plan for Roads 1966/70, my Ministry proposes to spend £300,000 on improvement of roads in the area. This will include the Kacheliba to Lodwar and to Ferguson's Gulf Road, which should be of great benefit to the proposed extension of the fishing industry at the Ferguson Gulf. My Ministry also intends to obtain overseas technical assistance for the study into the problem of road communication between Nakuru and Lodwar.

In addition, my Ministry hopes to continue to make *ex gratia* payments which, for the financial year 1965/66, amounted to £2,262, plus a further £565 to cover administrative expenses in this connexion to Turkana County Council for the maintenance of roads in the county area. If these grants are expended properly by the county council, I have every hope that this will also lead to improvement of roads in the Turkana County area.

Mr. Ekitella: Mr. Speaker, Sir, arising from the Minister's reply, as the Minister knows that the road which passes Kacheliba is also through Uganda, what is the Ministry doing to bring that road so that it does not pass through Uganda but goes through Kenya?

Mr. Mwanyumba: Mr. Speaker, Sir, I am in sympathy with the hon. Member and I would like to assure him that the Ministry is doing everything possible to see that the road in question does not go through Uganda any more, and this is why we have earmarked £300,000 to improve roads in his area.

Mr. Ochwada: Mr. Speaker, Sir, since the £300,000 has been earmarked for the period 1966 and 1970, could the Minister give the House an idea of when the actual construction of this road is going to start? Is it '69, '66 or '68.

Mr. Mwanyumba: Mr. Speaker, Sir, yes, I could give the information the hon. Member wants, but the information is that this construction work will begin when we have funds available. At present, the Ministry and the Treasury are discussing ways and means of obtaining loans from overseas sources. When these loans are available, then this road construction will be considered along with other roads in question in the Development Plan.

Mr. Shikuku: Mr. Speaker, do we now understand from the Minister that his previous reply to the effect that the road would be dealt with or constructed between '66 and '70—suppose the loans do not come—will this be null and void? In other words, if the loans don't come until 1970, there will be no roads in Turkana until then?

Mr. Mwanyumba: Mr. Speaker, Sir, we have every hope that loans will be forthcoming from countries who want to donate such loans to Kenya. We are not as pessimistic as my hon. friend is.

Question No. 72

ELECTRICITY FOR GAKINDU AND MIHUTI MARKETS

Mr. Wariithi asked the Minister for Power and Communications to tell the House when the Gakindu and Mihuti Markets, Mukurueini Divisional Centre, were going to be supplied with electricity.

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. There is no plan at present to supply electricity to Gakindu, Mihuti Market or Mukurueini but the East African Power and Lighting Company are always willing to investigate any specific request for supply of electricity and will now do so in respect of these places, if requested.

It is, however, pointed out that there are very many other similar centres equally interested in having an electric power supply, and proper investigations to cover all such inquiries is an enormous task. It may, therefore, take some time to complete the necessary investigations and to decide whether an electricity supply can be given.

Mr. Wariithi: Mr. Speaker, Sir, arising from the reply by the Minister, these centres being very close to the electricity line which goes to Chinga factory, does the Minister not think it is feasible to provide power to these areas for the purpose of quick development for these places?

Mr. Mwendwa: All that I said, Mr. Speaker, Sir, is that there is no plan at the moment. However, I did say, also, in addition to my answer,

[Mr. Mwendwa]

that the East African Power and Lighting Company is going to investigate and see whether there is any possibility of putting electricity into these places.

Mr. Wariithi: Mr. Speaker, Sir, since no inquiries have so far been made and arising from this question, the East African Power and Lighting should go into this question and find out whether power will be necessary in this area.

Mr. Mwendwa: Mr. Speaker, Sir, I have said that there are other places as well as the one in question, and the whole picture is now being looked into by the East African Power and Lighting. It may be, and they may find it, necessary to supply these places which are near the main line of electricity before they supply other places.

Question No. 75

MOVEMENT OF CATTLE BY POLICE IN SOTIK AREA

Mr. arap Soi asked the Minister for Home Affairs if he could tell the House whether it was true that the police at Sotik Police Station had impounded 236 head of cattle that they found grazing illegally in the Kapkuress Proposed Ranching Scheme, and that they drove them to Sotik along the main road on 12th February 1966. If this was true, could he tell the House why these cattle had been removed when there was foot-and-mouth disease in the area at the time.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The Animal Disease Act was complied with and a permit was obtained from the Veterinary Department before the movement. A livestock officer, working in the area, stopped the movement and, finding that it was in order, allowed it to continue.

Mr. arap Soi: Mr. Speaker, Sir, as I did not understand the answer given by the Assistant Minister, in which I think he said that a movement permit was given, I would like to know whether the Veterinary Department have the right to give permits when there is this foot-and-mouth disease?

Mr. Wamuthenya: No, Sir, that cannot be done.

Mr. arap Soi: On a point of order, can the Minister repeat his answer please, Mr. Speaker, Sir, as I did not hear?

Mr. Wamuthenya: Mr. Speaker, Sir, could the hon. Member repeat his question, please?

The Speaker (Mr. Slade): Order! If the hon. Members will not keep quiet, we shall not get any further with this business at all. Give the hon. Members a chance to hear each other, please.

Mr. arap Soi: Mr. Speaker, Sir, I will repeat my question. As I understand from the Assistant Minister, the veterinary officer at Sotik gave a permit to the police to move cattle from Kapkuress to Sotik Police Station, has the Veterinary Department received permission from the Government to move animals regardless of disease?

Mr. Wamuthenya: Mr. Speaker, Sir, the Veterinary Department is a technical department which deals with every disease and, therefore, if the officer in charge was satisfied that there is no disease existing in the area, he has the right to allow them to continue.

Mr. arap Bii: Mr. Speaker, Sir, I would like to seek your ruling on this point. When an hon. Member knows for certain that no permit was issued to that effect, is the Assistant Minister in order to give a reply to the effect that a permit was issued, and yet it is known quite well that there was no permit? I come from that area and know very well that there was no permit.

The Speaker (Mr. Slade): When an hon. Member doubts the veracity of a reply given by a Minister, he can test it by further questions as to the grounds on which he says so, or when the permit was given, and so on. If, at the end of it all, they are quite sure that what he says is untrue, then the only remedy is to point it out to the Minister concerned outside the House, and require him to come to the House later and acknowledge his mistake. If he fails to do that, the Speaker likes to be informed.

Mr. Jahazi: Mr. Speaker, Sir, in view of the reply from the Assistant Minister where he says that there was no such disease in that area at that particular time, would he tell us, beside the police permit, whether there was anybody else who applied for a permit to move cattle and received a permit during that period?

Mr. arap Soi: Mr. Speaker, Sir, on a point of order, have I permission to give some information?

The Speaker (Mr. Slade): I am afraid not, not at question time. Can you answer Mr. Jahazi's question, Mr. Wamuthenya?

Mr. Wamuthenya: Mr. Speaker, Sir, I did not quite hear the question which he was asking. Could you repeat your question?

Mr. Jahazi: Mr. Speaker, Sir, my question was this. Arising from the reply given by the Assistant Minister, that the veterinary officer issued the permit to the police because he was satisfied that there was no foot-and-mouth disease in the area, could he tell us, besides the police permit, if there was any other applicant who was issued with a cattle movement permit in that area during that period?

Mr. Wamuthenya: Mr. Speaker, Sir, he is asking a question which is going away from the main question, however, I am in a position to inform the hon. Member that the Veterinary Department had the right to issue any permit if anybody applied.

Mr. Kiprotich: On a point of order, Mr. Speaker, Sir, if the veterinary officer—

The Speaker (Mr. Slade): This is not a point of order, is it, Mr. Kiprotich?

Next question.

Question No. 78

CIVILIANS BEATEN BY POLICE

Mr. Mwatsama asked the Minister for Home Affairs if he could tell the House why Messrs. Peter Gituto (a Kikuyu) and Thomas Otaru (a Tanzanian), both East African External Telecommunications trainees in Mombasa, were arrested in their lodging room and seriously beaten up by Makuyu Police Station constables, in the presence of an Asian police inspector, on 8th November 1965, at about 2 a.m. Also if the Minister could tell the House that, since both were acquitted after being found not guilty by the magistrate and in view of the fact that they were supposed to attend the Coast General Hospital for treatment because of the beating, what action was the Ministry intending to take against the party concerned.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. In the course of investigation a burglary case reported—

Mr. arap Soi: On a point of order, Mr. Speaker, Sir—

Mr. Jahazi: On a point of order, Mr. Speaker, Sir, we—

The Speaker (Mr. Slade): Order! Hon. Members must keep control, particularly when a point of order is raised; and especially when the Speaker stands, the Member on his feet sits down, please. I think the hon. Members merely wanted to complain that they could not hear Mr. Wamuthenya. Would you speak up, please, Mr. Wamuthenya.

Mr. Wamuthenya: Mr. Speaker, Sir, I beg to reply.

In the course of investigating a burglarly case reported by one of the residents at the Salama Bar, Mombasa, two police—

Mr. Mate: Mr. Speaker, Sir, on a point of order, is the hon. Assistant Minister in order to say "burglarly" instead of "burglary"?

The Speaker (Mr. Slade): Order! I did not hear Mr. Mate's point of order very clearly, but I do not think it was a very important one.

Mr. Wamuthenya: Mr. Speaker, Sir, I beg to reply.

In the course of investigating a burglary case reported by one of the residents at the Salama Bar, Mombasa, two police constables doing the work became involved in an altercation with the two gentlemen in question, who had lodgings in the premises. Later, they were joined by a police inspector. At last, the two gentlemen were arrested.

The two gentlemen were discharged from police custody on 8th November 1965 on cash bail to appear in court at a later date. Further police investigations followed and, as a result of these investigations, the police withdrew the charge because of the insufficient evidence available. The accused were then discharged and it is not therefore, true to say that they were acquitted.

Further, arising from the incident, a departmental disciplinary action against the officers concerned has been taken.

Mr. Mwatsama: Mr. Speaker, Sir, since there have been so many complaints with regard to the behaviour of the policemen, what is the Ministry doing to try and improve the position?

The Speaker (Mr. Slade): Could you hear the question, Mr. Wamuthenya?

Mr. Wamuthenya: I did not quite hear it, Mr. Speaker.

The Speaker (Mr. Slade): You did not hear, neither did I. Would you speak up, Mr. Mwatsama, please?

Mr. Mwatsama: Mr. Speaker, Sir, I am asking the Minister, that since there have been so many complaints about the misbehaviour of the police, what his Ministry is doing to try and improve the position?

Mr. Wamuthenya: Mr. Speaker, Sir, I am not aware of any other case concerning this matter.

Mr. Omweri: Mr. Speaker, Sir, I have not heard whether the Assistant Minister has accepted whether these two officers were beaten. If they

[Mr. Omweri]

were, would the Assistant Minister tell the House the reasons why they were beaten and then later discharged and not acquitted as was said?

Mr. Wamuthenya: Mr. Speaker, Sir, they were discharged because there was insufficient evidence.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell this House why these officers beat these gentlemen for no reason at all?

Mr. Wamuthenya: Mr. Speaker, Sir, after we were informed about this matter and the people were discharged, the matter has been taken further. This does not mean that the police have been acquitted. The matter has been taken up for further investigation.

Mr. Mwamzandi: On a point of order, Mr. Speaker, the Assistant Minister is confusing the House. He said earlier in his reply that the officers were discharged; then he said they were acquitted. Can—

The Speaker (Mr. Slade): Order! Mr. Mwamzandi, you cannot raise this question as a point of order. You can ask a supplementary question to elucidate further information, if you get the opportunity, but not as a point of order.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House what disciplinary action was taken against these police officers? He only said that disciplinary action was taken. What kind of disciplinary action was taken?

Mr. Wamuthenya: Mr. Speaker, Sir, we are not in a position to disclose any disciplinary action taken by the department, unless it tends to be a dismissal of a civil servant, because it will degrade his service to the Government.

Mr. Shikuku: Arising from the Assistant Minister's reply—if I can find my tongue—could he tell the House whether these people were acquitted, and why those who arrested them have not found evidence? If there was no evidence at all, then why had it been necessary for these police officers to beat up the gentlemen? Could he tell us why they were beaten?

Mr. Wamuthenya: Mr. Speaker, those people were fighting among themselves. There was no evidence on which they could be convicted.

Mr. Gatuguta: Mr. Speaker, Sir, this incident involves a very serious breach of discipline on the part of the police, because this sort of thing seems to be happening almost everywhere in the country. Could the Assistant Minister assure this House that the police in this country will not interfere with the liberty of the individuals until they are completely satisfied that they have committed an offence?

Mr. Wamuthenya: Mr. Speaker, Sir, it is agreed that this is taking place everywhere in the country.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that the police take such action against innocent citizens, and it is as a result of instructions from the colonial officers at that time, would the Assistant Minister assure this House that the police officers will not act in accordance with the teachings of the colonial officers?

Mr. Wamuthenya: Mr. Speaker, Sir, police have the right to render service. Since this job was being carried out, certain degrees of the fighting—how the matter is to be dealt with—has to be kept quiet. However, as I have already said, these people were discharged because they had a fight between themselves. There is further investigation going on to find out whether those people should be taken to court. They were not acquitted as has been said. When it has been proved that those gentlemen were completely innocent, then hon. Members can bring this question to the House again.

Mr. Mwamzandi: Arising from the Assistant Minister's reply, when he said they were fighting among themselves, if they were fighting among themselves, was there any reason why they should not have been charged with battery and assault?

Mr. Wamuthenya: I have already said, Mr. Speaker, Sir, that the matter has been taken further for investigation. There is investigation going on, and the police have said that they were discharged on a cash bail. When there was no further evidence, they were told to go. However, the police is holding a further investigation and if it is found that they are innocent, then the hon. Members can bring this question here again, if they are satisfied that the gentlemen were completely innocent, that they were unjustly beaten, or if there is then some genuine complaint against the police.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 78: CIVILIANS BEATEN BY POLICE

Mr. Gatuguta: On a point of order, Mr. Speaker, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): Mr. Mwatsama has the first right, but you can raise it on adjournment if Mr. Mwatsama has no objection.

Mr. Mwatsama: I have no objection, Sir.

The Speaker (Mr. Slade): All right, then, Mr. Gatuguta.

POINT OF ORDER

UNSATISFACTORY REPLIES TO QUESTIONS

Mr. Mwamzandi: On a point of order, Mr. Speaker, I would like to seek your opinion with regard to the way in which we receive replies in this House to questions.

When a question is put to a Minister, the reply is obtained right from the person, let us say, perhaps, in this case, it is received from the police officers who have given the reply. It is perhaps the police officers concerned in the particular case who replied to this question. Is there any other method in which we could get replies?

The Speaker (Mr. Slade): Order! Order! I do not know how many more times I shall have to tell hon. Members that they cannot, as a matter of order, complain of the unsatisfactory nature of the reply given by a Minister to a question. They can signify their dissatisfaction, first, by further supplementary questions and, secondly, by the right of pursuing the matter further on an adjournment. That is all.

Mr. Mate: On a point of order, Mr. Speaker, should a new Minister not be given a chance?

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

Hon. Members are getting much too free again with points of order which are not points of order. They will recall drastic action which has been taken in the past in this connexion. It will have to be taken again if hon. Members persist in this.

POINT OF ORDER

RAISING SUB JUDICE MATTERS

The Assistant Minister for Housing (Mr. Rurumban): On a point of order, Mr. Speaker, rightly or wrongly, I understand from the Assistant Minister's reply that the matter about this case is *sub judice*. Is it in order for such a matter to be raised in this House before the findings are published?

The Speaker (Mr. Slade): The hon. Member is right in pointing out that matters cannot be raised in this House while they are *sub judice*. However, *sub judice* means actually pending trial, that is when a case has been brought before a court or another tribunal. The mere fact that a matter is under investigation by the police does not make it *sub judice*.

ORAL ANSWERS TO QUESTIONS

Question No. 69

LAND SETTLEMENT FOR KARURA FOREST RESIDENTS

Dr. De Souza asked the Minister for Lands and Settlement if he would tell the House where the people who were living in the

Karura Forest and on the surrounding European farms, who were unemployed and who were constantly being evicted, should apply for land for resettlement.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Landless people who are living in Karura Forest and the surrounding European farms should apply for settlement plots to the district commissioner of either Nairobi or Kiambu, depending on where such persons live. A list of those who are selected will then be forwarded by the respective district commissioners for my direction as to where they should be settled providing there are plots available.

Dr. De Souza: Mr. Speaker, Sir, is the Assistant Minister aware that persons who applied at Kiambu have been told that as they are now in Nairobi, they should now apply to the District Commissioner, Nairobi, and if they go anywhere near the District Commissioner's Office, Nairobi, they are told that there is no land settlement in Nairobi at all?

Mr. Gachago: Mr. Speaker, Sir, I am not aware of that, and it is not necessary that people applying for plots at the District Commissioner, Nairobi, should be settled in Nairobi.

Dr. De Souza: Mr. Speaker, Sir, would the Assistant Minister tell us what plans there are for persons who come from Nairobi originally, that is, like the people of Karura Forest, to settle them? Are there any plots that have been found to settle any of these people?

Mr. Gachago: I have said that these people from Karura Forest, or from other parts of Nairobi area, will be considered as and if plots are available by the district commissioner. However, Sir, we cannot set aside plots for those particular people, as it is normally the practice of my Ministry that people who are landless will be considered in the normal way. If there is a particular amount of pressure, these people will be given priority, if necessary.

Mr. Muruli: Mr. Speaker, Sir, do I understand from the Assistant Minister that there are no people in Nairobi who have already applied for plots? If there are any, where has he settled them?

Mr. Gachago: Mr. Speaker, Sir, well, people who have applied for plots in Nairobi have been settled in various settlement schemes in the country.

Dr. De Souza: Mr. Speaker, Sir, is the Assistant Minister aware that whenever anybody goes to apply from Nairobi, he is told to go back to the village where he originally came from? The people of Karura Forest do not have any village

[Dr. De Souza]

to go to because they come from Nairobi. I am asking the Assistant Minister a very simple question: has there been a single settlement scheme where people who are indigenous to the surroundings of Nairobi have been settled? If so, where? I want to know one name.

Mr. Gachago: Mr. Speaker, Sir, the hon. Member is forcing me to admit that there is a settlement scheme in Nairobi, which there is not. That is why people from Nairobi have been settled and will continue to be settled in the various settlement schemes in the country.

Mr. Shikuku: Arising from the Assistant Minister's last reply, does he want to tell the House now that anybody from Nairobi can be settled anywhere in any province, whether he came from that province or not? If so, does he intend to carry all the Nairobi people to Western Province to settle them there when there are people there already?

Mr. Gachago: Mr. Speaker, Sir, people in Nairobi, or people who come to Nairobi in search of work, must have originated from one district in one of the provinces. Therefore, Mr. Speaker, people who are living in Nairobi are even luckier than those who live in the countryside, because they have more opportunities of being settled through the District Commissioner, Nairobi, to begin with and through the district commissioner of the district of their origin.

Mr. G. G. Kariuki: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell us how many people have been settled from Nairobi and where?

Mr. Gachago: Mr. Speaker, Sir, as I have said before, we do not consider persons from Nairobi in their special category. They are settled in the normal process with the other people and, therefore, it is very difficult for me to give the number of people who have been settled in Nairobi, since they have been settled in the various settlement schemes. We receive them in different schemes. Sometimes, there are people from Nairobi and we receive them from the district commissioners of their district of origin.

Mr. Seroney: Mr. Speaker, Sir, I think the Minister is avoiding the question: how many people from Nairobi have been settled elsewhere?

Mr. Gatuguta: Mr. Speaker, Sir, the hon. Member is avoiding my answer. I have repeatedly said that we do not consider Nairobi people in a special category.

The Speaker (Mr. Slade): Hon. Members will get no further on this.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 69: LAND SETTLEMENT FOR KARURA FOREST RESIDENTS

Dr. De Souza: On a point of order, Mr. Speaker, I would like to raise this as a matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 17

WOMEN IN TROUSERS

Mr. Makone asked the Attorney-General if he would make it illegal for any women in Kenya to wear trousers as they were opposed to our way of life.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to reply. No, Sir. Those hon. Members who do not like to see women in trousers can always look the other way.

Mr. arap Soi: On a point of order, Mr. Speaker, is it in order for the Attorney-General to say those hon. Members who do not want to see women in trousers? I think, Mr. Speaker, that—

The Speaker (Mr. Slade): Order! Mr. arap Soi, it is quite childish to raise this as a point of order. I have already given hon. Members a warning about false points of order. You must realize that is not a proper point of order. I shall not give you any further warning.

Mr. Njonjo: Mr. Speaker, in fact, I had not finished my reply.

I said that those hon. Members who do not like to see women in trousers can always look the other way. The most important consideration, Mr. Speaker, is who wears the trousers in the house. That is the matter for men to decide. I am advised by the Chairman of the Bachelor's Club—and, of course, as President, I agree with his view—that this problem, Mr. Speaker, is never likely to arise in their houses—

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, in this case, if the Attorney-General has some interest in this particular question, would it not be proper for him to declare his interest?

The Speaker (Mr. Slade): Order! Mr. Njonjo, you are being asked to declare whether you have any personal interest.

Mr. Njonjo: Mr. Speaker, I have no interest to declare because this society, Mr. Speaker, as you might know, is not registered and we are—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, is it in order for the Attorney-General to refer to an illegal society here and tell us that he is the president of this illegal society in this House?

The Speaker (Mr. Slade): Yes, it is in order.

Mr. Njonjo: Mr. Speaker, to finish, I was saying that the problem, as far as this club is concerned, is never likely to arise in their houses and, therefore, they recommend hon. Members to join this club.

Mr. Mbogoh: Mr. Speaker, Sir, is it the advice from the Attorney-General now that some of us should get rid of our wives, so that we can join this illegal club?

The Speaker (Mr. Slade): I think that is another question.

Mr. Balala: Mr. Speaker, Sir, does the Attorney-General not agree with me that a woman wearing trousers looks more attractive than wearing the ordinary dress and, therefore, this question is irrelevant?

Mr. Njonjo: Mr. Speaker, in view of my position, I am the least qualified person to comment on that.

Dr. Waiyaki: Mr. Speaker, arising from one of the replies of the Attorney-General, where he said that we could always look the other way, would he make certain that all these trousers do show below the dresses, so that we can tell whether to look the other way or not?

Mr. Njonjo: I have no doubt, Mr. Speaker, that I know which way the hon. Member will look.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous reply by the Attorney-General and as I suppose the Attorney-General is a party to African Socialism, does he not agree with me that this way of putting on trousers and jeans, and so forth, is rather out of our own customs and our own traditions and it should not be encouraged at all? It is very tempting.

Mr. Njonjo: Mr. Speaker, it is quite possible that the hon. Member did not follow what I said, and I said the most important point for Members to consider is who wears the trousers in the house, and that is a matter for the man to decide.

The Speaker (Mr. Slade): Next question.

Question No. 71

GOVERNMENT ASSISTANCE FOR *Harambee* SECONDARY SCHOOLS

Mr. Barasa asked the Minister for Education to tell the House what his Ministry was planning to do with the 141 *Harambee* secondary schools which had been started last year, in order to relieve a heavy burden from parents.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. Those self-help secondary schools which are so situated as to fit into the Ministry's development plan, which satisfy the Ministry's criteria for registration, and which make sufficient progress to be recognized by the Ministry as efficient, will be considered from time to time, as opportunities occur, for inclusion in the Ministry's grant-aided programme. It is anticipated, however, that the majority of such schools will have to continue for some time without financial assistance from Government.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister tell us whether any of the *Harambee* schools have been given aid by the Government?

Mr. Mate: No, no.

The Speaker (Mr. Slade): Order! Order! Mr. Mate, if you make any more unnecessary noises, you will have to leave. Keep very quiet.

Mr. ole Konchellah: Mr. Speaker, Sir, I beg to reply.

The self-help schools which are being taken into the grant-aided system in 1967 and 1966 are as follows: Kwale Secondary School, Kamama Secondary School, Kirere Girls' School, Nangina Girls' School, Balava Secondary School and Kap-sakwony Secondary School.

Mr. arap Too: Mr. Speaker, Sir, in view of the fact that the Tot Secondary *Harambee* School, which is in Marakwet, has made a lot of progress because there is water laid on, dormitories and everything in good condition, will he consider aiding this school next year?

Mr. ole Konchellah: Mr. Speaker, Sir, our inspectors and officers of the Ministry of Education will pay a visit and it will be considered along with other *Harambee* secondary schools.

Question No. 18

"MZEE" AS A NATIONAL TITLE OF HONOUR

Mr. Makone asked the Minister of State, President's Office to tell the House whether he would, with the approval of the House, legalize officially the title "Mzee", to be a title of national honour to be given to those who had rendered dedicated national service to the country.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I am sure all hon. Members remember that the Government appointed a Cabinet Committee on Honours and Awards in 1964 under the chairmanship of the then Minister of Home Affairs.

[The Minister of State, President's Office]

This committee has submitted its recommendations on the types and titles for the National Honours and these are due to be announced by the Government shortly. I suggest that the hon. Member should wait till the Government has announced the types of honours it has accepted.

Mr. Makone: Mr. Speaker, Sir, will the Minister tell the House how soon the list of honours will be announced?

Mr. Koinange: Mr. Speaker, Sir, in fact, it was to be announced during this Session, but all that I wish for the Members to do is to wait. I must not say in advance the exact date and time when this list will be announced. However, Sir, it will be very soon.

Mr. Seroney: Mr. Speaker, Sir, there was an announcement in the Press about the various honours which had been promulgated by the President, could the Minister tell us how this relates to the Minister's answer?

Mr. Koinange: Mr. Speaker, Sir, what I said—

The Speaker (Mr. Slade): I think there might be some confusion between the type of honour to which you referred and the actual awards of those honours.

Mr. Koinange: Mr. Speaker, Sir, as the questioner asked this question with regard to the word "mzee", and this is a part of the honour, then the committee was actually selected to discuss and find out the sum total of these honours. That, Sir, is what I referred to.

Mr. Mbogoh: Mr. Speaker, Sir, would it mean that those honours which have already been announced are not on the official list and that there is some more coming so that we have to wait for those?

Mr. Koinange: Mr. Speaker, Sir, all that I wish for is that the Members will wait for the full announcement to come from the Office of the President.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that we do not know what the titles and awards that are to be announced will be, could the Minister of State also convey and consider the fact, that those Kenya citizens who have attained the title "Sir" prior to independence, will have their title "Sir" replaced by the title "Mzee"?

Mr. Koinange: Mr. Speaker, Sir, I believe the Members should wait and see the type of honours that will be announced, then they can see if there is anything lacking. If there is they can then bring their suggestions.

*Question No. 35***KONDOO AND HARAKA FARMS FOR SETTLEMENT**

Mr. Seroney, on behalf of Mr. Tuwei, asked the Minister for Lands and Settlement if he could tell the House when he would convert the Kondoo and Haraka farms into settlements in order to settle the landless Africans there.

The Assistant Minister for Land and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. My Ministry is not aware of the existence of such places as Kondoo and Haraka farms at our disposal and the question of converting such places into settlements does not therefore arise. My advice to the hon. Member is to inform my Ministry as to where he thinks such farms are located so that an investigation could be carried out with a view of giving further information to the House if necessary.

Mr. Seroney: Mr. Speaker, Sir, is the Assistant Minister telling the House that he is not aware that these two farms, the Kondoo and Haraka farms in Uasin Gishu, are under management orders by the Ministry of Agriculture?

Mr. Gachago: Mr. Speaker, Sir, I did not hear the hon. Member.

The Speaker (Mr. Slade): Will you repeat your question, please, Mr. Seroney?

Mr. Seroney: Is the Assistant Minister telling the House that he is not aware that these two farms, the Kondoo and Haraka farms are in Uasin Gishu and that they are now under management orders by the Ministry of Agriculture which is part of the same Government of the Assistant Minister?

Mr. Gachago: Mr. Speaker, Sir, I have given this reply knowing very well that it is a rather negative reply and the information that the hon. Member is now bringing forward is information I have requested be given to my Ministry so that further investigation can be carried out. I do very much regret, Mr. Speaker, Sir, that this reply is rather negative but it is given thus, because my Ministry was not able to locate these farms.

*Question No. 34***LANDLORDS AND TENANTS TRIBUNAL FOR ELDORET**

Mr. Seroney, on behalf of Mr. Tuwei, asked the Minister for Housing whether he could tell the House, in view of the fact that landlords in Eldoret demanded heavy house rents, when he would establish a Landlords and Tenants Rent Tribunal Board in the town to go into the matter.

The Assistant Minister for Housing (Mr. Rurumban): Mr. Speaker, Sir, I beg to reply. The Government policy is to establish effective administrative machinery to consider and settle grievances of house owners and tenants wherever they may be in Kenya. For this purpose, Sir, the present Rents Restriction Act is now being re-examined and proposed amendments will soon be brought to the House for the consideration of the hon. Members. The Government has directed that the drafting of these amendments should be completed as a matter of priority. The new Bill, when passed by Parliament, will apply to Eldoret as it will also to any other part of Kenya.

Mr. Seroney: Mr. Speaker, Sir, will the Assistant Minister tell the House when he hopes to produce this Bill which, it is hoped, will extend legislation to private housing and when does he expect to introduce it in this House?

Mr. Rurumban: Mr. Speaker, Sir, I have already said that the matter is being given first priority, and I hope that when the Bill comes again to the House, it will not be blocked as it was done before when it was brought here.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he said that an amendment to the Bill will soon be coming to this House, can he tell this House how soon it will be before this amendment is brought to the House?

Mr. Rurumban: Mr. Speaker, Sir, a matter which is being given priority is a matter to be dealt with as soon as possible.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the landlords are aware of this and therefore they will do all they can in the meantime to exploit the tenants? Could he assure this House that when this Bill comes, a clause will also be included in the Bill to eradicate this kind of exploitation?

Mr. Rurumban: Mr. Speaker, Sir, I am not aware of that. However, at the moment, we have rent inspectors who are helping us in assessing fair rents in the country.

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

CONSIDERED RULING

ORDER OF BUSINESS

The Speaker (Mr. Slade): I must remind hon. Members that on the adjournment today, that is at 6.30 p.m. or the earlier conclusion of business on the Order Paper, Mr. Shikuku is to raise the matter of which notice is given on the Order Paper.

Also with reference to the Order Paper itself, I am informed by Mr. Otiende that he is still not ready to proceed with the Committee stage of the National Hospital Insurance Bill, so that item comes off the Order Paper; that is Order No. 7.

Now, hon. Members will see from the Supplementary Order Paper that the next orders are concerned with the Constitution of Kenya (Amendment) (No. 3) Bill. I have pointed out to the Attorney-General that the publication of this Bill did not comply with Standing Orders; that is Standing Order 86, in that being an Amendment Bill it should have also published copies of the existing law which the Bill seeks to amend. But I understand, in fact, I know, that the Minister has now rectified that to the best of his ability by now supplying hon. Members with separate copies of those existing provisions of the law; and, as a matter of form, I have suggested that he should now move that the business of this Bill be exempted from Standing Order 86, in view of what he has now done.

MOTION

EXEMPTION FROM STANDING ORDERS—BILL PUBLICATION METHOD: THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 3) BILL

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

THAT the business of the Constitution of Kenya (Amendment) (No. 3) Bill be exempted from the provisions of Standing Order No. 86, on condition that Members are supplied with separate copies of the provisions of the existing laws which this Bill seeks to amend.

Mr. Speaker, Sir, as you have just mentioned, I have already circulated the amendments which have been effected by this Bill and with your permission, Mr. Speaker, Sir, I might also mention that Chapter 57 which we have amended, what, in fact, we have done and what has happened, is that the whole of this chapter has now been repealed and is written in the Constitution. So, Sir, in fact, the hon. Members now have what we have repealed in the Bill.

Mr. Speaker, Sir, I beg to move.

The Minister for Power and Communications (Mr. Mwendwa) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I wish to stand and make some observations on this Bill, the question of exempting it from Standing Order No. 86. Now, Sir, these circulars which have been sent out to the hon. Members were only

[Mr. Shikuku]

given to the hon. Members when they arrived this morning. I only received my copy when I was coming into the Chamber this afternoon. Also the Bill which was supposed to have come to this House today, I checked in my pigeon-hole yesterday afternoon and this morning but still it was not there. I received that this afternoon.

Now, Mr. Speaker, Sir, I was wondering whether the Attorney-General, and indeed the Government, could at least give this House a reasonable length of time in order to look at this. I am sure many of the hon. Members have not had any time in which to read over this.

The Speaker (Mr. Slade): Order! Mr. Shikuku, I think you are on a different point. What we are concerned with here is the form of publication and not the Bill; what is required to be included in the official Gazette. Now the question as to the time of consideration of the Bill comes up in the next Motion. We deal with that, as you see, with the next item on the Order Paper.

Mr. Shikuku: Thank you, Mr. Speaker.

I do not see this and I am still not convinced by the Attorney-General as to why we should exempt it from Standing Order No. 86. Mr. Speaker, Sir, since most of the Members seem to be in need of this, I think I will have to reserve my observation until we come to the question of discussing this.

The Speaker (Mr. Slade): I am not sure that the hon. Members are really familiar with this Standing Order. If they do not have it before them what it provides is, where the Government publishes a Bill which seeks to amend an existing law, the printed copy of the Bill so published should also contain a copy of the law, or that particular part of the law, which it seeks to amend. That is the particular Standing Order which we are asking for exemption from on this occasion, or rather the Attorney-General is, having tried to make up for it by sending round separate copies of what should actually have been printed with the Bill.

Mr. Wariithi: Mr. Speaker, Sir, I agree with the Attorney-General when he says that the cyclo-styled sheet given to us when we were coming into the Chamber refers to the amendments to the Preservation of Public Security Act, but I see in the Bill itself that there is also an amendment to the Constitution. I do not seem to have a copy of that other amendment. I do not know whether the other hon. Members have received it, but I do not have a copy. I see that there are two, but I was only given one, if that is the case, then I have no quarrel with the Attorney-General.

Mr. Seroney: Mr. Speaker, Sir, I wonder why the Government is so panicky that they want to rush things through even before the hon. Members know what they are supposed to pass.

The Speaker (Mr. Slade): I think you are on another point again, Mr. Seroney. We are not discussing the period of publication before the Bill matures.

Mr. Seroney: That is what I am referring to, Mr. Speaker.

The Speaker (Mr. Slade): We are not discussing it. We have not reached that point yet. We are discussing the form of publication.

Mr. Seroney: Mr. Speaker, Sir, the form of publication ensures that the general public of Kenya knows what their elected representatives are supposed to pass.

Therefore, Mr. Speaker, Sir, I beg to oppose.

Several hon. Members: Oppose what?

Mr. Seroney: Mr. Speaker, Sir, I oppose the proposal and insist that this Bill be published in the ordinary manner. If the Attorney-General wants to come to the House the day after tomorrow, when the Bill is in its proper form, then we might consider it differently.

Mr. arap Soi: Mr. Speaker, Sir, I am also wondering what the purpose is of handing in a piece of paper like this to the hon. Members. I do not know whether this has been given to them to read, or whether it has just been given to them for them to sit down with it. I am really, in fact, asking a question because if we have been given this piece of paper to read and understand it, it means that we have had no time in which to read it properly and therefore understand it. Therefore, we need more time in which to read it. Mr. Speaker, Sir, if the purpose of giving these Members this paper is to read it, then I would like some more time because I have not read it.

Mr. Godia: Mr. Speaker, Sir, from the explanation given to the House by the Attorney-General, I understand that what this Bill is short of here, is provided for in this paper. Therefore, I do not think it is going to serve the country any good by opposing the Motion moved by the Attorney-General. I think we should allow it to go through, and then if there is any proposal we want to discuss, we can do so when we come to the main Bill. I think we should approve the Motion proposed by the Attorney-General. We can reserve our observations on the Bill and discuss them later when we come to the main Bill.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak I will call on the Mover to reply.

The Attorney-General (Mr. Njonjo). Mr. Speaker, Sir, I have nothing to say except to mention that what the hon. Member has in his hands is contained in the Laws of Kenya. I have assumed that every Member of this House is familiar with the Laws of Kenya.

(Question put and agreed to)

MOTION

REDUCTION IN BILL PUBLICATION PERIOD: THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 3) BILL

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

THAT this House agrees that the period of publication of the Constitution of Kenya (Amendment) (No. 3) Bill (Bill No. 8) be reduced from fourteen days to one day.

Mr. Speaker, Sir, I beg to move.

The Minister for Power and Communications (Mr. Mwendwa) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I wish to take this chance to air my views very freely in this House, and as strongly as possible.

It has become the practice of the Ministers and the Government to bring Bills to this House. We are told all sorts of excuses, this, that and the other, and that this Bill has to go through within one day. Mr. Speaker, we have been reduced to machines. Even automatic machines do not work so fast. Bills are brought here by the Government, we are told that they have to be passed quickly, and we have actually become voting machines.

Hon. Members: Speak for yourself.

Mr. Shikuku: Mr. Speaker, I am speaking for myself. Some hon. Members say they are not voting machines but they are only pretending because they will never dare to speak their minds. I will always speak my mind.

Sir, I was a party to the Parliamentary Group meeting which took place in Harambee House, where we decided that this Bill should be brought to this House.

Mr. Speaker, one hon. Member is telling me to speak the truth. I say that Shikuku always speaks the truth. My record is very clean politically and if any hon. Member doubts that he can go to the public and he will be told that I am speaking the truth. The ordinary man in the street will tell him so.

Sir, I support the Government but I do not think we should go into this question of rushing things, and having them done so quickly as if

we were leaving for heaven the following day. Mr. Speaker, I understand you cannot leave for heaven unless you are dead. So, we cannot leave for heaven with bodies. Therefore, Sir, since we still have our bodies I think, having agreed in principle that that should be the law, we should follow the normal channels. This question of having Bills being brought to us, we being asked to run through them so that they can be made into law is bad. We will live one day to regret that.

I would like it to be placed on record so that the future generations who will read HANSARD will realize that there were some people who could think but who could not be driven by Motions such as this, or by fear. I want it to be recorded that this law is important but that we should take it slowly and not rush it through. I object, Sir, to this sort of thing, of being treated as rubber-stamps for rushing things through. I feel, with all honesty, that it is impossible for anybody to stand up here and say that he has read the Bill and understood it, when he only received it this morning. At the same time, this paper which has been given to us, most of us have not read it. We just came in here, we had Question Time, and now we are being asked to have the period of publication reduced to one day even before reading this paper. I think we will be making a mistake if we do that. Though some hon. Members may think that I am a bit obstinate I wish to tell them that I am not; I am only trying to be realistic. I am trying to be what I am and not what I am supposed to be. Therefore, I feel it is completely unfair for the Attorney-General and anybody else to think that we can have the period of publication of this Bill reduced to one day instead of the normal number of days.

So, in order to give us a chance to read this Bill and contribute effectively in order to enlighten the Government on the feelings of the people, I think the Bill should be published for the proper number of days rather than reduce it to one day. I have not read the Bill. I do not wish at this moment to go into the contents of the Bill because just now we are discussing the period of publication and reduction of this period to one day. I feel that I will be failing in my duty if I did not stand up and object to this kind of practice which has become almost a habit of the Government, to push us from left, right and centre, and get everything done. The Attorney-General has not given us any real reason why this period of publication should be reduced to one day. If he had, probably I would have been convinced; but he has not told us anything. So I do not see any reason for hurry why we should

[Mr. Shikuku]

reduce the period to one day. Members of this Parliament must think very seriously of the future. The laws we make here are not only for us but for future generations as well. I do not wish to look a fool in future when generations to come read through HANSARD and find how stupid we were.

So, I wish to dissociate myself from this sort of hurrying up, reducing the period to one day. There is no real reason given so far. Therefore, Mr. Speaker, I wish to record very strongly that I oppose this Motion.

Mr. Mwamzandi: Mr. Speaker, Sir, I would in actual fact reject this Bill. I would refuse that it should be carried on with within such a short time, but it is the same group which is seated here in Parliament, the same hon. Members in the Parliamentary Group, who agreed and who gave authority to the Attorney-General to bring this Bill into Parliament immediately. So, there is not a single reason why we should refuse to pass this Bill in one day's time.

The only thing the Attorney-General should have done when introducing this Bill in the House, was that he should have explained to this House—which in turn would have reached the masses—the reason why this Bill is to be passed in such a short time. However, the Attorney-General introduced this Bill in such a short sentence that some of the Members who, perhaps, were not present at the Kanu Parliamentary Group meeting—

The Speaker (Mr. Slade): When you said, "introduced this Bill" you meant "introduced this Motion", did you not? We are not yet on the Bill, we are still on the procedural Motion.

Mr. Mwamzandi: Yes, Sir.

Mr. Speaker, Sir, when the Attorney-General replies he should make clear to the House, as well as to the public, the reason why this Bill is to be passed within such a short time.

I do not have much to say to this House about this Bill simply because we agreed—in a gentlemanly way—that we were going to pass this Bill, and there is no reason why we should reject the Bill now when it has been brought to the House.

Mr. Seroney: Mr. Speaker, Sir, I am surprised at the Government we have which pays lip service to the Constitution and which chooses to alter it in such a haphazard manner, without even allowing hon. Members, let alone the public, to know what it is that is chosen to be passed. It is true, Mr. Speaker, that the

Parliamentary Group agreed in principle to this amendment, but agreeing in principle is one thing and the details of it is another thing. So, we would like to get time to study the details of what we agreed to in principle.

Therefore, Mr. Speaker, I beg to oppose.

Mr. Wariithi: Mr. Speaker, Sir, I would like to say that I did attend the meeting of the Kanu Parliamentary Group where it was agreed to advise the Attorney-General to bring a Bill in this House for the purpose of maintaining security for the nation. However, then, Sir, those who had a chance of going through this Bill—I received it this morning—will realize that it touches so many points of issue that it requires time to go through the Bill and the clauses we will be amending. According to normal practice the period of fourteen days publication, as I understand it, is meant to enable the Members and the public to know exactly what they are amending. If the Attorney-General had any good reason why it was necessary to reduce the period of publication, so that we can deal with the matter today, then he should have told us. Unfortunately, he probably thought it was not necessary to do so.

In any case, Mr. Speaker, I have gone through the Bill and it touches some matters which were never raised at all at that meeting. These were the question of land, or properties, etc., which were not referred to in the meeting of the Parliamentary Group. So, Mr. Speaker, all I am saying is that the fundamental principle which is normally followed, particularly with a Bill of this nature dealing with the Constitution, should be adhered to because this Bill is not like ordinary normal laws of the land, it is the supreme law of the land and should be treated with a lot of seriousness.

Now, this period of publication, as I said earlier, is meant to enable the Members of this House to study the Bill and see the consequences and, if necessary, to consult their voters. So I am not convinced, and no reason has been put forward, why the period should be reduced.

The main purpose for not reducing the period of publication is to enable the Members to study the Bill.

Mr. Ochwada: Mr. Speaker, Sir, the time has come when, I think, we should tell you and everybody else in this country how the hon. Members of this House are confusing the Government. It was not a long time ago, it was, in fact, last week when the Parliamentary Group met. Unfortunately, I had to leave the Parliamentary Group meeting for some other

[Mr. Ochwada]

business on behalf of Government. It was the hon. Members who are here now and were at this particular meeting, when this particular question was proposed by His Excellency the President and I assume they all agreed with it. I also read in the newspapers that they all agreed that a Bill should be brought to Parliament immediately. Why on earth, Mr. Speaker, they should now come to the House and say, no, they do not agree to having it reduced to one day, I cannot understand.

Now, let us face it. They may not like the Bill, but then it was they themselves, who accepted that it should be brought to Parliament and should be brought immediately. Yet when it is brought, it now happens that they turn around again and say, "Oh no, because the public gallery is listening to us, everybody else may be hearing tomorrow what we are speaking today, we do not accept it." Let us be honest and frank. We do not want to misguide the Government, we do not want to mislead it either. When we decide something together with the Minister, let it come to the House and give it the necessary support. I have my own reservations about the Bill when it comes up for debate. However, at the present moment, as we accepted that the Bill should be brought to the House immediately, I think we should discuss it and finish with it, if possible today.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, I rise to support the Attorney-General in his request that the Bill should be discussed without any delay. In fact, the Attorney-General was late to introduce this Bill in the House. It was supposed to be introduced in this House on Friday according to the Members' agreement with the President; and we all agreed that there was an urgency for this Bill to be introduced into this House immediately and be debated immediately.

Now, those Members who were not present at the meeting of the Parliamentary Group last week should consider themselves most unfortunate, because they do not serve their electors well. They tend to ignore some things which are important and which they should come and listen to.

Mr. Speaker, copies of this Bill were in the pigeon-holes yesterday, and I had the opportunity to go through my copy of the Bill last night. Now, those Members who are trying to accuse the Government of not having placed their copies in the pigeon-holes yesterday, are the ones who did not come to this House yesterday

to check whether the Bill was there. However, any Member who felt responsible towards his duty, and who knew that the House was sitting today, should have taken the trouble to come to the House yesterday so that he could then do some homework.

Therefore, I support the Bill as raised by the Attorney-General.

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Member has just said that some of the hon. Members did not probably know their jobs. He said that had they checked in their pigeon-holes yesterday they should have found their copies of the Bill. Now, I am seeking your guidance on this. Personally, I went to my pigeon-hole yesterday but I did not find a copy of the Bill. Is it in order, therefore, to assume that every Member had a copy of the Bill when some of us did not have any?

The Speaker (Mr. Slade): Order! Order! The hon. Member may be wrong in his facts, but he is not out of order.

Mr. Shikuku: On a point of order, Mr. Speaker, could I, therefore, ask the hon. Member to substantiate that the Bill was in my pigeon-hole and the pigeon-hole of every Member yesterday? Can he substantiate that?

The Speaker (Mr. Slade): Yes, can you do that, Mr. Khasakhala?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I do not think there is any Member in this House who is treated differently from the others. Whenever Bills are put in the pigeon-holes they are placed there on the same day. So, if I found my copy of the Bill yesterday in my pigeon-hole, not in the Ministry, not through any other channel, only in my pigeon-hole, then I am sure, Mr. Speaker, that all Members had their copies of the Bill put in their pigeon-holes as well yesterday.

The Speaker (Mr. Slade): Order! Order! I think there may be some misunderstanding as to the time of day to which you are referring.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, I was in Parliament Buildings at 6.30 p.m. yesterday.

The Speaker (Mr. Slade): 6.30 p.m. Mr. Shikuku came at an earlier time probably.

Mr. Shikuku: Mr. Speaker, Sir, I went to my pigeon-hole at 3 o'clock. If he comes here for a drink and then goes to his pigeon-hole, then that is different.

The Speaker (Mr. Slade): Order! Order! I think we have had the substantiation now.

Mr. Godia: Mr. Speaker, Sir, I think we should congratulate the Attorney-General for bringing this Bill—

Mr. Seroney: On a point of order, Mr. Speaker, I think the other Member is talking of something else. Will the hon. Assistant Minister substantiate that at 9.30 p.m. last night this Bill was in my pigeon-hole?

The Speaker (Mr. Slade): Order! Order! We cannot pursue this question of substantiation any further. Mr. Khasakhala explained himself; he said that he found a copy of the Bill in his pigeon-hole at 6.30 p.m. He is assuming that it was, therefore, in every other Member's pigeon-hole at that time. He may be wrong in that assumption but it was a reasonable assumption.

Mr. Godia: Mr. Speaker, Sir, I had congratulated the Attorney-General in hurrying over to bring this Bill to the House because this is a result of the meeting of the Kanu Parliamentary Group which was held last week. Therefore, I think, as some other Members have said, we should be firm with our decisions.

We decided to get this Bill brought to the House by Friday, and for one reason or another the Attorney-General could not be as quick, his staff could not hurry up with the work. Therefore, I think, Mr. Speaker, that it was agreed by Kanu Parliamentary Group that this Bill be brought here and be discussed as quickly as possible, and therefore, we should not, I think, waste any more time in discussing this Procedural Motion. We should allow it so that the First Reading of the Bill is taken, and then, I think, the Second Reading of this Bill could be on Thursday.

Hon. Members: Today.

Mr. Godia: Mr. Speaker, Sir, I think that if the Members have any argument over the Second Reading, then they could argue over there, but as far as this Motion is concerned, I think we should allow the Procedural Motion to go through as has been tabled by the Attorney-General.

Mr. arap Biy: Mr. Speaker, Sir, as we know very well that this Parliament is a very important organ of this country that has a lot to do with either the constitutional amendments or anything to do with constitution, I do not see any important reason why the Government should ask us to reduce the period of time from fourteen days to one for this Bill to be brought before the House. There is not any important reason; there is not any emergency in the country. This

country is peaceful enough to allow the usual time for this hon. Parliament to go into the usual matters in the usual steps without any hurry.

Sir, as an hon. Member puts across to this House that because I am opposed to this reduction of publication of fourteen days to one, I am a KPU member. I beg to say I am not. I should declare my interest and say here that I am a staunch Kanu supporter who cannot be swayed so easily.

Mr. Speaker, Sir, if the hon. Members would be silent, I think I would speak my mind without copying anybody's mind, without probably fearing the Attorney-General or anybody else in the Government.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, since this is a Procedural Motion and we are having a lot of repetition, I beg to move that the question be now put.

Mr. Mate: On a point of order—

The Speaker (Mr. Slade): I am dealing with a point of order now, sit down, Mr. Mate, please. I think we have really heard all that the hon. Members had to say on either side of this fairly simple question even though it is an important question, so I will allow the House to consider the closure.

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

Mr. arap Biy: Mr. Speaker, Sir, I was making one more point before I sat down.

Mr. Speaker, Sir, as I said earlier that there was not any urgency of introducing this Bill to Parliament, I should ask the Attorney-General and the Government to allow the usual time for this Bill to come before the House, so I beg to oppose the Motion.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, a number of us—I am speaking for myself—felt that it was very rude to interrupt the Speaker while he was speaking, and this is why we did not pass comment when you asked either yea or nay. I would now like to put in again, Mr. Speaker, that we are getting a lot of repetition. I would like to propose that the Mover be called upon to reply.

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

No, I am afraid we cannot have the closure moved continuously at intervals of one or two minutes. Once the House has resolved against the closure we have to continue for at least one more full speech, if not two.

Mr. Gatuguta: Mr Speaker, Sir, I find it very difficulty to understand the thinking of some Members in this House. This question of the Preservation of the Public Security Act was fully discussed in the Parliamentary Group by the same Members who are discussing it now—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order to refer to the Bill when we are not actually discussing the Bill, when we are discussing the reduction of fourteen days to one, now talking of our having discussed the Bill? Is he in order, when we are discussing the reduction of fourteen days to one?

The Speaker (Mr. Slade): Obviously the question of when to introduce the Bill can only have arisen out of a discussion of the Bill, and I think if you would have given the hon. Member a chance he was going to go on and say, that when it came to discussing the time of introduction, the group took a certain view. You must give him a chance.

Mr. Gatuguta: Mr. Speaker, Sir, to continue with what I was saying, this is a question that was discussed in the Parliamentary Group by the same Members who are saying now that we should delay. I do not wish to speak a lot about it, but this is a matter of security of our own country, and where the security of the country is concerned, we cannot go on wasting time in discussion. We must assume that the Government has very good reasons for bringing this Bill and for suggesting—

Mr. Mate: On a point of order, Mr. Speaker, is the hon. Member for Kikuyu in order to imply that we, in this House, are wasting time in discussing important affairs of this country of ours, Kenya?

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

No, the hon. Member is quite right that discussions in this House should never be described as a waste of time, but I think what Mr. Gatuguta was getting at was that there would be a loss of time in an urgent matter. He did not really mean waste of time, I think, here.

Mr. Seroney: On a point of order, Mr. Speaker, will the hon. Member for Kikuyu substantiate his allegations that these specific proposals were before the Parliamentary Group?

The Speaker (Mr. Slade): I do not think he said that actually.

Mr. Gatuguta: Mr. Speaker, Sir, it is quite obvious that the Bill was never discussed in the Parliamentary Group because it was not drafted, but what I am putting to the House is this, that the whole principle of introducing a Bill of this

nature was discussed in the Parliamentary Group, and agreed to. So, if the hon. Member was not in the Parliamentary Group it is very unfortunate and there is nothing we can do about it.

So what I was saying, Sir, is that this is a Bill that concerns the security of the State, and the whole future of our people and the future of our country and the Government cannot bring a Bill in a hurry like this without good reasons. After all, if we expect the Attorney-General to tell us what are the reasons for bringing it in a hurry, the security, we know that these things cannot be revealed by the Government, but there is a need for a Bill of this nature being brought to the House and being approved by this House so that we know the whole security of the country is completely normal. Now, Mr. Speaker, Sir, I cannot understand why people are afraid of this because I think what we ought to really do is to discuss the merits of the Bill, clause by clause, because there may be some clauses here which I do not agree with myself, but unless we come to discuss the Bill itself, it is no good losing time in discussing a procedural motion, Sir.

With those few remarks, Sir, I suggest that we get into the discussions of the Bill itself. I suggest that we proceed with the Bill.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I will allow the House to reconsider this.

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

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

(Question put and agreed to)

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 3) BILL

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

POINT OF ORDER

ADJOURNMENT OF THE HOUSE

The Attorney-General (Mr. Njonjo): Mr. Speaker, with your permission, may I be allowed to move that the House do now adjourn until 8 o'clock today instead of the normal time tomorrow?

The Speaker (Mr. Slade): That would be in order to move that, Mr. Njonjo, but I am wondering whether you want to prevent our carrying on with any other business for the rest of this sitting. What I was going to suggest was that, if you want to have another sitting today, at 8 o'clock, that is in order, but you might move the adjournment until 8 o'clock a little later possibly, and allow us to get on with some other business meanwhile.

Would you like to keep that Motion up your sleeve a little longer?

The Attorney-General (Mr. Njonjo): Yes, Sir.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, I am not disputing what the Attorney-General is proposing, but 8 o'clock seems to be rather late. Why cannot we, Sir, adjourn for the next sitting after 6.30 o'clock, so that we can proceed with the business?

The Speaker (Mr. Slade): There has to be some adjournment to mark the break between two sittings. I would remind hon. Members that today, actually, we have a matter to be raised on the Adjournment, which will take us to 7 o'clock in the ordinary way. If the adjournment of the House is moved substantively before then, of course that matter will drop out and will have to come up another day.

I suggest that we continue business a little bit now with what is on the Order Paper, and hon. Members think just what they would like to do about fixing a time for a late sitting.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, do I understand that in effect all we need to do is to have some sort of adjournment in order to have the next sitting, and not necessarily until 6.30 o'clock?

CONSIDERED RULING

"SITTINGS" OF THE HOUSE

The Speaker (Mr. Slade): No. My interpretation of the Standing Orders is not quite that, although I have to acknowledge that it is not altogether clear. What the principal Standing Order says is that you cannot take more than one stage of a Bill in the same sitting without the leave of the House, and "sitting" is defined by Standing Order 2 as meaning a period during which the House is sitting continuously without adjournment; but one must read that as meaning an ordinary period of sitting, that is to say from 2.30 o'clock to 6.30 o'clock or from 9 o'clock to 12.30 o'clock, otherwise one could make a mockery of this Standing Order altogether and have

half an hour's sitting, an adjournment, and then another half an hour counting as another sitting, and that makes too little sense of the Standing Order to be allowed. So I interpret "sitting" as meaning one of our normal periods of sitting, but you can have two or even three periods of sitting in one day as we did on the last amendment of the Constitution. So, as I see it, we cannot have another sitting until after 6.30 o'clock.

Mr. Seroney: On a point of order, Mr. Speaker, is the Government saying that apart from what you announce that the Minister for Health was not prepared to carry on with Order No. 7, is the Government saying that they are not prepared to go on with the other Motions?

The Speaker (Mr. Slade): I have suggested that while Government considers a little further the exact time to which they would like to move the adjournment for another sitting, we might cover some of the other business on the Order Paper, and the Attorney-General could move the adjournment for another sitting at a later stage this afternoon. I think that is what he has proposed to do, so that we could continue now with Orders 5, 6, with the leave of the House, or 8. Shall we do that Mr. Njonjo? You will move the adjournment to another sitting at a later stage this afternoon, whenever you feel so disposed.

The Attorney-General (Mr. Njonjo): Yes, Sir.

BILL

First Reading

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today by leave of the House)

BILL

Second Reading

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

The Assistant Minister for Finance (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to move that the Post Office Savings Bank (Amendment) Bill be read a Second Time.

Sir, this Bill has two purposes. First, in this Bill we intend to decolonize the Post Office Savings Bank by altering the terms and nomenclature used when the Bill was first passed by the previous Colonial Legislature. Secondly, we would like to remove the need to invest at least two-thirds of the post office savings deposits in sterling.

[The Assistant Minister for Finance]

Mr. Speaker, Sir, the first purpose has been necessitated by constitutional changes, but the most important and prime purpose of the Bill is the deletion of provision in section 12 of the main Act. This proviso, in fact, forces the Government to invest two-thirds of the deposits with the Post Office Savings Bank in sterling. It is desirable and necessary that our Government should be free to invest in a manner it considers appropriate and to the best interests of the country. It is wrong in principle, Mr. Speaker, Sir, that a substantial part of our savings have to be legally invested overseas. We need funds for our development and we need them very badly. We need to use our own savings for our own purposes. The deletion of proviso in section 12, subsection 1, will enable us to switch locally the sterling investments held by the Post Office Savings Bank. This would enable these savings to be used to finance our own development in this country. The need to invest two-thirds of all deposits in sterling has also inhibited our savings campaign which should centre around the Post Office Savings Bank. As you are all aware, the revised Development Plan has laid considerable stress on the encouragement of internal savings, and also has stated that the Post Office Savings Bank would have to play an increased role in the encouragement of savings. We cannot embark on these schemes we have in mind as long as we have the old legislation which stipulates that two-thirds of our savings in the Post Office Savings Bank must be invested in sterling. This, in effect, means that it must be invested in London.

Mr. Speaker, Sir, it is essential to change these provisions and this is what this Act seeks to achieve. Both Tanzania and Uganda have amended this same Act, and are now carrying on with their savings campaign through the Post Office Savings Bank.

Mr. Speaker, Sir, I beg to move.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

Mr. Jahazi: Mr. Speaker, Sir, I think this Bill would be most welcome and I will not say it is timely, because it has been overdue. I do not see how it has passed the sight of the Minister for Finance for such a long time, to say that we have been forced, as an independent country, to put national savings in foreign currency, and also in a foreign country. I do not care a damn whether it is in sterling or in dollars, but we know that the people who save in the Savings Bank are those who are the lowest paid, and in fact, people are only just beginning to utilize the

services of the commercial banks because before they used to be so big that an ordinary man was not very welcome in a big bank. It is a pity to see that most of this money saved by very small people, hard earned by people who would really want to save and who would trust that their money saved in the Post Office Bank, were in fact trying to feed someone else in London or somewhere else, because all the money as we hear, two-thirds we are forced to save in sterling in London.

I see the Minister is shaking his head violently. Maybe I am accusing him wrongly, but that is the impression his Assistant Minister gave, that two-thirds of the money was kept in London in sterling, and maybe most of it was coming back in the form of a loan to us here, and being spent on aid schemes. I think the Minister must be congratulated on his late move to try and bring back our own money and see to it that it is in his hands. I am quite sure that when all the money saved in the Post Office Savings Bank is here, we shall all utilize the Post Office Savings Bank. I am not a member of that, but if I know that every penny is back home, I will also campaign to see that everybody, including myself, saves through that institution rather than other institutions.

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

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I think the purpose of the Bill is very clear and, what is more, the Bill seeks to remedy an injustice and a wrong that existed for a long time. I am happy that the only speaker has supported the Motion very constructively, and therefore 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**ADJUSTMENT OF DISTRICT BOUNDARIES**

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to move:—

THAT this House having regard to administrative, development and communication problems experienced in some districts, approves that the Government institutes immediately steps to ascertain the need for adjusting boundaries of the existing administrative districts.

In particular to take immediate steps in accordance with the wishes of the people:

(a) To divide Central Nyanza District into at least two administrative districts.

[The Minister of State, President's Office]

(b) To investigate and adjust the boundaries of existing districts and provinces as may be desired.

The only comment that I would want to associate with this already self-explanatory Motion is that in that area of Central Nyanza District this is a very, very timely need and the people of the area have definitely requested it. It has been the definite wish of the people and they have formed committees to approach the President with a similar request, that the Central Nyanza District be divided into at least two districts soon.

Furthermore, Mr. Speaker, Sir, most provinces and districts throughout the country were almost hurriedly divided and, as a result of these divisions into districts, people have come to study them from the economic point of view and also from the point of view of consolidation of each district, and they have found that these districts and provinces now do require further investigation on the possibility of being re-divided to suit the changing times. So, Mr. Speaker, Sir, we firmly believe that certain areas and certain districts—I do not want to give a definite example, but there are so many areas, and I could even speak about the Kiambu area which, in the past, was consolidated so as to put together the areas which were more economical for coffee plantations, as outside the city, so that those areas could be the granaries for the city. I am not at this very moment using Kiambu—my own constituency, my area—as to this, but there are so many, many provinces such as Eastern and Central and many more like Nyanza that should be discussed, so as to find the possibility of bringing them together from the economic point of view.

I think, Mr. Speaker, Sir, that this Motion is very timely and the majority of the people see today the need of certain areas being grouped together. You find, for instance, Mr. Speaker, in an area like Nakuru—not Nakuru Township—that one particular Member has a constituency with a radius of almost sixty-four miles. Here, Mr. Speaker, Sir, we are not opening discussion where the needs are not actually there. Again, Mr. Speaker, we are doing this to suit the demand of the people and, therefore, I very much hope that the House will approve this Motion so as to facilitate the immediate action desired.

Therefore, that is why we have brought it to the House.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, I feel that I have the right to second

this Motion as a Member from Nyanza Province. I feel that I have the right on behalf of my colleague, Mr. Nyalick, who is also very much concerned with this division or the split of the district.

Mr. Speaker, Sir, I have three points to raise concerning this split of the district of Central Nyanza, which I feel I must register in the House.

First of all, Mr. Speaker, the distance between the edge of South Nyanza, which is the border near West Nyakach Location, to Ugenya, which is near Busia District, is almost 200 miles. The second point Mr. Speaker, is because a new settlement scheme has been created near Songhor and Kibos, near the Nandi Hills. Mr. Speaker, it is very unreasonable to think that one district commissioner or one administrator could manage to travel all that distance between Ugenya, Bondo down at the lake, and again to the Nyakach Hills, Kano West and East.

Mr. Speaker, it is injustice for such a large area to be given one administrator and one district commissioner for the time being when the Kenya Government is hoping to have a closer relationship with the local people, as well as to develop some of these backward areas. Although people might think that Central Nyanza is one of the advanced areas, there are some parts of Central Nyanza which I think are not very different from Turkana or any other place like Kuria in South Nyanza. Mr. Speaker, in order to develop this area, we feel—we Members from Nyanza collectively—that Central Nyanza is one of these large areas which needs a split immediately, and I strongly support the Motion as it has been moved in the House, because I feel that these two points are very reasonable and warrant a split of this district.

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

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

The other point, Mr. Deputy Speaker, before I sit down is communications. In Nyanza, Mr. Deputy Speaker, as you know, the former settlers did not have any interest, they had no farms in that area. Therefore, the roads were not very well constructed. We have throughout the province poor roads and many big rivers, like Sondu, Nyando, Ahero and so many others, which do overflow during the long rains. Mr. Deputy Speaker, you could hardly travel in Central Nyanza or in some of the parts in South Nyanza or Kisii District because of the geographical features, too, because we have high hills and these big rivers which prevent the Administration succeeding very effectively to

[The Assistant Minister for Co-operatives and Social Services]

visit some particular areas, like in Kuria, which will also demand the splitting up of another district soon.

Mr. Deputy Speaker, while supporting the Motion for the split of the district in Central Nyanza, I also feel that, as the Motion states, there are some special areas which the Government has to survey and try to see whether they qualify for splits.

I think this is the right time, Mr. Deputy Speaker, if we want any quick development in Kenya, to set up a commission which will go into these details and try to find the difficulties and find out how we can divide and split these districts because in South Nyanza also we have the same problem. It is 129 miles between my constituency and Homa Bay, which is the headquarters of South Nyanza administration, and that is why I said that Kuria also needs splitting off from the Homa Bay soon.

Mr. Deputy Speaker, Sir, I feel that my colleagues are not willing to hear my speech, but I will close by saying that I strongly support the Motion and the sooner Central Nyanza is split, the better.

Thank you very much, Mr. Deputy Speaker.

(Question proposed)

Mr. Khaoya: Mr. Deputy Speaker, Sir, I wish to congratulate the Government for bringing this Motion at the right time.

Mr. Deputy Speaker, I, as one of those who have been living in the previously so-called Nyanza Province—in fact, we used to call it Kavirondo—know the problems of Nyanza very well. We had, say, Central Nyanza and North Nyanza. Now, North Nyanza has been split into two—that is Elgon Nyanza and North Nyanza—and further split into Bungoma and Busia, so that the former North Nyanza District is now split into three districts. When I look at this, I think that Central Nyanza is overdue and that it should have been split long, long ago. I know, Mr. Deputy Speaker, Sir, that one of those benefits that a new district gains is that we get an officer of a very high calibre in the name of a district commissioner. When we have people like these district commissioners, in fact, we get Government information given to the people in a more correct form than if the people were left otherwise. In particular now, Mr. Deputy Speaker, as I know that Central Nyanza is having problems of one kind or another, especially in that it is getting wrong information about communist ideas, and so on, I think that this is the

time when we should get this district split so that we can increase the number of Government officers in the area, so that our information can be given to the people in the more correct way.

Mr. Deputy Speaker, Sir, I would like also to congratulate the Government on the (b) section of this Motion, in that the Government has now come out and is willing to consider a variation of certain district boundaries. When I support this, I have certain areas in mind and, for the purpose of the record, Mr. Deputy Speaker, I would like to mention a few. I know in Bungoma District, where I come from, we have one tribe called Abatura. These Abatura are split very hopelessly. A section of them are in Bungoma District, in the so-called Khasoko Sub-location. Two or so sub-locations are in Busia District and one sub-location is in Kakamega District. I would like, when the Government considers these district boundaries, to review the case of these Abatura, so that they could be put in one location and all that location be put in Bungoma District, so that they can all feel that the Government of Mzee is a Government that can listen to their problems.

Mr. Deputy Speaker, Sir, I would like also at this juncture to raise one or two more points which have been felt but, for one reason or another, have not been considered previously. I know that when we had *Majimboism* in the country, for political reasons certain areas were included in certain districts against the wishes of the people concerned. For instance, when it came to splitting the regional boundaries, we found that in Busia District we lost unreasonably a number of sub-locations, and I am prepared to quote them. The whole of Usonga location was given to Central Nyanza by mistake; just because of political propaganda in the area. I would like the Government now to take steps to see, and, if possible, to ask the people living in the area to find out where they would like to be. In fact, I would like to claim that these people should be returned to Busia District.

While I go on to support the Motion, Sir, I would like also to mention certain other parts in Kakamega District and, in particular, Tingar Sub-location, Rubwe Sub-location and Murumba Sub-location, which are now being administered in Central Nyanza. They were, in fact, given to that district by mistake, and I would like these particular sub-locations considered with a view to being returned to Kakamega District.

I know there has been also a very burning issue of the Trans Nzoia. It is a portion which we have always claimed should belong to Abaluhya and I am prepared to say that this is the

[Mr. Khaoya]

time the Government should look into this grievance. I know that one of the causes why we did not get this area included in either Bungoma or Kakamega District or, for that matter, in the Western Region, was because a certain hon. Member—I think it was hon. Masinde Muliro—made a mess of this issue. He made it personal property and, because of that, his enemies in the Government made sure that that area did not come to the Western Province. I would like to warn him right here and now that he should not go on using this area as though it were his personal political property and, for that matter also, I would like to assure the Government that while we are supporting it fully, we are never going to be happy without either Kitale or the whole of Trans Nzoia, including Soy, Lugari and Turbo wards coming into Western Province. We shall never have peace of mind without these areas. Because of this, Mr. Deputy Speaker, I would like to congratulate once more the Government for introducing this Motion and I hope, when it comes to considering the matter, it will review these very many aspects and give us what we want.

Thank you very much, Mr. Deputy Speaker.

Mr. Kibuga: Mr. Deputy Speaker, I would also like to support this Motion and wish to state that it is long overdue.

Mr. Deputy Speaker, Sir, as somebody coming from one of the small districts of Kenya I wish to state how rapid the development has been in Kirinyaga whereas previously, when there was only one big Embu District, some of the development which has taken place, and which is taking place, was not possible. However, as a result of the split with the former Embu District in Kirinyaga and the Embu Districts of today we have a lot of rapid development and we would wish that Central Nyanza, although it does not belong to Central Province, where I come from, should also be treated in the same way and helped so that we get development throughout Kenya. I think, Sir, that one reason why one hears a lot of talk of free things within Central Nyanza, is because they are not in touch with the administrative officers and they are not aware of what the Government is planning. Mr. Speaker, Sir, I think that the officers of the Government should be in touch with the general public, but if the district commissioner and other district officials are too far away from the ordinary man, then naturally such a district will be left behind. So, Sir, I very strongly support the split of Central Nyanza.

Now, Sir, I would like to come to the second part of the Motion; the question of adjustment of the provincial boundaries and district boundaries, this is also, I think, a most welcome suggestion. Mr. Deputy Speaker, Sir, I have said many times that if there is a problem, then the best way of dealing with it is to solve it. It is no use trying to avoid a problem and just leaving it to continue. I would like to mention, Sir, one thing, and that is that as a result of the Regional Boundaries Commission one part of our division, Mwea Division, belonging to Kirinyaga District, went to the Eastern Province. Sir, in this area you will find that Mwea Location and Diva Location, both of which were in the former division of Mwea, are now in separate provinces. For example, Sir, if the district officer, or the agricultural officer, wishes to go from his division to Mwea Location, and seeing that Mwea is now in the Eastern Province, the district officer has to travel across the river, where he lives, and come from Ciacago in Embu District, cross the whole of Kirinyaga, right down until he reaches the location. This, Sir, is a waste of the public funds and we should see that these two locations next to one another are put together. As a result of this development will be easier, expenditure will be easier and, above all, we shall avoid unnecessary conflict between the two districts merely because of a portion being where there is no conflict as to who should own it, it is purely a question of the boundaries which is causing all this conflict.

Mr. Deputy Speaker, Sir, I do not wish to speak much on this Motion. I think this problem experienced by Kirinyaga and Embu are also experienced in some other parts of Kenya and therefore we should try and solve all these problems together, even though we may not manage to solve everything. But, Sir, I think that most of the boundary adjustments are necessary and because we are Kenyans, we hope that the Government will work to see that this is solved.

Mr. Deputy Speaker, Sir, I wish to support the Motion.

Mr. arap Biy: Mr. Deputy Speaker, Sir, some of my hon. Ministers are looking at me with very big eyes thinking that I am going to oppose the Motion.

No, Sir, I am not going to oppose the Motion. I am going to thank the Government very sincerely for having brought this Motion before this House and at the right time.

Mr. Deputy Speaker, Sir, Central Nyanza deserves a division and this division, I think, should be made thus. I think I should put it like this, West and East Central Nyanza, so that it could be easily administered.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, Sir, I have listened to the last four speakers, and they have all given the exact same reason why Nyanza should be divided. I am wondering if this is not repetition and whether the Mover should not be called upon to reply?

The Deputy Speaker (Dr. De Souza): I think after this speaker has spoken we can put that.

Mr. arap Biy: Thank you very much, Mr. Deputy Speaker, Sir. I am sorry about this, but I am always interrupted, and I hope that next time I get up to speak I will not receive such unkind interruption.

Mr. Deputy Speaker, Sir, due to geographical reasons Central Nyanza deserves some administrative divisions because a very large part of it is completely arid, particularly the eastern part of the district, that is the part which extends right round Ahero and Eastern Kano, such parts are completely unproductive. Mr. Deputy Speaker, Sir, when this district is divided into two I feel that it will have to be very rapidly developed in agriculture, education, etc.

Now, Mr. Deputy Speaker, Sir, looking at part (b) of the Motion, I would like to mention the size of the Rift Valley Province, which is the largest, so far, in the whole of this country. Sir, I would urge the Government to treat this matter as a matter of national importance because a good number of districts in that province have not been developed, for example, Turkana, Masai and Samburu. Sir, for one provincial commissioner to administrate such a large province, which extends from the foot of Sudan right down to Tanzania, I think, it is too much, and therefore, I feel that this is a very important reason and a very good one why this province should also be split into two, or even more if necessary.

Mr. Deputy Speaker, Sir, I do not wish to take much time of this House. I beg, therefore, Sir, to support the Motion.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I rise to support the Motion, and the one reason why I would like to support the Motion is this. Mr. Deputy Speaker, Sir, I think that I am very close to the district in question and it is about one mile from my home to the border and that is why I feel that it is too large to be administered by one person. Sir, I know the district very well and also the wishes of the people in that area, which are that they should have this part divided into two. However, Sir, at the same time, I feel that the district has become large because some parts were added to it which were not belonging to that district. This, Sir, includes some areas

which are in my own area; Regea, Malanga, Gem as such and this has made the district very large. Therefore, Sir, I feel that the wishes of the people should be met in this House and encouraged so that we can have a peaceful co-existence in the area.

However, Mr. Deputy Speaker, Sir, at the same time, may I point out to the Government that while I support this, my support is with strings attached.

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

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

Mr. Shikuku: Mr. Speaker, Sir, I feel that the district became big or large because of the additional parts which were added to Central Nyanza, and these are the places which I have just mentioned. Mr. Speaker, Sir, the wishes of the people in that large district are that they should be included in Western Kakamega District, but so far, though they have expressed their wishes in memorandums and delegations after delegations to this very Government, the popularly elected Government, the Government of the people, I am afraid to say the Government has not paid any heed to them. I am therefore of the opinion that in the course of dividing this district into two sections, they should consider the Abaluhya who are in Central Nyanza to be brought together with their brothers in the North Nyanza District, what is now known as the Kakamega District.

Mr. Speaker, Sir, I feel that if this is done the Government would then have convinced the people in this area, beyond any shadow of a doubt, that this Government is competent and able to entertain the feelings of the people in this country and that, of course, will enable the Government to get support throughout the country. Of course, Mr. Speaker, Sir, the people in the country support the Government for this or the other reason, and one of these reasons, if it is met, will make the people very happy, and when people are happy, the Government flourishes. I am of the opinion, Mr. Speaker, that the Abaluhya in Central Nyanza should be included in Kakamega District, that means, Tingare, Rubwe and all other places to be included in the Kakamega District so as to make that district, administratively, quite ideal.

Therefore, Mr. Speaker, Sir, I do not think we should waste any more time as this is a straightforward Motion and therefore, with these few remarks, I would just like to say and emphasize that the Abaluhya in Central Nyanza should be included in Kakamega District with their brothers. That is well known to the Government.

[**Mr. Shikuku**]

On those conditions, and with these few remarks, I beg to support, and hope the Government will act accordingly.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala:) Mr. Speaker, Sir, I would like to declare, first of all, that I am not speaking this time as an Assistant Minister, but as the Member for my constituency.

Mr. Speaker, Sir, in order for our Government to govern peacefully and happily, I think there are certain things which are necessary and which ought to be looked into. The first thing, I think, is the community of interest which make people live happily. Mr. Speaker, Sir, the Abaluhya people, as a whole, feel very strongly about the present provincial boundaries. We feel that the Government should review the boundaries as soon as possible so that the community of the Abaluhya are happy, not because I am promoting anything on a tribal basis. I want to make my point very clear that I am not trying to promote tribalism. What I am trying to do is, or the point which I am trying to put forward is, to make a happy community of people in a given Government so that they are brought together to live with their brothers so that for the interest of their own purposes, and African Socialism, which sometimes differs from tribe to tribe, they can live happily.

Mr. Speaker, Sir, the present boundaries tend to ignore the fact that the Abaluhya wanted to be in one province and as a result the whole of Kisumu Location has well over 1,500 Abaluhya who have been left to stay in Kisumu Location. We would like these Abaluhya people to be brought and included in Kakamega District, which is in the Western Province. Mr. Speaker, Sir, there are quite a number of Abaluhya in Gem. We do not know who made this mistake, but I think the mistake was made by someone demarcating the boundary who had come from thousands of miles away. He just did not know what to do at that time. Therefore, Sir, this being our Government and we being concerned with the security and the happiness of this Government, strongly feel that the Government should review its boundaries where we have more people of the same tribe and bring this area to be included in the area where these people should live and thereby enjoy the same rights as other people.

Mr. Speaker, Sir, I would now like to come to one special township known as Maseno. I fail to understand how a man, even a mad person coming to Maseno, cannot determine how Maseno Township can be in any way included

in Central Nyanza. It is quite impossible. As a member of that area, I have to go about eight miles, right through Maseno, to reach my constituency. Now, Sir, how can it be that after having crossed through Maseno, travelled eight miles to my constituency, this township has been wrongly included in Central Nyanza. I strongly feel that this matter should be reviewed and the township, as well as the neighbouring people, who are Abaluhya people should be brought to my constituency of Emukhaya.

Also, Mr. Speaker, Sir, we strongly feel that we were ignored during the provincial demarcation. We, the people of Western Province, seem to have the smallest province with regard to figures. If you look at the map of the Western Province you will see that it is the smallest in Kenya today, but, Sir, if you look at the population, you will find that we come second. Mr. Speaker, Sir, if we look at the tribes we can see for ourselves that the Abaluhya are third. There is well over two and a half million Abaluhya, and looking at our own province it completely ignores the fact that we need more land in order to settle quite a number of people. That, Sir, is why it is necessary for us to get some more land and have the present provinces adjusted so that the whole of Uasin Gishu and Trans Nzoia should be included in the Western Province. We strongly feel that Uasin Gishu and Trans Nzoia are a part of the Western Province and if the hon. Members from the Rift Valley would like us to argue this point, we should go and take a census in these areas and find out how many Abaluhya are living in Uasin Gishu and Trans Nzoia. This case could be argued very easily on the spot.

Therefore, Mr. Speaker, Sir, I feel very strongly that the Government should review the present provincial boundaries as well as the district boundaries when they are considering this Motion. It should be for the interest of Central Nyanza alone, but our part also should be included. However, if it is for Central Nyanza alone, I will urge the Government that if Central Nyanza alone is divided today, it should be less Maseno.

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

The Speaker (Mr. Slade): I think before we proceed with this debate, hon. Members would like to be informed that the Attorney-General does not now propose to move that we have a late sitting this evening. That means we shall continue until the ordinary time for adjournment, and Mr. Shikuku will then be able to raise his matter on the adjournment.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I would like to support this Motion.

I would like, first of all, to speak in support of the first part of the Motion, which deals with Central Nyanza. Mr. Speaker, Sir, certain groups of people in Central Nyanza have made the question of the division of the district a big issue and I know for certain that quite a number of these people have gone against the wishes of certain political subtribes in that area, they have gone to the extent of defying these people in order to inform the Government that they think it will serve them better if this district is divided into two.

Now, I am referring to the eastern part of Central Nyanza, the locations in East Kano and the settlement area there. The people in this area have informed their county council and a Motion has been passed in the county council to the effect that the district should be divided into two. Mr. Speaker, Sir, I support this because in order to speed up economic development in this area, it is necessary to reorganize the administrative machinery in this area.

At the moment the administrative machinery in Central Nyanza works very much to the benefit of the other areas, and not this area I am speaking about right now. It is a fact that in Central Nyanza, the western part and the north-western part have enjoyed better development, partly because the administrative machinery has favoured them, partly because those parts of Central Nyanza enjoy better rainfall.

The point is this, Mr. Speaker, it is necessary to reorganize the administration in order that the eastern part, which suffers a lot from yearly flooding and so on, can be given special attention. The people in this area are so convinced about this that they will be very happy to hear that this Motion has been passed.

It is unfortunate, Sir, that the only remaining Member of the area has not been able to participate in this debate. I think he should have conveyed to us very clearly the feeling of the people he represents. However, as I happen to know, and as I have met some of the people from this area who have been demanding a division of this district, I would like to say that this Motion, if passed, will make the people feel that the Government is with them. I am sure they will recognize that and as from this time they will organize themselves better for more rapid advancement.

Mr. Speaker, Sir, the Member for Butere has raised a few points which I would like to touch on in person. I think he raised this issue when

dealing with the second substantive part of the Motion. If we carry the demand for regrouping people to an illogical step, we can put this country into chaos. For anybody to say that the whole Gem Location in Central Nyanza belongs to Western Province is wrong. It is wrong beyond any doubt. If the Member for Butere wanted to pass on any information, he should have pointed out to certain parts, certain strips, but to say that the whole Gem Location is an Abaluhya area is, Mr. Speaker, very fantastic. Sir, if the desire of the hon. Member for Butere is that all the Abaluhya, wherever they may be, should be grouped together despite geographical barriers and so on, then I would like to—

Mr. Shikuku: On a point of order, Mr. Speaker, is the Assistant Minister in order to impute that my intentions are to collect all Abaluhya, wherever they are—when I did not say so—and put them in—I only pointed to places like Malanga, Rubwe, Gem, Murumba and so forth, and is this the whole of Kenya? Is the hon. Assistant Minister in order to impute that these are my intentions?

The Speaker (Mr. Slade): Yes, if he makes it clear that this is his deduction, from what you have said, that such is your intention. It is not an improper intention, and I do not see anything improper in imputing your having such an intention. It is in order.

The Assistant Minister for Finance (Mr. Odero-Jowi): Thank you, Mr. Speaker. As a matter of fact, it was my deduction that that is what the hon. Member for Butere would like to see done.

I wanted to know from him whether it would be possible to get the Maragoli who have settled in South Nyanza to join Western Province.

Mr. Speaker, Sir, what I am trying to point out is this: that it is vital that administrative arrangements should be made to coincide with community of interest. I think this is very vital. It is also vital that where certain tribal groups live together, and live peacefully, it is no use disturbing the *status quo* merely for the sake of having made this grouping. If we went in for this type of emotional grouping, Sir, we are going to do more harm than this Motion intends.

I would like to support the first part of the Motion very strongly. I also agree with the second part because it is necessary to make adjustments in certain areas where there are boundary disputes.

Mr. Speaker, I beg to support.

Mr. Godia: Mr. Speaker, Sir, I also take this opportunity to support this Motion. I think the Government would be doing Central Nyanza a

[Mr. Godia]

very good service by granting permission for the district to be divided into two. It is quite true that in certain parts of Central Nyanza there is much more development than in other parts. Therefore, if it is divided, the area which is less developed can have much more concentration, and much more improvement can be effected.

Therefore, I must congratulate the Government for the move they have taken.

Regarding the second part of the Motion, where steps will be taken to investigate and adjust the boundaries of existing districts and provinces as desired, Mr. Speaker, Sir, I would like to raise here a matter of the area which I represent. I think the imperialists, when they demarcated our area, used some kind of force, put our people in an area where they find it difficult to get the education and medical services they need, as well as proper administration. Therefore, I would like to ask the Government also to consider seriously the Nyang'ori Location of Hamisi constituency. The boundaries of that location should be in the way they were during the imperialist time, because the people of Kapsengere East and the people of Kapkereri Location, which have been transferred to Rift Valley, were living very peacefully and very happily in Kakamega District. Up to the present moment we still co-operate with them very happily and they continue to deal with most of the people from Kakamega. Therefore, they find it difficult to come from Kapsengere right to Kapsabet to report to the district commissioner when, in fact, Vihiga is only three miles away. They find it difficult to take a case from Kapsengere to Kapsabet when Hamisi is a matter of a few miles. For administrative purposes, therefore, I think, Mr. Speaker, the Government should readjust the boundary of these two sublocations so that they are included in Kakamega District where they have been all the time, where the people are happy together, where they find life to be far more easy.

Mr. Speaker, Sir, I would also like to ask the Government to consider Kitale and bring Kitale in the Western Province, because I think our people in Kitale consider it to be a matter of administration only. For this reason I think our people would be happy if the Government considered bringing Kitale, including Trans Nzoia and part of Uasin Gishu, into the Western Province. This is a very small province that it looks like a location. We would like the Vice-President of Rift Valley to assist in getting Trans Nzoia and the whole of Uasin Gishu into the Western Province to make Western Province what it should be. I think in this particular case,

if this matter is considered in this way, if these areas are adjusted to satisfy the requirements of the people in the local areas, the administration and Government would be much easier. The means of assisting with self-help projects would also be easier.

Mr. Speaker, Sir, with these few remarks I do hope especially that the Government would consider bringing into Western Province or Kakamega District—

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, Sir, in view of the fact that the spirit of Members in the House complies with the Motion, which is that they support the Mover, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): Order! Order! As I said on other occasions I do not think it is a very good idea that an hon. Member having had his say should then try to exclude other hon. Members from having their say. Therefore, I only allow this to be raised by some hon. Member who has not spoken and does not want to speak.

Mr. Godia, you can carry on.

Mr. Godia: Mr. Speaker, Sir, in conclusion I do hope that Government, as I said, will consider seriously getting the areas of Kapsengere, Kapkereri sublocations, the whole of Kitale brought into Western Province for the good of the people.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, Sir, I do not intend to speak, and the general consensus of opinion, so far, gives an indication that the Motion is accepted in principle. The Members will be able to put forward their cases when the time comes for the districts to be adjusted. So, am I in order to propose that the Mover be now called upon to reply?

The Speaker (Mr. Slade): It does seem that the only purpose of continuing this debate is to give hon. Members the opportunity to raise particular boundaries that require revision. Of course, they will have that opportunity as and when these investigations proceed, if they support this Motion.

So, I think it is in order for the House to entertain the closure now.

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

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, first of all I want to thank the House for the warm reception and support that we have received on this Motion.

[The Minister of State, President's Office]

Secondly, I want to assure hon. Members that the President will be very pleased to note their views and the warm support that they have given to this Motion.

The very nature of this Motion is to allow the points which were raised, such as Maseno, Uasin Gishu, Buture, and so on—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, the Minister is raising a very important point here. The main point raised by this Motion is the question of Central Nyanza being divided into two districts. However, the question of going into provincial boundaries is a constitutional matter.

I do not want it to go on record that this House accepted the question of adjustment of the main boundaries. This is the point I would like to place on record.

The Speaker (Mr. Slade): It was quite in order for hon. Members in the course of this debate to mention particular examples of boundaries that they think need review, that is, boundaries of administrative districts, which, in itself, requires amendment of the Constitution. I think that the revision of an administrative district boundary could involve the alteration of a provincial boundary. I do not see why it should not. Then, when the Minister comes to reply to the debate in which these matters have been raised, it is quite in order for him, of course, to reply to a particular point which has been raised. What is out of order is for the Mover of a Motion to raise an entirely new matter in his reply, and I am sure the Minister is not going to do that.

The Minister of State, President's Office (Mr. Koinange): All what I had in mind was this: that the real question was to approve the question of the Government instituting immediately the steps to go into this matter. I said that we are grateful for the support that the House has given.

Because of all I have said, Mr. Speaker, I have nothing further to add other than to move the Motion.

(Question put and agreed to)

CONSIDERED RULING**TIME FOR DEBATE IN COMMITTEE OF SUPPLY**

The Speaker (Mr. Slade): Hon. Members, before we proceed to the Committee of Supply I must point out that the effect of Standing Order 145, as it was amended not long ago, reads as follows: "On any day on which an Order of the day for Committee of Supply has been set

down under this Standing Order, that is, Supplementary Estimates, the business of such Order shall commence not later than three hours before the time for interruption of business, and unless the House otherwise orders that such business shall continue for more than one day, the Chairman shall, half an hour before the time for the interruption of business, supply the closure." Now, we have an hour only left today; so I was going to suggest that, with the leave of the House, we could start on the Committee of Supply today, in spite of the Standing Order, on the understanding that it will be on the Order Paper again on another day. Now, we could not strictly apply the Standing Order, because the intention of the Standing Order is that you have at least three hours, and that you definitely have the closure at the end of those three hours, unless the House otherwise orders. My suggestion is that we take it up now, but allow the matter to come up on the Order Paper for continuation, if necessary, another day, if the Minister agrees. If no hon. Member objects to that, we will proceed in Committee of Supply now.

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

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

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—
RECURRENT

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

THAT a sum not exceeding £2,172,638—my attention has been drawn to an error; I think it is 38 or 39—be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimates No. 2 of 1965/66 (Recurrent).

Mr. Chairman, Sir, I have no comments to make; I think the Estimates are very straightforward. Thank you.

The President's consent has been signified.

(Question proposed)

VOTE 1—OFFICE OF THE PRESIDENT

Headquarters

(Heads A2, A7, A10, A11 and A12 agreed to)

Administration

(Heads B1, B3 and B7 agreed to)

*Administration Police**(Heads C2 and C3 agreed to)**Others**(Head P agreed to)*

VOTE 2—THE STATE HOUSE

(Heads E, F and G agreed to)

VOTE 3—OFFICE OF THE VICE-PRESIDENT

(Head K agreed to)

VOTE 4—MINISTRY OF FINANCE

(Heads J and W agreed to)

VOTE 5—MINISTRY OF FOREIGN AFFAIRS

*Home Office**(Heads A12 and A13 agreed to)**Kenya Mission to the United Nations, New York**(Head B1 agreed to)**Kenya High Commission, London**(Head C5 agreed to)*

VOTE 8—POLICE

(Heads D, G, H, K, P and Q agreed to)

VOTE 9—KENYA ARMED FORCES

(Heads A and B agreed to)

VOTE 10—MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY

(Heads A, B, C, F, J, K, L, CC, EE, FF, GG, HH and JJ agreed to)

VOTE 11—MINISTRY OF EDUCATION

*Secondary Education**(Head C3 agreed to)*

VOTE 12—MINISTRY OF HEALTH

*Personal Emoluments**(Heads A1, A2, F and H agreed to)**Other**(Head O agreed to)*

VOTE 14—MINISTRY OF COMMERCE, INDUSTRY AND CO-OPERATIVE DEVELOPMENT

*(Heads A, B, D, E, G, J, and L agreed to)**Co-operative Development**(Head N1 agreed to)*

VOTE 15—MINISTRY OF WORKS, COMMUNICATIONS AND POWER

*Works**(Heads A4 and A15 agreed to)**Printing and Stationery**(Head D7 agreed to)*

VOTE 16—MINISTRY OF LABOUR

*Labour Department**(Heads B12 and B13 agreed to)*

VOTE 18—THE VOICE OF KENYA

(Heads A, B, H and K agreed to)

VOTE 20—MINISTRY OF NATURAL RESOURCES, WILDLIFE AND TOURISM

(Heads A, B, N, Q9, Q10, R7, S and T agreed to)

VOTE 21—MINISTRY OF HOME AFFAIRS

*Headquarters**(Head A1 agreed to)**Prisons Department**(Heads B1, B2, B3, B10 and B12 agreed to)**Immigration Department**(Head F1 agreed to)*

VOTE 27—NATIONAL ASSEMBLY

*(Heads B, D, F and H agreed to)**(Question put and agreed to)*

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—DEVELOPMENT

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

THAT a sum not exceeding £1 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Development Supplementary Estimate No. 2 of 1965/66.

I beg to move.

(Question proposed)

HEAD D1—AGRICULTURE AND ANIMAL HUSBANDRY

*Agricultural Services**A—Miscellaneous Services**(Subheads A1, A3, A4 and A6 agreed to)**D—Agricultural Credit**(Subhead D1 agreed to)**Animal Husbandry**F—Tsetse Control**(Subhead F2 agreed to)**G—Stock Control**(Subhead G3 agreed to)**H—Livestock Industry Development**(Subheads H4 and H5 agreed to)**J—Veterinary Services**(Subheads J3, J4, A and B agreed to)**(Head D1 agreed to)*

HEAD D2—IRRIGATION SCHEMES AND
LAND RECLAMATION

D—Tana Basin Survey

(*Subheads A, B, C and D agreed to*)

(*Subhead D2 agreed to*)

HEAD D3—LAND SETTLEMENT

(*Subhead J agreed to*)

(*Subhead D3—agreed to*)

HEAD D6—FORESTS

Subhead G—Miscellaneous Projects

Mr. Mbogoh: Mr. Chairman, I want to know whether all this has to be spent on miscellaneous projects which have been asked for. I find that, in many cases, some people want to reclaim some forests and the department does not allow them, and it allows some of them to spend all this money, and in that case it is not used nationally, it is used only at Turbo and then the other areas are left to suffer. Could the roads be left to be done by the Roads Department and then this money could be spent on afforestation and reclamation of forests where it is necessary?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I think that the hon. Member has not understood correctly what this amount is being used for. As far as the amount being used on the Turbo scheme is concerned, this is the actual purchase of the land. This land was originally purchased by the trustees who are responsible for purchasing land for land settlement. Then, at the request of the then Minister for Natural Resources, who was responsible for forests, we as trustees then agreed to hold the land available for the planting of trees, so as to develop the pulp factory at Broderick Falls. All this is now asking for is for the finance to be paid by the Government back to the trustees who are responsible to the British Government for land settlement money.

(*Subhead G agreed to*)

(*Subhead D6 agreed to*)

HEAD D7—MINES AND GEOLOGY

(*Subhead B4 agreed to*)

(*Subhead D7 agreed to*)

HEAD D8—GAME, NATIONAL PARKS AND
FISHERIES

(*Subhead A and E agreed to*)

(*Subhead D8 agreed to*)

HEAD D9—COMMERCE AND INDUSTRY

(*Subhead A agreed to*)

*Subhead D—Traders Development Loan
Boards*

Mr. Mbogoh: Mr. Chairman, I do not understand what these Traders Development Loan Boards mean and whether they are paid this money or they are given to the traders (Inaudible.).

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, it is beyond me why the hon. Member cannot read. I know nothing about this, but I have quickly read at the bottom of page 13 and it tells me exactly what it is for: to enable the boards to make loans to small-scale traders.

Mr. arap Too: Mr. Chairman, I have a point in regard to D—Traders Development Loan Boards. I would like to ask the Minister for Commerce and Industry whether these loans have been given before to certain traders. If that is so I would like to know why some people in my district have never received any loan at all.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Chairman, Sir, these loans have been in existence for a long time and they have been given. Normally, they used to go to district Loan Boards which used to be selected in conjunction with county council and district commissioners' assistance. The loans were then made to small traders in each district. I cannot take the hon. Member's word as being true at all; if he can substantiate that Kipsigis District has never had these loans, we can, of course, look into it—

Mr. arap Too: On a point of order, Mr. Chairman, I would like to inform the Minister that I am not from Kipsigis.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Chairman, I am sorry for referring to the hon. Member as being from Kipsigis, but, you know, all Kalenjin are good people.

Mr. arap Too: Mr. Chairman, Sir, I think the Minister should know that when I say something here, I speak the truth. I do not want to bluff the House or tell lies. In my district, Mr. Chairman, you can hardly find any person who has been given some loans at all from either this small board or the bigger board, or anything like that, and I would like to see that, if I say yes to this money, the Minister will talk to the board and say, "Give some little money to these people."

The Minister for Finance (Mr. Gichuru): Mr. Chairman, does not the hon. Member realize that when he says "hardly", there might be one or two; there may not be many?

Mr. arap Too: Yes, Mr. Chairman, I may do so because my district is a district of two tribes. I was speaking of a district, but if I say "my tribe", which is Marakwet, I will say none at all.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Chairman, Sir, I am, myself, prepared to meet the hon. Member in the office or outside this Chamber and to get further information on this matter. In fact, if what he is saying is true, it would be very surprising; in fact, it is most unlikely.

(Subhead D agreed to)

(Subhead D9 agreed to)

HEAD D11—TRANSPORT AND COMMUNICATIONS

(Subhead U agreed to)

(Subhead D11 agreed to)

HEAD D12—INFORMATION, BROADCASTING AND TELEVISION

(Subhead A agreed to)

Subhead B—Development of Television Services

Mr. Jahazi: Mr. Chairman, Sir, I think that every now and then we are told to approve some money for the development of television and broadcasting services and I would like to know whether at this time, when we are asked to vote, this sum will go to the introduction of television in Mombasa.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, the hon. Member thinks that his television service in Mombasa would cost £1; I am surprised because he did not know that. It is only £1 put there as a token and this is to have a microwave link from Hillcrest at Limuru to Broadcasting House. It is a token only, Mr. Chairman.

(Subhead B agreed to)

(Subhead C agreed to)

Subhead D—Information Services

Mr. Mbogoh: Mr. Chairman, on this question of information services, I think it is high time the Minister understood that this country is very much against the methods used in information because you find his Ministry keeping in a province only one information officer to cover a whole province and pretending that he has an information officer there. I think this money should go to help such places as the Eastern Province where you have one information officer covering Isiolo, Meru and Embu, and then he is also the provincial information officer. Then, there is another information officer who covers Machakos and Kitui is such a vast district and

also Machakos is very vast. So, Mr. Chairman, I would like to know from the Minister whether there is anything that they are doing to improve the information services and not to keep the information service in one particular place, because there are so many things happening, especially in my own area, which cannot be reported by the information services, simply because they cannot spare a camera and all their equipment is broken and they cannot spare a reporter. Again here, Mr. Chairman, they say mobile cinema vans were to be purchased. I think, when they are purchased, it is possible that they keep them for urban use only. This is the right time that our people were taught different lessons through the mobile cinema vans. Many years ago I used to see these cinema vans going round the country, but today I do not see any; they have been withdrawn and kept in Nairobi or somewhere in some districts which I do not know. Therefore, it is high time that the Information Department was improved. I am quite confident that the new Minister is not irrational and he will always try to listen to our views and to take us seriously, and consider those areas which need these vans more than some of the other parts of the country.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, before the new "not-irrational" Minister replies, I would like to add a rider to the nice long speech we have just listened to. One of the things that the hon. Members very often forget when they are asking for services is that they do not, at the same time, plead with the people to pay taxes, because we cannot get all these nice things we want unless we pay our taxes. I think I will leave the floor to the Minister.

Mr. arap Biy: Mr. Chairman, I beg to seek your guidance on this. I do not know whether the Minister is correct in imputing that the hon. Members of this House do not ask people to pay taxes.

The Chairman (Dr. De Souza): I do not think he is imputing that they do not ask them to do so; perhaps he wants them to ask a little more often.

Mr. Jahazi: Mr. Chairman, I see that the Government is getting serious about information because, if I get it correctly, I see that the original estimate was nothing and now we are getting £13,001. I do not know, actually, what prompted the Government to do that because they had neglected this very important service—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is the new Minister.

Mr. Jahazi: I think that the new Minister is starting well, if this is his project, but I would like to say that he must see that the news collection and reporting are the poorest I have ever seen, because, normally, we would have thought that the Kenya News Agency would collect the news in the provinces and immediately, on the same day, broadcast it or give it out, but you may say that most of the Kenya News Agency reports are second-hand; always *Taifa*, the *Nation* or the *Standard* is quick in reporting this and the Government is always lagging behind. You will see that most of the news from the provincial headquarters comes here to the headquarters in Nairobi and it is never reported; it is frozen for one reason or another. All this could be blamed on the former Minister who was not interested in his Ministry, and I would like to see that the new Minister, starting dynamically as he is starting, will expect also—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, I think it is unfortunate to attack the hon. ex-Minister who is out fighting an election at this stage, in blaming him, etc. I would suggest that the hon. Member should wait until after the elections and then he will be able to meet him outside in the country and tell him so.

The Chairman (Dr. De Souza): Before you go on much further, Mr. Jahazi, I would like you to know that I allowed you quite a bit of latitude while you were discussing this question, because of the fact that the previous estimate had no questions asked about it. You must appreciate that we are not entitled here to discuss the whole merits of the Ministry nor the running of the department. All we are asked is to comment or ask details, particulars, about the new expenses that are being incurred, namely the question of four mobile vans. You are not entitled here to start a debate on the working of the Ministry of Information. I am afraid I did give you a certain amount of latitude as I said earlier on, because the previous Supplementary Estimates went through so very fast. But I do not want to give you any more.

Mr. Jahazi: I appreciate that, Mr. Chairman, and the new Minister needed a little boosting, I think.

Mr. Chairman, I would very much like to welcome this item of buying new mobile cinema vans, because they play a very important role. I see that the department has sold all this media to the Aspro people and other commercial people who are going around showing commercial films, and there was nothing much from the department itself. Before the colonial days I think these

mobile vans played an important role in bringing our citizens together and passing on information about all Government activities to the people, so that they see it without being told, or without listening to a Minister saying the Government has done this. I hope that Government films will show the projects completed from the day it was started until today, so that people will be able to appreciate by seeing what the Government has done for them. I welcome this vote and support it.

Mr. Shikuku: Mr. Chairman, I am interested in the additional amount so far stated here, but I would like—while supporting this—I am wondering if the Minister will be in a position to let me know where these vans which he has mentioned will be stationed, because what happens is that we are being asked for wholesale approval of the amount, and what happens after approval is something else. You will find that these vans probably will all be kept in a corner, and we can ask as many questions here, and we will be told that the Government has no funds. Therefore, I would like to make it known to the new Minister, whom I feel I should congratulate for bringing up this idea, to tell me where these vans are going to be. We are not going to give you the O.K. if they are going to your constituency alone, then you do not have our approval—or Gatundu, or Kiambu, or Bondo—this is the sort of thing I do not approve of at all.

The other issue is the question of television. Mr. Chairman, I feel that the media in Kakamega, for example, should be improved.

With this, Mr. Chairman, I beg to ask the Minister to tell me where these vans will be stationed. If it is not going to be in Kakamega I do not support it.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, I am pleased to note that Members are very much interested in the mobile cinema vans that we are going to purchase, but I would not like to comment on the long speeches that were made by the Member for Embu North, and the Specially Elected Member from Mombasa. I would inform the hon. Members that these vans are going to be distributed in the country at my discretion. I am going to use my best judgement as to the places where I am going to post them. It is very unfortunate, Mr. Chairman, that there are only four vans, whilst we have about forty-one districts. I would like every district to have a van of its own for educational purposes and for information. The same thing ties around my colleague the Minister for Finance's neck, finance, and we

[The Minister for Information and Broadcasting] do not have finance. I would appreciate very much, Mr. Chairman, if every hon. Member in this House in the course of purchasing a new car, would talk in a sweet language to these big car dealers for donations, if they would donate to us some vans. Through my Ministry I would be very grateful, and I would thank an hon. Member to come forward and tell me that probably Ryce Motors, or Cooper Motors has donated a van because of his kind conversations with him. On my side I am also trying to do it, but I would ask hon. Members to persuade these big garages to donate, so that Butere would be served by one of these vans when they come.

Mr. Mbogoh: Mr. Chairman, from what I have understood from the Minister that he will distribute these according to his own way of understanding, I am just asking him to consider those places where the information services don't penetrate and where education is needed more than usual, and also to use these vans to assist the Minister for Finance where people pay taxes and where they do not pay them.

Mr. arap Too: Mr. Chairman, I just wanted to request the Minister, because you will recall, Mr. Chairman, the other day my friend the Member for Uasin-Gishu asked a question regarding the information services and inefficiency in the office, and I want to ask him, Mr. Chairman, to consider the office at Eldoret, to consider providing—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, has an office in Eldoret anything to do with four mobile vans?

Mr. arap Too: I am building up. What I wanted to ask the Minister, Sir, is to consider this office and provide them with a Land-Rover or a van, because at the moment this office is covering—

The Chairman (Dr. De Souza): I am sorry I have to interrupt you, I did make it clear that we are only discussing the question of four mobile cinema vans, not particular vans for particular information offices, or Land-Rovers, we are discussing the problems of the question of four mobile cinema vans. I think you are a little out of order.

(Subhead D agreed to)

(Head D 12 agreed to)

HEAD D13—BUILDINGS AND WORKS

Subhead A—Government Offices and Buildings

Mr. Mbogoh: Mr. Chairman, I quite appreciate the use of this money, especially when I see that it has been used to build the National Assembly,

but, Mr. Chairman, I feel that the Minister should consider now giving this money to the provinces which were not built before the *Majimbo* Constitution. For example, in the Eastern Province and the Western Province where no buildings existed, after that then the buildings which are being erected in Nairobi and anywhere else can be built. Mr. Chairman, it is most distressing to see that, for example, in Embu, all the Ministries are not represented. You find that some departments are in Machakos, some are still in Nairobi, some are still—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, I do not see Embu mentioned down here at all, and I thought that you had already given a ruling that hon. Members must speak to the items which are actually on the Supplementary Estimates. I see Embu is not here, if you spell Meru the wrong way round it looks a little bit like Embu.

The Chairman (Dr. De Souza): Mr. Mbogoh, I think you must have misunderstood what I said earlier. It could be that you were not here. I would be pleased if every Member would try not to use every possible item on the Supplementary Estimates, and say, "Yes, but my particular district or constituency is not mentioned, and therefore I want it to be mentioned." That involves the question of policy of the department generally, and that can only be discussed during the Budget debate. The scope of debate of Supplementary Estimates, is that you may discuss those items that are, in fact mentioned, not to say why is my district not mentioned. If you do that, it will cause us no end of debate.

Mr. Mbogoh: Then, Mr. Chairman, should I have stood and opposed it straight, or given my reasons for supporting and asking for something to be done?

The Chairman (Dr. De Souza): You can oppose it if you want, but it is not a question of opposition, you have to give notice of a reduction in a Vote, if you want a debate, but you can only ask questions at the moment on items or ask to have explained to you or clarified certain items which you do not quite understand.

Mr. Mbogoh: Mr. Chairman, Sir, I would like to know seeing the provincial headquarters is at Embu and the magistrates moved between Embu and Meru, why was it then felt necessary to build the headquarters at Embu?

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I think the hon. Member will appreciate the fact that we are only trying to complete the year. We want just a little money to

[The Minister for Finance]

complete the year. The head point is very well noted and I am quite sure it is one of these things which is very likely to come up next month as we debate the Budget itself.

Mr. Mbogoh: Mr. Chairman, Sir, again with regard to A17, "Purchase of Premises for Missions Overseas. To cover the cost of a house for the Kenya Ambassador in New York; . . .", was that not to be included to be in the other part where we had foreign missions, why does it come back here again in the same building, because this was not built in Kenya, it was built somewhere else?

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I admit that it is quite a big sum. It does say there in the note, if the hon. Member would only take the trouble to read it, "Transaction approved in 1964/65 but not yet brought into account." The buildings are extremely expensive in New York and in order to get ourselves a place where our ambassador could live we had to buy at the current prices, and there it is, we had no alternative.

(Subhead A agreed to)

Subhead D—Advance to Tana River Development Co. Ltd.

Mr. Jahazi: Mr. Chairman, Sir, since we passed the guarantee the other day, I wonder whether this item is necessary now?

The Minister for Finance (Mr. Gichuru): It must be shown in the Estimates, Mr. Chairman, Sir, to cover that part of the cost of extensions in the Nairobi Water Supply which is financed by the United States Agency for International Development of Z—Appropriation in Aid, provision approved but not used in 1964/65. We have to show that now it is to be used, or it has been used.

(Subhead D agreed to)

(Head D 13 agreed to)

HEAD D14—LOCAL GOVERNMENT

(Subhead D agreed to)

(Head D14 agreed to)

HEAD D16—HEALTH

(Subhead A agreed to)

Subhead D—Health Services

Mr. Jahazi: Mr. Chairman, Sir, I was wondering here whether Health Services could include the purchase of drugs and the distribution of drugs in the hospitals so that I can comment upon that? I would like clarification on this point.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, there is a note on page 21, under the heading D—Health Services.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I was really asking this question on behalf of the hon. Member whether there was any connexion between A4 and D3 as far as construction went. This is a mental ward in Mombasa.

Mr. Jahazi: Mr. Chairman, Sir, my point was constructive and I wanted a little clarification here so that I speak on that which might save the Minister some money.

The Chairman (Dr. De Souza): Mr. Gichuru made it quite clear that these funds are for the construction of health centres and not for the construction of buildings.

Mr. Wariithi: Mr. Chairman, Sir, with regard to the question of health centres, I do not know whether the Minister could tell us, but I would like to know where these health centres are going to be constructed. In his explanation could he tell us about the grants which were made during 1964/65 and which have not been utilized?

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I have the details of this. These are, strictly speaking, county council centres. The Central Government gives out grants to the county councils and it is up to them to decide where they have the greatest need for these services. However, I could get hold of the Minister and supply the information if need be.

Mr. Wariithi: I would be quite happy with that. All I wanted to know is, while agreeing with the Minister, that only those county councils which are in need will apply for aid from the Central Government. I do know that my own county council made an application and I would like to know whether it is included. So, Sir, if the Minister could promise me the information I would be quite satisfied.

Mr. Mbogoh: Mr. Chairman, Sir, I quite appreciate the fact that the Minister for Health has been constructing health centres, but yet many times we hear in this House, in fact, only this afternoon somebody asked a question with regard to this and the reply was to the effect that the county councils build their own health centres, and not the Central Government, how then does it happen that these are built by the Government?

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, what is most annoying is the fact that the hon. Member will not read. If you are reading you will then see that we are talking about grants.

You are not supposed to be sitting there.

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, is the Minister in order, to address the person, and then when his attention is drawn to the fact that he should address the Chair, to point at me and ridicule me when I am talking to the Minister for Commerce and Industry?

The Chairman (Dr. De Souza): I think you are both wrong.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Chairman, Sir, is it in order for the hon. Member to sit on the Front Bench when he is not a Minister?

The Chairman (Dr. De Souza): As I have said before, it is not in order for him to sit there unless he has some important work to discuss with the Minister and only as long as he has something to talk about with the Minister.

The Minister for Commerce and Industry (Mr. Kibaki): Now he has finished, he can go back.

Mr. Shikuku: On a point of order, Mr. Chairman, I think we should get the record quite clear. I thought it had been ruled that if an hon. Member had something to talk over with a Minister he could do so and thereby sit on the Front Bench. I have been talking to the Minister and therefore entitled to sit on the Front Bench. Is it, therefore, in order for the hon. Member who knows that rule very well, to try and embarrass me in this House?

The Chairman (Dr. De Souza): You are allowed to, but when you have finished you should go back.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, all I was trying to do was to draw the hon. Member's attention to the fact that the Central Government does make grants to the county councils. All that we want here is this extra money—£11,500—in order to help finish off those health centres that the county councils have started, but which are not ready, and which we would like to see finished off by the end of next month, or rather that the money is tied up so that they do not become embarrassed when the year is out and they cannot get money for these centres.

Mr. Mbogoh: Mr. Chairman, Sir, I do not know what the Minister is trying to say because here again in the explanation, which he says I do not read, there is something which says that some of this money has been credited to revenue. Now, Sir, where is he going now when he says that this money is to be given out again when it is already being, or has already been credited to revenue?

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Chairman, Sir, I think the problem is one of language. The point is quite clear. The grants were not utilized. That word is clear. The money is now to be spent by the Ministry of Works which will now construct the health centres that were supposed to have been constructed. Being credited to revenue, is a way of saying that it has been credited to the usual Government account. I do not know what is difficult about that, Mr. Chairman.

Mr. Mbogoh: The difficulty is this, Mr. Chairman. The Minister has just said that this is going to be given to the Ministry of Works and he also says again here that the Ministry of Works does not build the health centres, it only keeps the revenue, how does that—

The Minister for Finance (Mr. Gichuru): I never said that, Mr. Chairman. I have nothing more to add to this question. If he likes the hon. Member can go on talking.

The Chairman (Dr. De Souza): I think in any case the Minister has explained exactly what it is all about.

Mr. Mbogoh: On a point of order, Mr. Chairman, Sir, is it really in order for a Minister to say, when I am seeking information, that I can carry on talking? Am I seeking information or just standing here and talking?

The Chairman (Dr. De Souza): The Minister is entitled to refuse to answer your question.

That, in any case, is not a point of order. We are moving on.

(Subhead D agreed to)

(Head D16 agreed to)

HEAD D18—LABOUR

Subhead A—National Youth Service

Mr. Godia: Mr. Chairman, Sir, I would like to find out from the Minister whether with this additional money, it would be possible for the youth to be kept for at least two years, because I understand, at the moment, that some of them are only made to sign a contract for a year, then after a year, they run away into the country not having qualified to do anything. They begin bothering the people in the country. They were in the Youth Service but while there the Government has done nothing for them. I would like—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, Sir, I see that Head A has nothing whatsoever to do with emoluments. Head A deals with nothing but the farms and equipment, therefore, I would like to suggest, Mr.

[The Minister for Agriculture and Animal Husbandry]

Chairman, that the question being raised by the hon. Member has nothing whatsoever to do with this Estimate.

The Chairman (Dr. De Souza): I am not quite sure that you are correct, Mr. McKenzie, because A4 reads, "To provide an additional Field Unit to meet N.Y.S. expansion; . . ." I think in any case we should hear this question.

Mr. Godia: Mr. Chairman, Sir, I just wanted to know from the Minister with this increased grant, if he is going to make it possible for these youths to remain for two years, so that when they go away, they go away with definite—

The Chairman (Dr. De Souza): I am afraid that is out of the question. Mr. McKenzie was right about not discussing policy here. You cannot ask a question with regard to the opening of further items; this you can do in the Budget debate next month when you have the opportunity to raise that matter fully.

Mr. Mbogoh: Mr. Chairman, Sir, I wanted to know with regard to Head A2, "Mombasa Field Unit, Buildings and Equipment", whether these buildings are of a permanent nature or whether they are just temporary.

The Minister for Finance (Mr. Gichuru): They are permanent.

(Subhead A agreed to)

(Subhead B agreed to)

(Head D18 agreed to)

HEAD D20—POLICE

(Subhead A agreed to)

(Subhead B agreed to)

Subhead C—Training Centres

Mr. Shikuku: Mr. Chairman, I was wondering which training centres the Minister had in mind. I seem to be of the opinion that the training centre in question is the one round about Mariakani Estate. That is a police building. Is that the one the Minister is talking about?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): This is money which was not spent in last year's Estimates at Kiganjo.

(Subhead C agreed to)

(Head D20 agreed to)

HEAD D21—PRISONS

(Subhead A agreed to)

(Head D21 agreed to)

HEAD D22—THE ARMED FORCES

(Subhead A agreed to)

(Head D22 agreed to)

HEAD D23—SOCIAL SERVICES

Subhead A—Community Development

Mr. Godia: Mr. Chairman, I notice here that there are grants to self-help groups. I would like to find out from the Minister how this money, £59,325, is going to be distributed? How does he intend to divide it, according to provinces and districts?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I gather that the amount being asked for is £59,325. I understand that the intention is to have this distributed through the districts in equal proportions.

Mr. Shikuku: Arising from what the Minister has just said, that he gathers that this will be distributed in equal proportions, could he tell us the amounts? Is it to be divided by forty-one to ensure that it will really be equal, or is it going to be divided at the discretion of the Minister? How will it be equal distribution?

The Minister for Home Affairs (Mr. arap Moi): I think, Mr. Chairman, hon. Members knew that there was some money allocated for self-help projects. To start with, there was an allocation of £30,000, which was distributed amongst all the provinces equally. Some of us, like the Rift Valley, complained about this bitterly because we have thirteen districts, whereas Western Province has only three districts. All had equal proportions. Hence, the hon. Member does not have to complain at all.

Mr. Shikuku: Mr. Chairman, it appears there is a difference of opinion among the Ministers here. We are told that there is to be equal distribution. If it is equal, and my English is right, then it should be without qualification and regardless of the size of the district. Could the Minister please clarify the situation?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, if the hon. Member for Butere and I were allocated money by live weight, I would get more money than him! This is why in the Rift Valley, now that it is being done by districts, the Rift Valley will get more money than Western Province, because it has more districts.

The hon. Minister for Home Affairs said, previously it was divided by provinces, which was unfair; now it is being divided by districts, which I maintain is fairer.

Mr. Godia: Mr. Chairman, I would like to ask the Minister if he would sympathize with the situation of self-help *Harambee* secondary schools by providing some of these schools with libraries out of this money? Could he be so kind as to do that?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): If the hon. Member would ask this in the Budget debate, I am sure the Minister will give him the answer, but it has nothing whatsoever to do with this now.

(Subhead A agreed to)

(Subhead B agreed to)

(Head D23 agreed to)

HEAD D24—UNEMPLOYMENT RELIEF SCHEMES

Subhead A—Farm Villages

Mr. Mbogoh: I do not know where some of these farm villages are situated. Could I be told?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): There are three in the Rift Valley, one in Bahati Dundori, one at Thomson's Falls, and I think the other one is either at Turi or Elburgon.

(Subhead A agreed to)

(Subhead D24 agreed to)

(Question put and agreed to)

(Resolutions to be reported without amendment)

(The House resumed)

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

REPORTS

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—RECURRENT

SUPPLEMENTARY ESTIMATE NO. 2 OF 1965/66—DEVELOPMENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report that it has considered the resolutions, (1) that a sum not exceeding £2,172,638 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimates No. 2 of 1965/66 (Recurrent) without amendment, and, (2) That a sum not exceeding £1 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966 in respect of Development Supplementary Estimate No. 2 of 1965/66, also without amendment.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolutions.

The Minister for Home Affairs (Mr. arap Moi) seconded.

(Question proposed)

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

TERMS OF SERVICE IN THE NAIROBI CITY COUNCIL

The Speaker (Mr. Slade): That concludes the business on the Order Paper, but since there is a matter to be raised on the adjournment I will call on a Minister to move that the House do now adjourn.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I wish to speak from the Table because I have a lot of papers in my hands.

If I may start off right away, Sir, I asked to be allowed to raise this matter on an adjournment and you asked me to combine my two questions on this occasion. I asked a question, Question No. 9, in connexion with some people in the city council who were employed there and who had received two to three increments in the course of a year. I found this was a very queer case and I wanted to know from the Minister what had happened. Instead of answering me, on that day the Minister told me that this was as a result of some responsibilities being given to the nineteen people, which necessitated their having two increments during the year.

At the same time the Minister refused to tell the House the names of the people concerned.

I feel very strongly, Mr. Speaker, that any hon. Members in this House is entitled to get any information from any Minister responsible for any Ministry in this Government. I wish to put the record right. One of the Ministers did, in fact, say that he saw no reason, and did not know why, the Members were so keen in looking up this question of the city council every now and then. May I, Sir, give one reason and that is I am a taxpayer and, consequently, I am entitled to know what is happening to my money. These two or three increments a year do not only come as a kind of theory but they go so far as affecting somebody's pocket, and that is my pocket. For the information of the Minister, I would like to say that the Members of Parliament have to pay the sum of Sh. 50 per month, a total of

[**Mr. Shikuku**]

Sh. 600 per annum; and out of this Sh. 600, Sh. 300 remains in Nairobi City. This, of course, is very unfair. I am a Member for Butere and not for Nairobi. I am employed by the Butere people and I should be responsible to the Butere people. So, I do not see any reason why my tax should be deducted here and also be used without any question. Therefore, I feel that this question of giving people two or three increments in a year is completely unfair, because they are taking too much of the money which should have been used to employ other people. Promoting people twice in one year is very irregular. I feel that in doing so, the city council is going beyond the international labour laws. In view of the fact that we have so many people who are hungry in this city, I feel it is completely unnecessary and the attention of the city council and the Minister should be drawn to this extravagant way of spending our taxes.

Mr. Speaker, this does not only affect the Members of Parliament. I understand that the local government, under whom some people are employed as chiefs in various locations, also have their tax deducted from their salaries and this is kept in Nairobi. Nairobi, as a matter of fact, is serving as the biggest parasite which is out to suck all the blood from every part of Kenya. They keep all the money in Nairobi to give to the expatriates and the big boys in the city council to enjoy themselves. This is very unfair. I feel that the people in Murang'a, Kiambu, Butere and elsewhere should pay their taxes to their various counties and should not have tax deducted in Nairobi in order to enable these boys to have as many increments as possible, even to the tune of two or three every year.

The Minister for Commerce and Industry (Mr. Kibaki): On a point of order, Mr. Speaker, could the hon. Member for Butere substantiate the allegation that Nairobi City Council is keeping half of the taxes of the people who are taxed in this city?

Mr. Shikuku: Mr. Speaker, I am ready to substantiate that, because we received a circular from the Attorney-General, as Members of Parliament, to the effect that we are considered to be employees of the Government and, as such, our taxes would be deducted in Nairobi. According to the present regulations, 50 per cent of that amount would remain here. If the hon. Minister has not read that circular, then he is very much behind the times.

The Minister for Commerce and Industry (Mr. Kibaki): On a point of order, Mr. Speaker, I am not disputing that the hon. Members of this

House do have half of what they pay retained, but the hon. Member did allege that the taxes of the ordinary poor workers, as he said, in Nairobi are not sent to Murang'a and so on, but that half is retained here. Can he substantiate that this is the basis on which the taxes collected are shared between Nairobi and those other districts? I ask for this substantiation because this is a serious allegation, which is false.

Mr. Shikuku: Mr. Speaker, it does not matter what the hon. Minister thinks, but the fact remains that even according to the city council regulations we have cards and an amount is to be deducted from every worker who works here, and the amount so deducted, half of it remains here and half goes to his area. He has a form to fill.

The Speaker (Mr. Slade): The question is, Mr. Shikuku, on what grounds you say that. Well, so far, you have said that, since Members of the House have been told that that is the position with them, you assume that that is the position with anyone else who is taxed in Nairobi. I should rest on that, and if you are wrong no doubt the Minister will correct you.

Mr. Shikuku: That is what I mean, Mr. Speaker. I could even go further if you would give me a chance to bring further evidence tomorrow, when I can bring in the city council card where it is shown clearly that if you have your wife here you will have all your money retained here; if you do not have your wife here, half of it will be sent to your district.

I feel it is completely unfair. It is true, at the same time, that the chiefs at home, who are employed by the Government, their money is being deducted here. Half of that money, therefore, remains here. This is not fair. That is why the city council members are able to give such fantastic and extravagant salaries to their staff, and to keep on promoting them twice a year.

Since I have to deal with the two questions together, I will move on to the next one. This other matter refers to the question asked by the hon. Ndile, to the effect that the expatriate who was there, the assistant town clerk, was allowed to earn a sum of £5,000 per year with an entertainment allowance of £100 per annum. Mr. Speaker, I feel this is wrong, because we talk of Africanizing the various departments in the Government as well as private enterprise. I think this is the complete opposite of what we meant to do, since there was no advertisement in the Press or over the radio to the effect that in view of the fact that the former town clerk, Mr. Waiyaki, had been dismissed, the post remained vacant for Africans to apply. This should have

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been done before we went and got an expatriate for whom we have to pay more. I feel the Minister cannot satisfy me by telling me that they had to promote this white man—I am not a racist—to earn this big salary when we could possibly get another African in the country to take up the job. If we have to take on an expatriate and pay more without advertising the post first, then we must be told what the Government means to do so far as Africanization is concerned. The point I am making here, Mr. Speaker, is that if there is any vacancy in this country, then we must leave no stone unturned to find out if we get our own person here before we are put to extra expense of paying inducement to the expatriate. I am not against the expatriates as such but, before we get an expatriate, we must first get a local man and give him preference. If, however, that is not to be the policy of the Government, then the Minister should stand up and tell us so. In this case, I think he will have to give us a reasonable explanation, in order to convince us why they found it necessary to promote this assistant secretary, who earns more than the former town clerk did, to take up this post.

Now, I would also like to know, Mr. Speaker, from the Government who is the assistant secretary now. Or is the one person combining the two jobs? I feel if the Africans who are educated, in this country, are going to be passed over like this, this will create a lot of frustration and this may lead them to think that we are not yet completely independent. I remember I once came across somebody who said he agreed with the deportation of a certain European, whom we sacked and deported from this country. At the airport, he said that he would come back to Kenya when this country was independent. They seem to agree with him because when they look at such cases as this one, they surely do not feel that their country is independent; otherwise the people of this country should be given the first opportunity.

Such actions also, Mr. Speaker, do not give encouragement to our young men who are at school. There is no point in going to school and, after getting the proper qualifications, find that you cannot get a job. We have many cases, even in the city council, where you have a man in charge of the schools here, with a school certificate, when we have men with M.A.s and B.A.s and even a Doctor of Philosophy, who cannot get a similar post. This is a negative attitude and I hope the city council will stop this. They take money from people and should not be allowed to carry on in this manner. We have our people

who should be given an opportunity of getting the posts that are vacant in the city council. Such posts should be enjoyed by our people because we are the taxpayers here.

Lastly, Mr. Speaker, I am not being difficult here, but I must mention that the fact remains that in the city council something is definitely wrong.

Someone in playing around with the city council affairs, and it is time the city council was looked into, because there is a lot of harassment of the people, even the unemployed people, who are being asked to pay tax, and when they pay these taxes, before they are employed or paid for by their relatives, which I did once, this money is to be spent on unnecessary—we have already had one case where they talked of having a Rolls-Royce for the Mayor, thank God the President of the Republic stopped that extravagance—I think it is time the Government checked on the city council activities in the interests of the poor people in this country, and being the president of the poor people, I feel that some brakes have to be applied to the council so as to stop them from playing about with public funds.

With these few remarks, Mr. Speaker, I beg to put this to the Government.

Mr. Jahazi: Mr. Speaker, Sir, I would also very much like to add forcibly about irregularities which are manifesting themselves about the running of the city council.

Mr. Speaker, Sir, a question that I asked in this House not for criticism's sake, but for the sake of clearing the picture, that when we see something which is done, and which we think is not done properly, we are bound to ask the Minister so that if the reasons we know are not the right ones, and in fact, Mr. Speaker, we tend to misunderstand sometimes what is going on, and when we come to ask these questions, the Ministers leave us more dissatisfied than when we started as a result of the dissatisfaction we get from the Ministers answering our questions. Now, Mr. Speaker, Sir, we do not want to make this a court of law where we come and argue. We want information as to why a man gets, for instance, three increments in a year. We want to know why. Is he a super human, is he working at such a rate that he should get three increments while others are not getting one? Is he being favoured by someone at the top, or what is happening? When we ask Ministers, instead of giving us straight answers, they evade the issue and try to protect the city council. Mr. Speaker, Sir, we cannot have this. We want to know why

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the Minister, who is responsible for running all institutions in Kenya, whether it is city council, or municipal council or county council, should let these people play about with other people's money, because I see that however the Ministry may be running smoothly, better, if the city council is not running properly, it is a stain on the Government's record, and they cannot escape when we are told that we have no *Uhuru*, or *Uhuru* is being messed around. The Minister cannot escape from that accusation, and we want to know why a man was given three increments. If that was not nepotism or—oh, yes the name was mentioned here, Mr. Speaker—and it is not a new story, it is because of dissatisfaction that we raise this matter on adjournment.

Mr. Speaker, Sir, we find that the city councils, or the municipal councils, tend to be free, so free that they can do anything they want with public funds. Here, Mr. Speaker, the Government does not have the freedom, or the Minister here does not have the freedom of spending the money as he wishes as the city council people do. We have been taking the Minister for Finance to task here, trying to scrutinize every penny and every pound. I do not think that the Minister has any time to scrutinize city council finances. They just give anybody any amount they want. For instance, a town clerk, a mere town clerk of the city council, is earning more than a Minister of the Kenya Government. I do not see why such things should be allowed, because if a *mzungu* comes from Europe today, and he comes here just because he is nothing, not because he is going to do magic here, and when he comes here he does not even have the spirit to work. He comes here to earn a salary, and he gets a fantastic sum, and you will see that an African who has got the same qualifications, even better, is being paid only a half. I do not see why, and that is why there are rumours all round the place when you are questioned that you Members of Parliament why do you let these things happen, and really however much we support the Government, by that time we do not have a proper answer to tell *wanainchi* why a town clerk in Nairobi is earning £5,000, and our Minister for Finance is not earning that. We do not have an explanation. When we come here to ask the Minister to tell us why, he does not have an explanation except that Mr. Smith is an expatriate, he comes from Europe. As if being an expatriate makes him holier than an African here! I think this question of expatriates must be investigated, and gone into properly to see whether these expatriates are really holy people, holier than we think they are. I do not think there is any holiness

about expatriates. If at all, they should get something, they should get something a little above that but not so much that they are angels and we are all—our people—just devils. The brains are here, and this is what I would like the Government to do. The Government has our own people trained, well educated, and qualified in their various professions. They should listen to these people, more than they do now, because the tendency is that if someone is an expatriate, then he has that old belief that we used to have, that if any car goes wrong, the European knows everything about it; if somebody is sick, the European will know something about it; he is a doctor, he is everything. We used to have that belief, and now I am glad that I grew up in a different atmosphere. My father used to think that the *mzungu* would know everything. Whatever goes wrong *memsahib* will be asked to fix it or *bwana* will be asked to put it right.

Now this air still exists, although it is disappearing, but it is with expatriates. Expatriates are very big people; they know everything; while we see that most of them actually do not know very much. Our own people locally can know better, therefore, I do not think an expatriate town clerk from London, from Southampton, from New York, would know as much about Nairobi as a man like Waiyaki, or any other lawyer who is qualified. He will not know more about Kariakor, he will not know about Bahati, Bondini or any other location, nor about all the people who are sleeping outside, the beggars. A man who will know better and will appreciate the problems more, and he will not demand all that £5,000, but for a man who is on contract for two years, who will have one leg in the office and one leg trying to buy a house or trying to look for a job in London. That man will not be any good.

Mr. Speaker, Sir, I would like the Government to forget this mystique over the expatriates. These people I have investigated, most of them are good people, they know their job, but it does not mean to say that just because they are expatriates, merely putting them on expatriate terms will make them holier than our own equally trained people here. I think we should listen more to our trained men, and we should try to put trust in our local people, whether they know something or not, give them the wheel and let them drive a bit, and then they will know how to drive. This learning to drive by sitting on the back seat, while I teach you and say this is how we drive. That will not help us, we will continue having these expatriates, paying them fantastic salaries, while our own projects are lagging behind, we will have to go every now and again to try and beg money to finish housing

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schemes, drainage, water supplies, while all the money we get is consumed by the so-called expatriates.

Therefore, Mr. Speaker, when the Minister stands to speak here, he must understand that the reply we want is very qualified, expert reasoning why these people are getting double increments in one year, in six months, and why they are paid fantastic sums.

Thank you, Mr. Speaker.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir—

Mr. Balala: On a point of order, Mr. Speaker, is the Minister speaking in his capacity as a Minister on behalf of the Government or as a Member?

The Speaker (Mr. Slade): I think he was going to tell us.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I am going to reply on behalf of the Minister for Local Government, Mr. Sagini.

Mr. Speaker, Sir, one point from the beginning—

Mr. Balala: On a point of order, Mr. Speaker, the Minister said that he will be replying on behalf of the Minister for Local Government, and he is standing to give us some material on the Motion for the Adjournment, is it in order for him to speak now and then reply on behalf of the Government at a later stage? Is it also in order for him now to reply before he hears the views of other Members?

The Speaker (Mr. Slade): I thought hon. Members understood by now that in these adjournment debates, we only have altogether half-an-hour and, during that time, each Member is limited to ten minutes. Our custom is, unless the Government wishes it otherwise, to allow Back-benchers to speak for up to twenty minutes and then the last ten minutes for the Government to reply, otherwise you do not get a reply at all.

Mr. Balala: On a point of order, Mr. Speaker, would it be in order if a Member moved that the time be extended for fifteen minutes, in order to give a chance to hon. Members to air their views?

The Speaker (Mr. Slade): No. There is provision in our Standing Orders for particular matters to be exempted from Standing Orders on a Motion by a Minister. A Minister could, indeed, move that a particular matter raised on adjournment should be exempted from the ordinary half-hour limitation to allow another quarter-of-an-hour, but only a Minister.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, the issue here is simple, straightforward, but, as usual, the two Members who have spoken would want to make it a huge political issue involving Government, but let me say at once, Mr. Speaker, that those of us who live in Nairobi permanently, as distinct from the tourists who come and go, know very well that we are fortunate to have the efficient administration of this city council. Mr. Speaker, those of us who have travelled and stayed in other countries' capitals know how very well this beautiful city is administered and how, in fact, it is true that those others who have had to deal with local government in other countries, when they have visited this city, have been impressed by the efficiency of the administration of this city.

Mr. Speaker, let me now say, too, that the people whom we are discussing, the people who, the hon. Member says, received increments more than was usual, according to him, are not expatriates. These two issues, Mr. Speaker, must be separated. There is a question of the expatriate officers who hold the three jobs of town clerk, the city treasurer and the education officer. But the officers, whom the Minister for Local Government mentioned in reply to one question from the Member for Butere, the people who received two increments, are local people. Mr. Speaker, they received these increments—and this is the point that I wish the hon. Member for Butere would listen to—as the usual process of promotion. Mr. Speaker, Sir, I would have thought that it was for the Member for Butere to congratulate the city council on having promoted these local officers to more senior positions, so that they qualified for a higher salary which they were given. Mr. Speaker, Sir, I cannot understand the logic of the hon. Member who wants, when a clerk is promoted from Grade II to Grade I, that he should stay at the same salary, whereas the hon. Member himself, in this House, has been a party to those that wanted the salaries of the Members themselves to be increased. Mr. Speaker, Sir—

Mr. Shikuku: On a point of order, Mr. Speaker, is the Minister in order to say that I have been a party to the increment of the salaries of Members of Parliament here when, in actual fact, when the question was brought here, I voted against it? Is he in order and can he substantiate that?

The Speaker (Mr. Slade): He is in order, unless he fails to substantiate. Now you have asked him to substantiate.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, if the hon. Member did oppose, I am entirely unaware, and therefore I—

The Speaker (Mr. Slade): You withdraw?

The Minister for Commerce and Industry (Mr. Kibaki): Yes, Mr. Speaker.

Mr. Speaker, Sir, the hon. Members in this House did, in fact, vote themselves an increase and when the city council pays an increment to officers that have been promoted to higher responsibility and greater jobs, then I think they are entirely wrong and there is nothing—absolutely nothing—irregular about it.

Mr. Speaker, Sir, the hon. Specially Elected Member, Mr. Jahazi, seemed merely to want to warn about these expatriates, that we fear them, we think they believe everything. Mr. Speaker, nothing of that is in our mind as a Government; what we know is that in this country we are short of teachers and these expatriates employed by the city council are doing a very good job. We are short of architects, of engineers, we are short of lawyers, we are very short; in fact, we are having to employ outside people. These are the classes, Mr. Speaker, of expatriates that the hon. Member is complaining about. We who live in this city owe them a great debt of gratitude for keeping our schools, our engineering department here, our water department and all the other departments running efficiently.

Mr. Speaker, on another point, the hon. Member for Butere pretended that the city council takes the moneys from the other districts in this country. Mr. Speaker, an arrangement has been arrived at, in the consultation of the Local Government Association, where all local government bodies are represented, to the effect that, where a man works in Nairobi but his family lives in another district, then the appropriate amount is remitted to that other district. Mr. Speaker, Sir, the proportion is not determined once and for all, because it varies from group to group. Some groups have their families living with them here, but the children go to school in another district, so the amount required to be remitted will be less. But this is only fair because the city council maintains the social services, the education services,

the health services, the housing services for those people that live here and work where, including the hon. Members themselves. Mr. Speaker, Sir, therefore—

Mr. Shikuku: We do not live here.

The Minister for Commerce and Industry (Mr. Kibaki): But you rent a house here maintained by the Nairobi City Council.

Mr. Speaker, therefore, it is only fair that the city council should have a part of the taxes paid, otherwise Nairobi City Council would never have any money to spend.

Mr. Speaker, on the specific question of the town clerk now, he is paid an inducement like every other expatriate officer who is employed here. We employ them because they are needed. Mr. Speaker, Sir, the Nairobi City Council was amongst the very first in this country to promote Africans to the top jobs of city engineers, medical officer of health, the director of social services, all these people, including their deputies. In fact, the Deputy Director of Education is now an African. Mr. Speaker, Sir, the city council gave the lead to the other councils. I would have thought that in these one or two cases where, because of shortage of locally qualified material, we had to employ expatriates, the city council ought to be recognized for what they are doing. Their programme of training is well known and, Mr. Speaker, these expatriate officers are on very short contracts of two years. In the contracts, we make provision that, where we get a locally qualified person during the period of that contract, we can terminate it, giving three months notice either way. Mr. Speaker, therefore, I see nothing at all that we have to apologize for on behalf of the city council. It is a very efficient council and, Mr. Speaker, Sir, those of us who live here know that it is a very efficient administration, but, if the tourists are dissatisfied, they can live in their own rural districts happily.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our time. The House is therefore adjourned until Thursday, 2nd June at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 2nd June 1966

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

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

PRAYERS**CONSIDERED RULING****GIVING OF NOTICE OF MOTION**

The Speaker (Mr. Slade): Mr. Ngei, you wanted to ask about a Notice of Motion that you had in mind?

The Minister for Housing (Mr. Ngei): Yes, Sir. Mr. Speaker, Sir, I wanted to move a Motion here and also move it tomorrow under the Standing Order No. 14 about the speech of the President, and I had in mind a Motion.

The Speaker (Mr. Slade): Yes, well, I must explain the position over that. I have seen the copy of the Notice of Motion that Mr. Ngei wanted to give today. It was, in effect, asking this House to support the speech made by His Excellency the President yesterday at Madaraka Day, at the time of the speech to the nation and the celebration parade.

In the first place, a Minister can only give Notice of Motion if it is a Government Motion, and I have to be satisfied it is a Government Motion. In the second place, a Motion that refers to something that has been said outside this House must be related, for purposes of record, to something which is officially before this House; and so, in order to move a Motion referring to His Excellency's speech, the speech itself should be laid on the Table. So unless it can be laid on the Table today, I am afraid this will have to wait until tomorrow for the speech to be laid and the notice to be given.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I am prepared to leave the speech for now because the Paper can be laid tomorrow and I shall move the Motion tomorrow.

The Speaker (Mr. Slade): Yes, you will give notice tomorrow.

The Minister for Housing (Mr. Ngei): I will give the notice tomorrow.

The Speaker (Mr. Slade): Yes, but, in that case, the Motion itself will have to wait until Tuesday.

ORAL ANSWERS TO QUESTIONS*Question No. 36***APPOINTMENT OF CHIEFS—UASIN GISHU**

Mr. Tuwei asked the Minister of State, President's Office, why, in view of the fact that Uasin Gishu District was administratively

divided into six wards, three more chiefs were not appointed so that each ward enjoyed the status of chieftainship.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The Government is now studying suggestions for an increased number of chiefs in Uasin Gishu District. Such factors as population, administrative problems and size of the area will have to be taken into account subject, of course, to the availability of funds.

Mr. Tuwei: Mr. Speaker, Sir, in view of the fact that Uasin Gishu District is larger than Nandi District where there are nine chiefs and there are only three in Uasin Gishu, would he consider, from this fact, that we do demand three more chiefs?

Mr. Koinange: Mr. Speaker, Sir, that is one of the points that will be discussed.

Mr. Somo: Mr. Speaker, Sir, arising from the original reply by the hon. Minister, could the Minister tell this House how long the Government will take to start the plan of increasing the chiefs in the three wards?

Mr. Koinange: I think, Mr. Speaker, that is a different question altogether.

The Speaker (Mr. Slade): No. The hon. Member is only asking how long you are going to take to do what you say you intend to do.

Mr. Koinange: In that case, Mr. Speaker, it will not be too long, but I cannot give too definite a time, saying it will be such-and-such a date; but he must be assured that it will not be too long.

*Question No. 87***MINISTERS AND SENIOR CIVIL SERVANTS
IN BUSINESS**

Mr. Balala asked the Minister of State in the President's Office if he would tell the House how many Ministers, Assistant Ministers and senior civil servants of the Republic of Kenya, directly or indirectly through members of their families, were owners, shareholders, partners or directors of business establishments in Kenya.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. On appointment, Ministers and Assistant Ministers are required to disclose to the President any directorships, shares or partnerships they have in business. But, at his discretion, the President may allow a Minister to retain a directorship, where he is satisfied that a Minister's association with such an activity would not in any way conflict with his position as a Minister of Government.

[The Minister of State, President's Office]

This disclosure is made in confidence, in accordance with the conventions and practices which govern the conduct of Ministers. It would, therefore, Mr. Speaker, Sir, be a breach of practice for the President to disclose such information.

As regards top civil servants, none of them are directly or indirectly owners, shareholders, partners or directors of business establishments in Kenya, as all such interests for civil servants are expressly prohibited by Government Service regulations which govern the conduct of officers in the public service.

The civil servants are conversant with these regulations and are aware that a breach of these constitutes an act of misconduct which carries disciplinary penalties for the officers concerned.

Mr. Balala: Mr. Speaker, Sir, arising from the Minister's reply, apart from a Minister making a declaration of his business interests at the time of appointment, could the Minister tell this House what other machinery, within the Government, is used to detect the business interests of the various Ministers, Assistant Ministers and top civil servants?

Mr. Koinange: Mr. Speaker, Sir, I think once a Minister has disclosed to the President, with all sincerity, the business he is participating in, I think the President usually takes it that those disclosures are quite sincere and do not require further investigation.

Mr. Balala: Mr. Speaker, Sir, I think the Minister did not reply to my last question properly. I said, what machinery is being used to detect the business interests of Ministers, after being appointed and after having declared their business interests before appointment?

Mr. Koinange: Well, actually, Mr. Speaker, Sir, both Ministers and the people of Kenya are citizens, and I think everybody has equal protection; all citizens have equal protection.

The Speaker (Mr. Slade): I think the hon. Member was talking of "detection" and not "protection".

Mr. Koinange: Mr. Speaker, as to the question of detection, I do not think that the Government should resort to methods of detection, as though they were suspicious.

Mr. arap Soi: Mr. Speaker, Sir, would the Minister tell the House whether, on appointment of the present Ministers, there were disclosures, as he has stated, concerning any Minister?

Mr. Koinange: No, Sir.

Mr. Balala: Mr. Speaker, can the Minister assure this House that a suitable investigation will be made to detect the business interests of Ministers, Assistant Ministers and top civil servants in the country?

Mr. Koinange: No, Sir.

The Speaker (Mr. Slade): Next question. Mr. Godia.

Question No. 81

MEMBERS VISITING OTHER CONSTITUENCIES

Mr. Godia: On a point of order, Mr. Speaker, in view of the fact that the circumstances under which I tabled this question have changed politically, I beg to withdraw the question.

The Speaker (Mr. Slade): Next question.

Question No. 37

ASIANS BUYING AFRICAN LAND IN UASIN GISHU

Mr. Tuwei asked the Minister for Agriculture and Animal Husbandry how many acres of African land in Uasin Gishu District had been bought by Asian speculators.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Not a single one that I am aware of.

Mr. Tuwei: Mr. Speaker, Sir, in view of the fact that there are so many Asians from Tanzania and Uganda buying so many farms in Uasin Gishu, has that not been taken into account?

Mr. Khasakhala: The term referred to by the hon. Member is "Asian speculators", and there are none.

Question No. 96

MEAT AND MILK INSPECTIONS

Mr. Muruli asked the Minister for Health if the Minister could tell the House whether he was satisfied with the inspection of meat and milk in the local authority areas.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The Ministry of Health is not satisfied with the inspection of meat and milk in the local authority areas. Primarily, my Ministry staff and, in many cases, local authorities health staff, are responsible for maintaining high standards in respect of meat and milk, as far as the wholesomeness of these products is concerned, by prohibiting the sale of unwholesome products, and the inspection and seizure of unwholesome meat and milk. My

[The Minister for Health]

Ministry is not, however, quite satisfied with the extent of inspection of meat and milk in some local authority areas. We are aware of the reasons behind this inadequacy which could be attributed to the shortage of inspectorate staff to inspect the meat and milk. Besides the lack of finance, there is an acute shortage of health inspectors. The present ratio is only one health inspector for about 80,000 people. We have duly recognized this fact and, in order to accelerate this cadre of personnel, we are aiming to have one health inspector for every 50,000 people by 1970. We anticipate the said increase if our proposed development plan is successful.

Mr. Muruli: Mr. Speaker, Sir, could the Minister tell the House whether they have begun training these inspectors so that we have enough inspectors in the local authority areas?

Mr. Otiende: Yes, Sir.

Mr. arap Biy: Mr. Speaker, Sir, the Minister knows very well that the sale of bad meat and milk is spreading a lot of diseases. Is he also aware that, by 1970, a lot of people will have lost their lives, and therefore we should do something as soon as possible?

Mr. Otiende: Mr. Speaker, Sir, much as I would like to do something, the work is so heavy, and requires such specialized knowledge, that I cannot do anything at present. Besides, the work of the health inspectors is done under the auspices of the local authorities and it is not possible, even when I have the staff, for the local authorities to employ them, especially as they are very poor just now.

Mr. Khaoya: Mr. Speaker, Sir, understanding that we have a shortage of inspectors in the rural areas, could the Minister assure this House that he is going to see to it that whatever manpower we have in the rural areas is not going to be confined to the townships only?

Mr. Otiende: Mr. Speaker, Sir, the townships happen to be in the happy position of having balanced budgets. I could not say that about the rural authorities. However, as much as lies in my power, I shall endeavour to see that all local authorities get qualified staff by that period; 1970.

Question No. 80

NAIVASHA-GILGIL BRIDGE

Mr. Godia asked the Minister for Works if he could tell the House what he was doing about widening the Naivasha-Gilgil Bridge on the Nairobi-Nakuru Road.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. The hon. Member may have noticed that the work has already started on the construction of a full-width bridge at this point, and I anticipate that this bridge, together with its approach roads, will be completed by June 1967.

Mr. arap Soi: Mr. Speaker, Sir, can the Minister tell the House why this construction is taking such a long time, in view of the danger which is being caused by the narrowness of this bridge?

Mr. Mwanyumba: Mr. Speaker, Sir, the hon. Member should be thankful to the Government for having started work on this particular bridge which he is talking about. There are so many bridges elsewhere in the country which need Government financing, but we have taken this bridge as first priority in our road construction. Therefore, Mr. Speaker, Sir, I do not see why I should be asked why the work is not taking place, when I have already said that the bridge will be completed by June 1967.

Question No. 99

ROADS IN BUNGOMA

Mr. Barasa asked the Minister for Works if he would tell the House whether his Ministry had ever tarmacked any roads in Bungoma District. If they had not, could he give the reasons.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. The hon. Member will be aware that my Ministry has, indeed, bituminized certain roads in and around Bungoma Township itself in the past.

As to other roads, I am pleased to inform the hon. Member that the bituminization of the Leseru-Malaba River (Eldoret-Tororo) Road has a very high place in my Ministry's priorities for bituminization, and in fact, design work and negotiations for finance are already well in hand. Unfortunately, they are proving somewhat protracted.

In addition to bituminization work, my Ministry proposes to commence the improvement to gravel standard of the Bungoma-Mumias road as soon as funds can be obtained, and in fact, survey and design work is already well in hand. An application for the necessary funds has already been made to an international source, but I regret that I am unable to give any indication as to when the funds may become available.

*Question No. 66*LOAN REPAYMENTS: NYANSIONGO
PLOT-HOLDERS

Mr. Makone asked the Minister for Lands and Settlement if he would say whether he was satisfied that the poor plot-holders at Nyansiongo Settlement Scheme in Sotik were financially able to repay their first loan repayment after their first six months on the land, and if so, could he tell the House why.

Mr. Speaker, Sir, there was a mistake with regard to the question. The last word should have been "how" and not "why".

The Speaker (Mr. Slade): I do not know whether that is a true correction of what went to the Minister. However, we shall see.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, may I ask what corrections have been made?

The Speaker (Mr. Slade): Mr. Makone says that the last word of the question should be "how" and not "why". However, I should explain again, as I did on Tuesday, that unless the Ministry received a question with the word "how", they cannot be expected to answer "how" today. If there was an error when it went to the Ministry, the hon. Member receiving his copy should have corrected it then. You answer as best you can, Mr. Gachago.

Mr. Gachago: Mr. Speaker, Sir, I am prepared to answer the question, and I am prepared to answer as to "why", and probably, if the hon. Member is patient, that would answer his question as to "how".

Mr. Speaker, Sir, the answer is in the affirmative and is, Yes, Sir. It is actually in capitals and underlined.

As to why, Sir, I beg to state as follows. The first settlers on Nyansiongo Settlement Scheme moved to their plots in March 1965. Most settlers had been settled by August 1965.

The date of first billing will be 30th June 1966.

The amounts billed on 30th June 1966 will be as follows: Land Loan, Sh. 4,950—first instalment, that is the amount of loan—and interest at 6½ per cent on broken period from March 1965 to December 1965 is Sh. 242. Development Loan, first instalment, is Sh. 199, is Sh. 2,900. The total will be Sh. 630 for the year.

The expected income during this period will be as follows for each settler: 300 lb. of butterfat from two cows at Sh. 2/50 per lb. amounts to Sh. 1,050, less cost of production at Sh. 180, which amounts to Sh. 870.

The settler will have an estimated surplus of Sh. 240 on the date of his first repayment, assuming that he has made no money from any other sources, which does not usually happen. He receives subsistence assistance for the first six months at the rate of Sh. 2 per day, after which time it is assumed that he has had time to grow some vegetables on his land.

Mr. Makone: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the income of Sh. 1,500 will be drawn from the cattle, is the Assistant Minister aware that the animals sold to these farmers from the holding ground, which are Friesians, will take about two years before they can provide these farmers with any produce because of the climate? Mr. Speaker, Sir, his field officers have advised the Ministry that this is a true story, that these animals will not give the farmer any profit due to the climate.

Mr. Gachago: Mr. Speaker, Sir, as this House has heard me state, I have been stating from facts, and I have quoted figures of products which have actually been sold. I am not just guessing. However, if the hon. Member is trying to tell us that the cows which have been supplied to the settlers are not productive, perhaps he would be good enough to tell us where this butterfat has been obtained from and where this other product has come from?

Mr. Makone: Mr. Speaker, Sir, will the Assistant Minister tell the House, for the last two months how much butterfat has materialized from this scheme?

Mr. Gachago: Mr. Speaker, Sir, a lot.

Mr. arap Biy: Mr. Speaker, Sir, would the Assistant Minister tell this House why these plot-holders of Nyansiongo are graded as poor?

Mr. Gachago: Mr. Speaker, Sir, perhaps the hon. Member will give us a reply to that question because I have never graded these settlers as being poor.

Mr. Shikuku: Arising from the Assistant's Minister's reply to one of the questions, namely, "a lot", since he is good at giving figures, would he be kind enough as to give this House figures to indicate what he means by "a lot"?

Mr. Gachago: Mr. Speaker, Sir, if I understand English correctly, "a lot" means a lot.

Mr. Makone: Mr. Speaker, Sir, will the Assistant Minister give, in terms of pounds, the weight of butter fat realized from this scheme? I would like the answer in terms of weights and measures.

Mr. Gachago: Mr. Speaker, Sir, if I understand the hon. Member's question, he is asking me the question I have actually replied to,

[Mr. Gachago]

because I have said that 300 lb. of butter fat from two cows of each settler has been sold at Sh. 2/50 per lb. This comes to at least Sh. 1,050. If this is what the hon. Member wishes to know, this is the answer.

If the hon. Member asks me the breakdown for one month, I am afraid, Mr. Speaker, he cannot have the breakdown for any one single month now but this will be supplied on good notice.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 66:
LOAN REPAYMENT BY NIASIONGO PLOT-HOLDERS

Mr. Makone: Mr. Speaker, Sir, in view of the unsatisfactory replies to this question, I beg to raise this matter on adjournment.

The Speaker (Mr. Slade): You must give me written notice.

ORAL ANSWERS TO QUESTIONS

Question No. 88

URBAN HOUSING FOR POOR AFRICANS

Mr. Balala: asked the Minister for Housing what plans the Government had for the housing of poor Africans in the major towns of the country so that, through long-term arrangements in the payments of monthly rents, they could finally be absolute owners of such houses.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. There are three main ways in which Africans in the lower income group can become, eventually, owners of the houses in municipalities. The first is by participating in a tenant-purchase housing scheme, built by the local authority, in which the tenant-purchaser makes a down payment of 10 per cent of the cost of the house, and pays the remainder by monthly instalments over twenty years.

The second is by participating in an aided self-help housing scheme, such as that which the Central Housing Board is running at Langata.

For persons for whom such schemes are also too expensive, there are site and service schemes in which plots are laid out and are provided with services, so that the people can build their own houses on them. The Central Housing Board provides funds for all those types of housing schemes.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House in which parts of the country has the first scheme he mentioned been started already?

Mr. Ngei: There are already schemes, one is at Langata as I have indicated.

At the moment the Ministry—it is on my table at the moment—is trying to provide, as quickly as possible, some more houses, about 600 of them, and very soon the hon. Member will be hearing of new plans when I announce this.

The second scheme is at Kariobangi, that is, the site and service scheme. In other words, the municipalities, in conjunction with the Ministry of Housing and Local Government, provide the services, that is, the conveniences, the water system, sewerage, etc. Then, the lower income group comes in to build their own houses, suitable to the economy of their pockets.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House what is the approximate minimum amount of money required to be paid by a person who is paying 10 per cent under the tenant-purchase scheme?

Mr. Ngei: Mr. Speaker, Sir, it all depends on the monthly payments, based on the tenant-purchase house. If a house is worth £500, then the purchaser is required to pay Sh. 86 a month; if the house costs less than that, as to the case in connexion with the site and service scheme, then the purchaser, or the builder, is required to pay Sh. 30 per month.

Mr. Seroney: Mr. Speaker, Sir, is the Minister, in fact, saying that the only plans which are effective now are here in Nairobi only, and that, as far as other major towns are concerned, he only has plans which are not yet implemented?

Mr. Ngei: Mr. Speaker, Sir, the hon. Member ought to know that the Ministry of Housing was only recently established. It is taking effective measures to cope with the housing problems in municipalities as well as urban areas.

Mr. Gatuguta: Mr. Speaker, Sir, is the Minister aware that one of those schemes established at Riruta has failed, and that the lower income group people are no longer able to get money and settle on those schemes? If so, why has that scheme failed?

Mr. Ngei: Mr. Speaker, Sir, I would like to remind the hon. Members that I have only been sitting at my desk for three days. I hope that very soon I will be able to produce solutions to problems which are current at the moment at Riruta.

Mr. Omweri: Mr. Speaker, Sir, since the Minister is more or less confessing to not knowing what has been going on, will he undertake to find out what happened to the Kisii tenant-purchase scheme, which really did not benefit the lower income group people but only a few rich people? Only they had the houses, the poor people did not get the houses.

Mr. Ngei: Mr. Speaker, I am aware of this problem. I have had discussions with the Ministerial technicians and the staff about speeding up and also rejuvenating those schemes which seem to be dying. I can assure the hon. Members that something will be done quickly. We have been given impetus by the President. The Ministers have been told that they must shun their personal responsibilities and work for the public. I wish to assure the hon. Members that those schemes which are in existence at the moment will be speeded up. Hon. Members will be informed of progress.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister for Housing tell the House what he is doing just now for the Homa Bay Township, South Nyanza County Council, to make sure that they have houses capable of housing all those people available for housing in that particular part of the world? I ask this, because, at the moment, the Ministry of Information is showing the country what the Government is doing by way of assisting county councils and so on. I have listened to my county council but have never heard a word about assistance in terms of housing projects. Will the Minister tell us what he is doing for us at present?

Mr. Ngei: Mr. Speaker, Sir, I have just finished discussions with the Ministerial staff, and very soon a conference will be held with two or three representatives from major municipalities and also with the co-operation of the Minister for Local Government, to discuss the current problems in Kenya in regard to housing. If hon. Members can give me a little time, a little breathing space, I am sure I will be able to do something.

At the moment, I am only concerned with the main municipalities where the current problem is great, but not with places which have small municipalities.

The Speaker (Mr. Slade): I am sure hon. Members would like to discuss their own constituencies at great length here, but we must go on I am afraid.

Question No. 74

REOPENING MOUNT KENYA RADIO STATION

Mr. Wariithi asked the Minister for Information and Broadcasting if he could tell the

House when he expected to reopen the Mount Kenya Radio Station at Nyeri, to serve the people of Central and Eastern Provinces, particularly with regard to the local programmes.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is, of course, the Ministry's aim to increase broadcasting services throughout the country, and we fully realize that, at the moment, reception in Nyeri is not as good as it might be. This matter is under constant review, however, and it is expected that, when new and stronger equipment is installed in Nairobi within the next few months, there will be a very definite improvement of reception in the Nyeri area. As is the case with all other regions or provinces, programmes in the Central Province vernaculars are broadcast from the Nairobi station.

Mr. Wariithi: Mr. Speaker, Sir, there are a number of activities in these provinces which are of no special interest to other parts of the country. Hence it would be important and useful to inform the people of Central Province of their own activities by having a station at Nyeri.

Mr. Osogo: Mr. Speaker, Sir, I will say that these activities will be covered from Nairobi by the big plant when it is put up in a few months' time.

Mr. Mate: Mr. Speaker, Sir, does not the Minister appreciate that when we talk of Central and Eastern Provinces, we mean that we do matter very much, and would he do something about the question?

Mr. Osogo: Yes, Sir, I know very well that the hon. Member matters very much.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister agree that when programmes are so crowded in his Ministry here in Nairobi, some tribes are forced to listen to some other tribal languages which they do not understand?

The Speaker (Mr. Slade): That is another question, I think.

Mr. Osogo: Mr. Speaker, Sir, that is unnecessary. We have Swahili programmes all the time. I hope the hon. Member is not telling me that his people do not understand Swahili.

Question No. 86

FISH FACTORY FOR TURKANA

Mr. Areman asked the Minister for Wildlife and Tourism if he would tell the House in view of the fact that the Government had agreed to give the Turkana a fish factory, when it would be opened.

The Assistant Minister for Wildlife and Tourism (Mr. ole Tipis): Mr. Speaker, Sir, I beg to reply. Although it is my Ministry's plan to have a fish factory established at Lake Rudolf, the Government has not made any agreement to give such a factory specially to the Turkana. Furthermore, the building of such a factory will depend on the development of the fisheries industry at Lake Rudolf and the availability of finances.

This development will, in turn, depend on the improvement of the Kitale-Lodwar-Ferguson's Gulf Road. A survey of this road has just been completed by the official consultants, Sir Alexander Gibb and Partners, and as soon as their final report is ready and approved by the Government and the finance of the project become available, work on the improvement of this road will be started. This may not be possible until late 1966.

Mr. Areman: Mr. Speaker, Sir, when will the Government start the construction of this road from Kitale to Ferguson's Gulf?

Mr. ole Tipis: Mr. Speaker, Sir, I have already, in my original answer, stated that as soon as the final report is received by the Government, which is not expected until late in 1966, and then, of course, depending on the availability of funds the work will be started.

Mr. Jahazi: Mr. Speaker, Sir, in view of the abundance of fish in Lake Rudolf and in view of the acute shortage and high price of fish on the market, will the Assistant Minister make temporary provision to get this fish from Lake Rudolf to the local market, before he arranges this long-term policy of improving the road, so that the people can feed on this fish?

Mr. ole Tipis: Mr. Speaker, Sir, there is already an outlet and, for the information of the hon. Member, Lake Rudolf, at present, is producing approximately 1,000 tons of fish of all species. It is estimated that if the road improvement is completed before the end of this year, the lake production will be between 15,000 to 20,000 tons of fish by 1970.

Mr. Speaker, I think the hon. Member will agree with me that the Government is doing everything possible to facilitate the increase in fish production from Lake Rudolf.

Mr. Areman: Mr. Speaker, Sir, will the Assistant Minister agree with me that, as soon as the Government starts this factory in Ferguson's Gulf, famine relief in that area will be reduced?

Mr. ole Tipis: Mr. Speaker, I could not agree more with the hon. Member, but this will, of course, depend on the local people coming forward and removing their hands from their pockets to do a bit of work.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister outline what measures he intends to take to improve this particular fishing industry when the question of the factory becomes necessary, to be able to supply the factory as such in abundance and keep it in full production? What does the Ministry plan to do, in order to get that factory running and well supplied with fish and the machinery for fish production running, because we do not want to talk without knowing the exact measures?

Mr. ole Tipis: Mr. Speaker, Sir, I do not think there is any doubt whatsoever regarding the fish potentialities in Lake Rudolf, but we must consider both questions together; the question of roads must also be taken into consideration, in order to get whatever fish we get from Lake Rudolf to the markets. The Government is doing everything possible. In fact, the Ministry of Works has already included this road in its Roads Development Plan.

Question No. 95

KENYA EXPORTS TO RHODESIA

Mr. Muruli asked the Minister for Commerce and Industry what advice he had given to Kenya exporters who had lost, or who would lose, their markets in Rhodesia.

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

Before replying, Mr. Speaker, I would like to remind the hon. Member that there is no question of future trade with Rhodesia, because we applied a complete ban on their trade in December last, and this ban is 100 per cent effective.

As to the advice that we have given to exporters, the hon. Member may remember that when the then Minister for Commerce and Industry implemented this ban, he issued a Press statement advising Kenya businessmen to seek out new markets for the goods that were previously exported to Rhodesia. I am happy to say, Mr. Speaker, that the business community in Kenya have reacted with vigour and initiative and they have been seeking out new markets and are being very successful. For instance, one of the largest exporters to Rhodesia previously was the East African Bag and Cordage Company, but they have found new markets in Zambia and Malawi, and I am told that, currently, their sales manager is seeking new markets in Europe.

[The Minister for Commerce and Industry]

We are, therefore, hopeful that all the goods previously exported to Rhodesia will find new markets.

Mr. Muruli: Mr. Speaker, would the Minister tell the House what has been the effect of this ban to this country?

Mr. Kibaki: Not a very serious impact, Mr. Speaker, Sir, because, even before the ban, the amount of trade between Kenya and Rhodesia was a mere £578,000.

Mr. Shikuku: Mr. Speaker, Sir, is the Minister satisfied that the issuing of a statement by any Minister is enough in itself, or will he not agree with me that, in future, it should not only be a question of issuing statements but also sending a circular to these particular people, because some of them stay in very remote areas and may not come across the paper?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member must be wrong in underestimating the intelligence, self-interest, initiative and drive of the average businessman in Kenya. What we know, Mr. Speaker, is that all those that used to export to Rhodesia are fully aware of the ban and that they have taken steps to seek out new markets. Indeed, Mr. Speaker, the hon. Member knows that the Government of the Republic did not stop at merely issuing a Press statement; we had a delegation of Kenya Ministers to go out of their way to Mauritius, Madagascar, Malawi, Zambia and other countries to seek out new markets. In addition to this, as the hon. Member may know, the businessmen have full access to the officers of the Ministry of Commerce and Industry, and they take full advantage of the information that is available to us. In addition to all this, Mr. Speaker, the average businessman knows on which side his bread is buttered and he takes care of himself very effectively.

Mr. Balala: Mr. Speaker, Sir, the Minister has given us the name of only one exporter as an example. Can he tell us how many exporters used to trade with Rhodesia and how many have so far found markets somewhere else?

The Speaker (Mr. Slade): That is a different question.

Mr. Jahazi: Mr. Speaker, Sir, as a result of Government efforts to send a delegation outside to seek new markets for those who suffered from the Rhodesian ban, would the Minister report to the House the net gain which resulted from such delegations, which resulted in those people who lost markets in Rhodesia gaining markets elsewhere where the Government delegation went?

Mr. Kibaki: Mr. Speaker, Sir, I do not quite follow the hon. Member's question as regards net gain. What I could say is that, as a result of the delegation that the Ministers led to these countries I mentioned, we have now a delegation of businessmen, in conjunction with officers from my Ministry, who are, in fact, touring those countries making positive, practical arrangements for exports to those countries from Kenya.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

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

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Post Office Savings Bank (Amendment) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Post Office Savings Bank (Amendment) Bill, 1964, and its approval thereof without amendment.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said Report.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Bill be now read a Third Time.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 3) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) (No. 3) Bill be now read a Second Time.

Mr. Speaker, Sir, a strong, popular Government, such as we are fortunate to have in Kenya today, must be ready, at all times, and in all circumstances, to protect the security of the State and the safety of the people.

Mr. Speaker, Sir, not only must a strong Government be ready, it must make it very clear to everybody that it is ready. The pages of history are full of examples, from ancient times to this very day, of foolish persons who have miscalculated their own strength and the strength of the Government they have tried to overthrow, and who have brought destruction upon themselves and misery to their misguided followers. This Government does not wish anyone to miscalculate its strength or its determination.

Because this Government and Parliament is devoted to the task of building a prosperous nation in a climate of freedom, and because we are wedded to the concept of the rule of law, let no one mistake our principles for weaknesses.

It has been a rule of the law since Roman times that the safety of the State is the highest law. We can only protect the liberty of the individuals if we protect the State. That is what this Bill is for, to preserve this public security so that the individual may enjoy his liberty in a free society.

This Bill, Mr. Speaker, Sir, deals with the whole subject of the preservation of public security. If hon. Members will turn to the Second Schedule of the Bill, they will see that "the preservation of public security" is defined in the new section 2 of the Preservation of Public Security Act.

Hon. Members will see that the definition begins (in paragraph (a)) with "the defence of the territory and people of Kenya." It then (in

paragraph (b)) includes "the securing of the fundamental rights and freedoms of the individual." It then (in paragraph (c)) includes "the securing of the safety of persons and property."

Mr. Speaker, Sir, when we talk about preserving public security, we are talking about defending our liberties and our chosen way of life. We are not asking Parliament to give the Government power to oppress the people, or to maintain in power a tyranny hated by the people.

There are four main ways in which the public safety may be menaced. First, there is war. Secondly, there is internal disorder, which may range from minor disturbances to a *coup d'état*. Thirdly, there is a breakdown of the economic system, which may threaten the supply of food and other essentials of life. Fourthly, there are natural disasters, such as floods and earthquakes, which may bring widespread suffering in their wake, unless immediate remedial measures are taken. The purpose of this Bill is to enable the Government, subject to the control of Parliament, and subject to proper constitutional safeguards, to meet quickly and effectively any of those situations menacing the public safety.

The first situation I referred to was war. We do not anticipate a war, but it would be very foolish not to make provisions for it while we are engaged in revising our law on public safety.

Section 27 of our existing Constitution makes it clear that in time of war certain of the fundamental rights guaranteed by the Constitution may be set aside. The section, before amendment by this Bill, refers to section 16, which guarantees personal liberty, and section 26, which provides protection against discrimination. Other sections of the chapter on human rights contain exceptions which permit them to be departed from "in the interests of defence", which means both before and during a war. Those sections protect against arbitrary search and entry—that is section 20, protect freedom of expression—that is section 23, protect freedom of assembly—that is section 24, protect freedom of movement—that is section 25. All those freedoms are subject to limitation in time of war, and that is made clear by the amendment to section 27 (1).

Mr. Speaker, Sir, the steps which may be taken in time of war, under the amended Preservation of Public Security Act, are as follows. Under section 3 (1), the President may, by notice in the Gazette, bring Part II of the Act into operation. Under section 3 (2) and 3 (3), the President may make regulations, and subsection (4) of that section makes it clear that, in time of war, the

[The Attorney-General]

constitutional rights referred to in section 27 of the Constitution may be limited as the requirements of war may dictate.

The matters on which special regulations may be made are set out in section 4 (2) of the new Act. Hon. Members will see that the list is very comprehensive. It includes all the powers that were found necessary in other countries in time of war. For example, it includes the power of conscription of persons and requisitioning of property.

Here, Mr. Speaker, Sir, I must emphasize that this measure is intended to give only what is considered strictly necessary in the way of exceptional powers, according to the threat which has to be met. Even in time of war, there would be many provisions of the Constitution which would be the same as in time of peace. The Government would still have to pay full compensation, under section 19, if it requisitioned property.

Protection of the right to life, in section 15 of the Constitution, would stand even in time of war. So would protection from slavery and forced labour in section 17, and I would like the nation to know that slavery is still protected under this section and there will be no forced labour because this clause still remains in our Constitution. So would protection from inhuman treatment, in section 18; provision to secure the protection of the law, in section 31; and protection of freedom of conscience in section 22. Of course, none of the provisions of the Constitution relating to Parliament and the Judiciary would be affected even in time of war.

War is the most extreme threat to the public safety. We have unhappily something not far short of war in the North-Eastern Province, and the Government has had to take exceptional measures ever since the end of 1963, to counter the menace of the *Shifita*. No one can say that the Government has abused the power given to it by the Independence Order-in-Council to make special regulations for the government of that province and for the defence of the people and the territory against murderous attack. Regulations now in force in the North-Eastern Province were made under the existing Public Security Act. The power to make such regulations is continued, and section 3 (4) makes it clear that the Constitution may be departed from in providing for the area affected by the war against the *Shifita*. In this respect, we are not changing the position as it is today under the Constitution.

In regard to war and the situation in the North-Eastern Province, Mr. Speaker, Sir, what this Bill does is not to make any real change in the Constitution, but to replace the existing Chapter 57 of the laws with a new and more comprehensive and effective Public Security Act.

Hon. Members will know that if the Government makes regulations under the existing Public Security Act, whether to meet a war situation or to deal with the *Shifita*, those regulations may be annulled by a resolution of either House of the National Assembly within twenty days of the regulations being published. This will still be the position under the new Act. This is provided for in section 8 of the new Act.

In fact, I wish to emphasize this, Mr. Speaker, Sir, there is no single occasion, under the law as amended by this Bill, where the Government can make regulations which are not subject to revocation by Parliament.

Mr. Speaker, Sir, there seems to be an impression in some quarters that Kenya is, by this Bill, abandoning what is generally called, "the Rule of Law." At least one local newspaper is determined to make it appear so.

This is not true. The allegation is most damaging to Kenya. For those reasons, I ask hon. Members, and in particular the Press, to take special note of what I am about to say on the law.

I wish to refer to the Report of the International Commission of Jurists on the Rule of Law in a Free Society. The report was issued following a world congress of jurists in India in 1959. There could be no higher authority on what constitutes the true rule of law. I shall refer to the Working Paper at page 217 on "the Executive and the Rule of Law." I quote, Mr. Speaker, Sir, "It is the assumption of a free society that the power to make its laws finds its ultimate authority in the people. In all but the smallest communities this authority must find expression in freely elected representatives." In other words, Parliament must make the law. If it delegates power to make laws, it must retain control over the laws so made. That is the first principle.

Mr. Speaker, Sir, I quote again, "The power to govern, i.e. to execute the laws which have been duly passed by the representatives of the people, cannot in a free society be exercised arbitrarily. Those who exercise such powers must act within the law and be responsible for their actions to the people through the control exercised by the representatives of the people in the law-making assembly—Legislature—and by the free choice by the people of the effective

[The Attorney-General]

head or heads of the Executive. In other words, the Government must, itself, act within the law and account for its actions to Parliament. That is the second principle.

Now, Sir, we come to the exception which international jurists throughout the world accept as necessary. I quote, Mr. Speaker, Sir, "On the other hand, it is not uncommon to find in the Constitution or in the common law of a country an exceptional power of law-making vested in the Executive to deal with special areas within the jurisdiction of the State, with periods when the legislature is not sitting or with conditions of emergency. And, while total delegation of the law-making power is as a general rule prohibited expressly or by implication, it is the universal and, in modern conditions necessary, and, indeed, inevitable practice for the legislature to delegate power to the Executive to make rules within defined limits. Such rules may be variously described but have the common characteristic that they owe their authority to the power delegated for this purpose to the Executive within the framework of, and subject to the conditions imposed by, the Constitution or by a particular law passed by the Legislature. It is of the essence of the rule of law in a free society that the law-making power of the Executive, however extensive it may in fact be, should have a defined extent, purpose and method of exercise." In other words, exceptional Government powers should only be given by Parliament. Those powers should be carefully defined and limited to what is necessary. The Government should be responsible to Parliament for its exercise of those powers.

Now, Mr. Speaker, Sir, let us apply those principles to this measure. Parliament will confer the exceptional powers. Those powers are limited by the Constitution. The Government is still subordinate to the law. Parliament may at once, revoke any regulations made by the President. Parliament must be called to affirm the action of the Government if it involves special measures. Parliament may revoke those powers at any time. Parliament, as all hon. Members know, may get rid of the Government at any time. Parliament must review the special powers within every period of eight months.

Mr. Speaker, I say with conviction that we have and that we are upholding the principles of the rule of law.

Now, Mr. Speaker, I turn to another danger to the public security for which the law must provide and the Government must be prepared. That is internal disorder. Internal disorder may

take many forms and be on a large scale or on a small scale. It may be a case of a major attempt to overthrow the legitimate Government. It may be a case of a few fanatics (religious or political) causing unrest leading to riots and local disorders. It may be a case of nipping sedition in the bud.

According to the precise situation, the Government may need to take widespread remedial action, or quite limited measures. The Government would never wish to take a sledgehammer to crack a nut. The purpose of the law is to preserve safety and freedom, not to destroy it.

So, Mr. Speaker, the new Act gives the Government the choice of taking public security measures under Part II, or measures under Part III. Under Part II, the President may bring that part of the Act into force, and make regulations, but section 3 (3) clearly provides that no provision of the Constitution or of any law may be overruled or departed from by those regulations. And under section 6 all regulations are subject to revocation by Parliament.

Section 3 (5) of the new Act also provides that the power to take the public security measures set out in section 4 (3) may be brought into operation in whole or in part. Here again, Mr. Speaker, this Bill demonstrates the wish of the Government not to exaggerate any situation but only to take the action that is really necessitated by the situation. Kenya has earned a reputation for stability and for just government. We want to keep our reputation for both these things.

Unfortunately, situations can arise, or may be provoked by a few foolish people, where the Government has to take special measures, or abdicate its authority. The law of every country has to put the safety of the State first and foremost. In some systems of law, this situation is called an "emergency". I believe there is one in Britain today. In our present Constitution, section 29 provides for a state of emergency, under which parts of the Constitution can be set aside for the duration of that emergency. The safeguards of the people against the arbitrary exercise of "emergency powers" is Parliament, which must ratify the declaration and which may at any time revoke it.

Mr. Speaker, the essence of that present provision in section 29 of the Constitution is not that we should create consternation and alarm at home and abroad by talking about "emergencies", before we are allowed to safeguard public security. The essence of that provision is that the Government can only depart from the Constitution with the consent of, and subject to the control of, Parliament.

[The Attorney-General]

The Government is not seeking to act without Parliament. Why should it? Under our Constitution, Parliament can get rid of the Government by a vote of no confidence. So how could the Government take public security measures that did not have the support of the Parliament?

So, Mr. Speaker, what the Government proposes in this Bill is that it should be able, like any other government in a democratic society, to take the necessary measures to preserve the public security in any circumstances, subject always to the control of Parliament. This will be done for the preservation of public security. The word "emergency" is unnecessary and may be misleading. Furthermore, it has for us the most distasteful associations of memory. We prefer to talk about our public security.

Mr. Speaker, the provisions of section 27 of the Constitution, as amended by this Bill, ensure that Parliament has every opportunity to control the exercise of special powers. The President's Order bringing the special powers under the Public Security Act into force must be approved by both Houses of Parliament within twenty-eight days. If Parliament is dissolved the Senate must be summoned to approve the Order within twenty-eight days. This House must approve the Order within twenty-eight days of its first meeting.

The regulations made under the Act may be revoked by either House. Every eight months Parliament must, formally, renew the power to take exceptional measures. And more important still, either House may revoke the power at any time. For this revocation a majority of all the Members of the House is necessary. In times of crisis the Government should not be at the mercy of a "snap vote". If a House of Parliament wants to overrule the Government at such a time, it should have to muster a bare majority of all its Members for the purpose.

There, Mr. Speaker, we have safeguards in the hands of Parliament as extensive as any in the world.

A feature of the new Preservation of Public Security Act which I wish to emphasize yet again is that it provides in all cases for the special powers to be brought into force in whole or in any part. Of all the special powers listed in section 4 (2) of the Act, only one might be needed to meet a particular threat to public security.

Furthermore, only the President is authorized to exercise the special powers. When someone is acting as President, he can only take special powers with the approval of the Cabinet. A newly

elected President cannot continue to use the special powers taken by his predecessor without obtaining fresh approval from Parliament.

I also referred, Mr. Speaker, to the danger to public security that may result from economic or natural causes. The Government of a State must assume responsibility for the supply of the essentials of life to the people, whether the cause of the breakdown is the action of a group of persons or the action of nature; whether it is industrial unrest aimed at undermining the economy, or an earthquake.

Here again the Government may act under Part II of the new Act, or under Part III, as the case required. If it were a case of requisitioning food supplies and the means of transport in a stricken area, there would be no need to depart from the Constitution, and action could be taken under Part II. Compensation would have to be paid to the owners of property under the Constitution, and all the powers taken by the regulations would be subject to annulment by either House of Parliament. In some cases of natural disaster, it might be necessary to take temporary powers which involved restricting the freedom of the individual. In that case, the procedure under section 27 of the Constitution would be necessary, and Parliament would be asked for its approval.

Mr. Speaker, I have outlined the many different situations which may affect public security, and have tried to explain how the Bill would work in those different situations. The Government is concerned with public security in all its aspects.

Publicity which has been given to certain deliberations may have led to the mistaken belief that the Government is only interested in obtaining powers of detention. That is people's own interpretation and I disclaim any responsibility for it. We are not, in this Bill, introducing powers of detention. If somebody wants to exercise his amateurish journalism by calling this Bill a detention Bill, that is his own business. What the Government wants is all the powers necessary to prevent attacks on the security of the State and the safety of our people.

No Head of State would be more unwilling to deprive people of their personal liberty than our President. Our President has suffered long confinement at the hands of the Colonial Government. Many Members of our Government and many of our people have suffered cruel detention. Hon. Members too have suffered. We do not like detention. We like liberty. If our Government and our Parliament have to take such unpleasant measures, we will not be afraid

[The Attorney-General]

to do so, but we will do so because we love our liberty, and not because we want to deprive others of their liberty. Let troublemakers be warned. If stern measures are taken, let the responsibility lie on those who face us with the unpleasant duty of taking those measures.

Mr. Speaker, it is the duty of a Government to equip itself to meet any crisis. That is the purpose of this Bill. This Bill should reassure the loyal citizens of this country, as much as it should deter the disloyal.

I am proud to assert that this Bill does not take Kenya out of that fortunate class of nations that respect and uphold the rule of law. I am proud to assert that this Bill would be acceptable in the Parliament of any civilized democratic country.

Mr. Speaker, I commend this Bill to all Members of this Honourable House who love their country. If we are willing to perish, we can afford to be weak. If we mean to flourish, we must be strong.

Mr. Speaker, Sir, I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to second the Motion before the House. I had intended to speak rather late in the debate, but I feel that perhaps it would serve a useful purpose in speaking at this stage and of clearing some of what I consider to be an entire misunderstanding as to what is intended in this Bill, including the scope of the legislation that is proposed. It is right and proper that hon. Members and other members of the public should express an interest and a desire to know as much as possible about the intentions of the Government and the scope of the Bill for, as already stated by the Attorney-General, it does touch on a number of what we call entrenched clauses of the Constitution.

Mr. Speaker, I think the first thing to say to the House and the country is that unlike some old countries, such as Britain, we, in Kenya, have a written Constitution. There is a very important point to bear in mind, therefore, and that is that where you have a written Constitution, you do need to have, within the Constitution itself, explained certain procedures that may be necessary in the event of certain incidental situations arising. In the case of a country like Britain, without a written Constitution, a number of things can be taken for granted and also acted upon on precedence or under the Common Law. Here, in Kenya, we are bound by the Constitution, and to that extent, it is necessary that the Constitution itself is explicit

enough to enable such action as may be required and authorized by Parliament to be taken. That is the first point that I think we ought to make.

The second point that I want to make is that hon. Members in the House, and certainly the people in the country, must bear in mind the circumstances under which we inherited our Constitution. Several times some people have tried to suggest that perhaps the Government was making it a habit to amend the Constitution every other week. This is a point which has been made outside this House and which certainly needs to be replied to.

This Constitution was the child of circumstances which make it inevitable that certain amendments must be made. Members will recall that, at all stages, it was clearly indicated that the Constitution was too rigid and even inappropriate for the circumstances of our new and developing country. A major amendment took place when we removed the Regionalism in the Constitution and replaced it with a unitary Republican Constitution. At that time, it was impossible to anticipate all the conditions and developments that may require further amendment, and certainly it cannot be assumed in this House—and it could never be assumed in any country with a written Constitution—that it is going to be a fixed document for all time. It is precisely for this reason that it is provided that amendments can be brought and that the authority of Parliament must be final. Mr. Speaker, the Government has not departed one inch from this principle: that the only body competent to amend this Constitution must remain the Parliament and that the only authority, the only voice of the people of this country, must remain this Parliament as elected by the people themselves. If at any time, the Government were to depart from this principle, many of us in this House would be the first not only to protest but to fight to the bitter end, to see that the Parliament is not ignored or set aside. Mr. Speaker, Parliament has neither been ignored nor set aside. In fact, as the Attorney-General has quite eloquently stated, Parliament remains the final authority in these matters.

Mr. Speaker, it is now necessary to say something about some of what I consider to be the misunderstandings that may have been playing on the minds of some of the critics of this Bill. Firstly, there is an unfortunate situation in which some newspapers and some critics outside this House have chosen to criticize the Bill, not because they have studied the details of the Bill, not because they have bothered to find out how it will operate and work, but merely because

[The Minister for Economic Planning and Development]

the words "preventive detention" appear somewhere in the Bill. Just because of those two words, we are criticized, we are denounced and, in fact, we are convicted. No one tries to study what exactly is stated in detail in the Bill.

Mr. Speaker, no one of us would like to be detained. None of us would like to place himself in the position where he might be detained. Certainly all of us would like to feel that we would never come to be treated in that way, but, Sir, it is ignorant, it is casual, it is irresponsible for any newspaper or for any person to condemn and convict the Government, criticize and condemn the Bill, merely because the two words "Preventive detention" appear among many other things that have been stated in the Bill and to which the Attorney-General has referred.

Mr. Speaker, some cheap appeal has been made to the Members of this House by those in the newspapers and others who have tried to appeal to Members by saying, "Look out, beware, if you pass this Bill, how do you know you will not be the person to be detained tomorrow?" I have personally been told by some people, "Well, you may be digging your own grave."

Mr. Speaker, let me say this. We pass legislation here on the Traffic Ordinance. We do not first think of ourselves and say, if I support this Bill, I might be caught riding on the wrong side of the road.

If Members of Parliament were to be influenced all the time in passing legislation by personal consideration, there would be no law in this country, including even such laws as against the robbery or against theft. Supposing one of us stole. So I believe it is entirely irresponsible and it is cheap, in fact it is repulsive for anyone to try to appeal to Members of Parliament by suggesting to them that they should abandon, abdicate their responsibility to the nation because, perhaps the law might affect them at some future date.

Mr. Speaker, another popular thing that is said in an attempt to appeal to Members in this House is, that it is all right now, President Kenyatta we know is a good man, but what about future presidents? Mr. Speaker, the Bill treats that point quite adequately. First it states, quite categorically, that, in the event of there being a new President, he has no power or authority to use these regulations unless and until he first comes to Parliament for Parliamentary approval for him to use these regulations, and

so if there is no Kenyatta and there is another person, that other person will have to come to this House first before he can use any of these regulations.

Mr. Speaker, this Parliament must be the final authority, and if this Parliament gives Kenyatta certain powers and decides not to give it to another president when he comes to power, this Parliament has a right to say so. That right is preserved in this Bill. If, on the other hand, this Parliament decides to give these powers to a new President, it is entirely at the discretion of this Parliament, as the voice of the people of this country, to decide whether or not to give the new President these powers. What is more, the Bill states that an Acting President cannot use these powers. The Bill also states that in the event of the Vice-President acting on behalf of the President, he cannot use these powers. Only the substantive President at any time can use these powers and only after he has been given authority by Parliament.

Now, Mr. Speaker, I do not see, quite frankly, why anyone should misunderstand such a simple arrangement, except when he deliberately decides not to understand, and it is obvious, as I have said, that some people, including some newspapers, have decided not to understand what we are about, and it does not matter how you put it to them or what arguments you use, they will not understand because they do not wish to understand.

Mr. Speaker, we are concerned, not just with promoting the sales of a newspaper, we are concerned with the preservation of the security of the public and of the State. Mr. Speaker, we are concerned with the welfare of nine million people of this country. Some people seem to be more concerned with the welfare of and interest of a few individuals.

Let us have this question looked at from the two points of view. Yes, let us consider that, perhaps, these kinds of regulations could be used to victimize an individual, that perhaps someone could be put in detention wrongly. That is one way of looking at it. It has happened before and so it is right that some people should look at it that way. But let us also look at it the other way, that a few individuals may take it into their heads to subvert established authority and by subversion, upset the established Government of this country using violence or other means to take over authority illegally, and that they are able to do so because neither the Penal Code nor the existing Public Security Act is sufficiently strong nor sufficiently effective to deal with their conspiracy.

[The Minister for Economic Planning and Development]

Mr. Speaker, are we quite sincerely being asked that this Government, this House, should not be concerned with that possibility? Mr. Speaker, is it only a possibility? The fact is, what I am saying has happened, and happened too often just recently in some new countries. We are not talking about things imaginary, we are talking about things that we see. We have seen leaders assassinated, murdered, with their wives and children. We have seen whole populations put into jeopardy by a few power-hungry men. We have seen stable authority and governments upset by a clique of individuals. We have seen the economy of a number of countries ruined so that external influences and conspiracies may thrive. We have seen these in these past few months, and yet some people would stand here in Kenya and say that it is wrong, it is wrong for the Government to take precautionary measures, it is wrong that we should take positive, deterrent steps against this possibility in our country.

Mr. Speaker, if our independence, if our freedom, if our Government if our nation and if our people are going to be treated so casually, then, Sir, neither this House nor, in fact, this country is worth preserving.

Mr. Speaker, loose talk has been going on about the freedoms of the individual, *habeas corpus*, and about the independence of the Judiciary. I ask the critics of this Bill to state quite categorically, and point to the sections that would encroach upon the individual freedoms that they refer to and in what manner and under what circumstances. I would like them to pinpoint where *habeas corpus* would be encroached upon, in what circumstances, and at what section of the Bill. I would like them to state how the Bill encroaches upon the independence of the Judiciary and in what circumstances.

Mr. Speaker, if during a war, when Kenya is at war, we are being asked to preserve individual freedoms, *habeas corpus*, then I say those who say so are mad.

Mr. Speaker, if, in the cases that the Attorney-General has defined, the circumstances that he has defined, anyone is asking us to assume that normal procedures, normal conditions can be used to meet such situations, then I say the man is either mad or totally irresponsible.

Mr. Speaker, everyone in this House must concede that whereas we would like to run this country all the time under normal stable conditions, that there may come a time or a situation

where certain special powers might become necessary, and, as the Attorney-General has stated, quoting from the Report of the International Jurists, the highest legal authorities in the world have conceded that such conditions do exist and must be provided for, not for the vindictive purpose of satisfying individuals in Government, but for preserving democracy and freedom itself. I hope that our critics will be able to give us a little more enlightenment on precisely what it is they are opposing. If they say that subversion must be dealt with, and if they agree that subversion cannot entirely be met within the Penal Code, if they agree that certain emergency situations can arise, and if they also agree that, in a state of emergency, the Penal Code alone under normal processes might not suffice, then I ask them what alternative do they suggest apart from this presented in this Bill? If they do not want anarchy—thank you for the word—then, Sir, they must tell us what is the alternative.

Mr. Speaker, perhaps, at this point I should refer to the Bill itself, and attempt to clarify a few points which the Attorney-General has touched on. I think the first point that needs to be put clearly to the House, is the fact that, at the moment in the Constitution, we have section 29, which is the section dealing with the declaration of a state of emergency. Mr. Speaker, under that clause, under the clause dealing with a declaration of a state of emergency, Government as we are here today, have these same powers to act in the terms that we are now putting forward in the Bill. This House, more than once, has approved such action in the North-Eastern Province, and more recently for its extension in other areas. What has the Government done then in this new Bill? What we have really done, which is in fact the only thing we have done, is that we have decided to delete from the Constitution any reference to a state of emergency. We feel that it is not always the case, or it is not always necessary to declare a state of emergency, in fact, just as some people reject or find exception to the words "preventive detention", so do we find exception to the words "a state of emergency". It gives a misleading picture of a country, it gives a bad image of a country, and it gives too many sweeping powers that might not really be necessary in dealing with a localized situation, and so, in future, in the Kenya Constitution, there will be no reference to a state of emergency and there will be no need for us to declare a state of emergency. What instead we are doing, is to bring these provisions that now exist under the section dealing with a state of emergency in the Constitution, into the Preservation of Public

[The Minister for Economic Planning and Development]

Security Act. This means, that what we have been able to do under a state of emergency, we will be able to do under the Preservation of Public Security Act.

The next point that is necessary to bring forward, the Attorney-General has dealt with it, but I think it needs to be clarified because I find there is a misunderstanding as to how this procedure and the application is actually going to work. First, if the President wishes to bring into force part II of the Bill, he is required by the Act to give notice in the Gazette. Today, Mr. Speaker, if the President declares a state emergency, he is required within twenty-one days to come to Parliament for approval. The only difference between the new Act and the old provision in the Constitution is that we are now suggesting twenty-eight days, within which the President must seek Parliamentary approval as against twenty-one days in the old Act. That is the only difference, a difference of one week. Some Members, perhaps, had not quite appreciated this point. Today, the President must seek Parliamentary approval within twenty-one days; in the new Act he seeks Parliamentary approval within twenty-eight days. That is one of the main differences between the old and the new position. Mr. Speaker, within the twenty-eight days, the President comes to Parliament, which he must do, for if he does not come to Parliament within twenty-eight days, then his action becomes illegal and invalid, and, therefore, lapses. This means that any action he takes, unless approved by Parliament within that period, lapses and is null and void. Now, Mr. Speaker, how else could you put the power in this Act in the hands of Parliament itself? Because only the Parliament, not the President, only the Parliament, can approve these actions and they must do so within twenty-eight days. Now what happens, if within the twenty-eight days, the President has detained someone, or confiscated property, or acted in the manner described in the Bill, and then when he comes to Parliament, Parliament rejects his request? If that were to happen, Mr. Speaker, then all the actions he has taken become null and void, and the situation reverts to the position before he took action—the *status quo ante*—so that no action we have taken before seeking approval in Parliament, remains in operation unless Parliament actually approves that action within the twenty-eight days. Mr. Speaker, is this what is seriously being suggested as the introduction of a dictatorship? It is a serious misunderstanding of the word.

Mr. Speaker, now, what happens again if Parliament approves the President's action, then, under the Bill, he can continue to exercise his powers under this Bill or this Act, only for eight months. At the end of eight months, the President must come back to Parliament to seek continuation of his act, if he wishes to, if he does not come back to Parliament then everything lapses at the end of the eight months, and the situation reverts to the position before the action was taken. Now, Mr. Speaker, some people try to make this appear to have the same effect as that which the British had here during the state of emergency. Nothing is further from the truth. In the days of the British state of emergency, there was not even a reference to Parliament, and people were locked up for years. In the Preventive Detention Act in some African countries, even today, people may be locked up for years, without Parliament having any say, or any influence in the matter. In some African countries, a Constitution may disappear! But, Sir, we do not wish to emulate any country. We wish in Kenya to preserve the trend that we have already established for ourselves, of fair play, justice, and above all, respect for the Constitution. Mr. Speaker, the Members will now see that, in fact, the apprehensions which have been expressed are entirely based on a misunderstanding of the Bill. In some cases, they are based on conclusions drawn up without reading the Bill! *The Daily Nation*, for example, wrote its famous editorial, long before the Bill was published, and they attempted to discuss details of what Government was thinking and intending to do, without even having read the draft Bill!

Mr. Speaker, I respect that paper, I respect the editor. On a number of occasions, he has made some very important contributions, but, on this occasion, Sir, I disagree with him, and disagree wholeheartedly.

Mr. Speaker, what about the Penal Code, the independence of the Judiciary, and *habeas corpus*, and so on? This morning, reading another editorial of the *Daily Nation*, I got the impression that, according to them, all the laws of Kenya are going to be suspended forthwith, and that we are going to live in a virtual state of emergency. The fact that this Act does not come into operation without these special procedures is completely ignored, and is not even referred to. The fact that Parliament, and Parliament alone, can give authority for this Act to come into operation is completely ignored. The fact that the duration of this action by the President is limited by Parliament is completely ignored. According to them, everything is going to die, and no other law is going to be preserved.

[The Minister for Economic Planning and Development]

Mr. Speaker, this is a serious misunderstanding. In fact, it is an abuse of our intelligence. The Penal Code continues, except in this expressly stated place where the President acts under the regulations made under this Act as approved by Parliament. The Penal Code continues, so does the independence of the Judiciary, so does the *habeas corpus*. Where then is this total negation of freedom as I read in the current issue of the *Reporter*? According to them, jumping to this conclusion as usual, they state that it is absolute nonsense for us even to pretend—let me read the words because I would not like to put words into their mouths—“in a statement demanding a preventive detention law, the Kanu Parliamentary Group claimed in attempted justification, that other nations had such laws, and that such a law was necessary to protect the basic freedom guaranteed in the Constitution.” They said this is a lot of nonsense. Such a law would be a complete negation of the basic freedom, and they are the people who are making this cheap appeal. They say parliamentarians who were demanding such a law should ask themselves one question, is there any remote possibility that in the foreseeable future I personally will become a victim of it? Mr. Speaker, this is the kind of writing which is most irresponsible, so cheap and so transparent, and it is insulting to the intelligence of the Members of this House and the integrity of this country.

Must we be told like a pack of school children, that we might be threatened into submission by the wishes of the *Reporter* or the *Daily Nation*, for that matter? We are concerned with something more basic. When there have been acts of subversion and governments being thrown over, leaders being assassinated in various African countries, these same papers have been the first to condemn the whole of the African community, and yet, when we wish to act, to take precautionary measures to ensure that our democracy survives within a confused and hostile world, we are told again that that is the worst step we have ever considered. Just what do they want us to be? Mr. Speaker, perhaps it helps them when there is sensationalism and confusion to sell more issues of their papers.

Mr. Speaker, when hon. Members debate this Bill, I hope they will take into account the basic issues before us. The principle of preventive detention is not the one issue as such; the issue is whether we wish for the preservation of public security in this country, whether we wish to ensure the stability of our nation and its demo-

cracy. It is true that power can be abused. It is true, and it has been stated, that leadership, when it changes, may bring in persons who are not equally responsible or equally thoughtful of the welfare of the people, but, Sir, the only competent body upon which this final responsibility can and must be placed is this Parliament, and that is the place where that responsibility is left in this Bill. It does not go to the President, it does not go to the Cabinet, it does not go to the Government, it goes to the Parliament. Only the Parliament can decide on these issues. Only the Parliament can decide whether conditions exist and, in fact, the wording here is very revealing. If you look at page 136, Part II, 3 (1), it states, “If at any time it appears to the President that it is necessary for the preservation of public security to do so, he may by notice published in the Gazette declare that the provisions of this part of this Act shall come into operation in Kenya or in any part thereof.”

Now, Mr. Speaker, this implies that when the President comes to Parliament to seek approval within the twenty-eight days provided, he will satisfy the Members of this House that, actually, a situation does exist which justifies the taking of action under these regulations. Mr. Speaker, what more can hon. Members ask for? What more can this country ask for? Is it not true that the country elected us here to govern this country, to rule this country and to safeguard the interests of the people of this country? Mr. Speaker, I do not think there is any more need to labour the point—

Mr. G. G. Kariuki: On a point of information, Mr. Speaker, if you look at this Bill, section 29, subsection (7), you will see that what he has referred to is the Cabinet, not Parliament.

The Minister for Economic Planning and Development (Mr. Mboya): I cannot quite see which section you are referring to.

The Speaker (Mr. Slade): It is on page 135, Mr. Mboya, subsection (7), I think I can explain Mr. Kariuki's point. You were referring to Parliament having control, and this particular subsection says that no one but the President shall exercise these powers without the consent of the Cabinet. I think the hon. Member is confused, actually, between the powers of the President, which are subject to the ultimate control of Parliament here, and the even more limited powers of the Vice-President who cannot move at all without the consent of the Cabinet.

The Minister for Economic Planning and Development (Mr. Mboya): I hope the hon. Member has heard what the Speaker has said.

[The Minister for Economic Planning and Development]

Subsection (7) does not go against what I have been stating in the House; in fact, it merely goes to prove the point we have been making, that the powers here are quite restrictive and the Vice-President, or any other person acting for the President, in fact, does not enjoy the powers of the President under this Act. Their functions are entirely limited and that is, in fact, as we would like it to be. That, Mr. Speaker, I believe, is what the hon. Member for Laikipia is putting forward. It meets exactly what he would like us to do.

Mr. Speaker, I think there is no point in my labouring this. I have said enough about the Act to show just how we stand on the more contentious questions that have been put forward. What I would like to end with is to state again that Members should not be carried away by some of the popular writings that we have been treated to in these past few weeks. Members in the Parliamentary Group, after some deliberation, came to the conclusion that it was necessary, in order to safeguard the interest of our country, to ask the Attorney-General to draft measures that would strengthen the Government and the Parliament. Mr. Speaker, that is precisely what has been done. It is true that we could not discuss this legislative draft word for word, phrase for phrase or put in the commas at the meeting of the Parliamentary Group, but the principles that were accepted are all outlined here; in fact, in a much more limited fashion than we have seen in other countries. Mr. Speaker, there is no use for someone telling us—as, in fact, some newspapers and correspondents in some newspapers have tried to suggest—that we must beware of this Act because in Ghana or in some country these powers have been misused. This is true, that they have been misused in one or two countries, but it is equally true that there are countries with this same Act where they have not been misused. For example, in India, it is now eighteen years since independence; they have always had a Preventive Detention Act; I have not heard the same outcry from there.

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

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

Some other countries, including even the United States, have a Preventive Detention Act. I have not heard that it has been misused.

It is true that some leaders will misuse power, but, Mr. Deputy Speaker, a leader who has decided to misuse his power does not need this

Act. He will merely act and God help those people who oppose him. Mr. Deputy Speaker, do we need to name names? I do not think it is necessary. Those leaders who are not interested in constitutional government, in democratic government, do not bring in a Bill for the preservation of public security because they believe in their own minds that they are the public security, and they preserve it as they know how. So all this nonsense about us being told to look there and there does not measure up to the responsibility which we are called upon to share in this Parliament, and I hope that no one is going to tell us, "Look here and look there." What about those countries where a clique or even an individual, with the help of people from outside, or even with the help of people from within, have committed atrocities against society, upset the workings of the machinery of government, upset constitutions, is that not a more serious threat to society than the one we are being asked to look at?

Mr. Deputy Speaker, I hope we are not going to be treated to this childish debate that has been going on in the Press and in other places about this Act. This Act is a necessary part of the foundations that we deem necessary for the preservation of democracy in this country and for the preservation of the freedom that we fought for so long and for which so many died. Mr. Deputy Speaker, again I just repeat that I hope our critics can tell us what section and in what way they think we have encroached upon any of their basic and fundamental rights, and also what alternatives they think they have for this mild Bill that the Government has put before Parliament.

I beg to support.

(Question proposed)

Mr. Shikuku: Mr. Deputy Speaker, Sir, I am very glad to have this chance, so that I can contribute what I have to say, but, first of all, I must thank the Attorney-General for having agreed to put off this Bill from Tuesday to today, which, I must confess, has given some of us a breathing space. Mr. Deputy Speaker, I thank him, because any Bill that affects the Constitution of any country is a very serious Bill because a Constitution is a document upon which the future of the people in that particular country depends. It took us a lot of time, pains and money to formulate this present Constitution, and I hope the former Leader of the Opposition, the hon. Mr. Ngala, would agree with me that it was pretty cold, and even the hon. President of the Republic of Kenya in

[Mr. Shikuku]

London found it pretty cold, and they remained there for a long time—eight weeks—to formulate this document.

Therefore, any amendments to this document must be looked at carefully, be studied, underlined before we can come here and say, "Well, we will scribe this clause or the other", because every clause was considered in London during the discussions when we were busy making the Constitution.

Mr. Deputy Speaker, Sir, the hon. Assistant Minister, the hon. Mr. Khasakhala is asking by what Parliament. This shows the degree of his ignorance because the people who went to London were not mere people but people who were elected and Members of this Parliament. Mr. Deputy Speaker, I do not have to continue arguing something that any simple boy from an elementary school knows.

Therefore, Mr. Deputy Speaker, I wish to continue with my speech and see how much I can give. Mr. Deputy Speaker, I feel in future, if there are amendments at all—I am appealing to the Attorney-General it will be in the interest of this Government, which we support, and in the interest of the people of this country that the usual time of fourteen days should be allowed, so that some of us who are interested in this country can make a close study of the document and contribute constructively.

Mr. Deputy Speaker, I wish first of all to state also that I am a Kanu Member and I came with a full mandate of the Butere people to Kanu, with full approval of the Butere people, and that, Mr. Deputy Speaker, does not mean that I am going to say "Amen" to everything because I belong to Kanu. If we are going to adopt that policy, that if you are Kanu, you must say "Amen" to everything, then we are heading for trouble. There must be some of us who have to use their heads rather than just being driven like cars. Therefore, I must state quite clearly—

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Deputy Speaker, I am seeking your guidance really. Would it not be helpful if the learned gentleman who is talking at the moment were to give us the time period which is required by the schoolboys to study a document of this kind?

The Deputy Speaker (Dr. De Souza): I think that is not really a point of order.

Mr. Shikuku: I am sure, Mr. Deputy Speaker, everyone agreed with your ruling and it is a pity that such an old Member of the House, up to this day, does not know what a point of order is.

Mr. Deputy Speaker, Sir, having said that I belong to Kanu and that we should use our independent thinking here rather than being driven like cars and almost made into a sort of voting machine, we have to contribute, so that the Government, when acting, will act with full knowledge of the feelings of the people. We, as elected representatives here, must air our views without any fear, and I am of the opinion, Mr. Deputy Speaker, that some of us here, when we meet outside, tend not to speak our minds lest we are considered to be radical or that we are people who are trying not to go with the Government—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, this Parliament being an intelligent Parliament, representing the nation, and the Bill we are discussing lays down the principles on which somebody has to speak, is it in order for the hon. Member speaking to continue to speak on what is completely outside the Bill? Is it not in order for him now to tackle the Bill straight away?

The Deputy Speaker (Dr. De Souza): No, I do not agree. I think this is an important Bill on the Constitution of Kenya and an hon. Member is entitled to a bit of an introductory speech; I do not think he is yet being irrelevant. But I think, Mr. Shikuku, you should now come to the Bill or at least to the policy that the Bill effects.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, I see a lot of Members who have nothing to contribute are jittering around and I leave them at that.

Nevertheless, Sir, I am of the opinion that we are getting too many amendments to this very document, so often, that we are already confused, and I challenge any Member to deny this, because I have tried my best to read this Bill. None of them knows almost word for word what has happened. Mr. Deputy Speaker, if you look at this amendment, you will find it is amending an amendment, so if you refer to the Order-in-Council of 1963, let us say clause 27, you have to refer to the amendment of that clause and then compare it with the amendment now. So you get completely confused, because there are already too many amendments that one can hardly follow up. So, Sir, sometimes some of us feel that it is a waste of time to take the pains to look over this and the other, instead of just saying, "Yes". This is the sort of thing which most Members should not do. Most of the Members have taken the time and pains to look at this and work out its logic.

[Mr. Shikuku]

Mr. Deputy Speaker, Sir, there is confusion of having so many amendments, for example, on page 133 of this Bill, if you look by the side of clause 2, you will see that there has already been about five amendments to this Constitution, and if this goes through, this will be the sixth amendment to this Constitution from 1964 to now. I do not, and cannot off-hand, recall any country which has amended its Constitution so often that it almost makes a nonsense of it. Mr. Deputy Speaker, Sir, either we decide that the present Constitution is not the ideal Constitution and ask the Attorney-General to make whatever amendments he wants and then make one full amendment amending the whole Constitution, instead of having it in bits here and there. At the moment, Sir, today we are being given this amendment and then the next day we are being given something else. This, Sir, is very confusing and there is no Constitution at the moment which contains all the amendments. That, Sir, is why, more often than not, we are confused.

Now, Mr. Deputy Speaker, Sir, may I come to the point which I would like to raise with regard to this amendment? Already Mr. Deputy Speaker, Sir, the hon. Minister for Economic Planning has told us that the present Constitution was made under circumstances which, then, were quite different from what they are today, and therefore there is a need for amendments to the Constitution. That, Sir, we accept, but now how often are we going to have to agree to amendments? Sir, are we going to have amendments every week, every month? We must be told because we are not going to sit here amending the Constitution all the time. So, Sir, I feel that we should not allow ourselves to be subjected to having to make ourselves small lawyers looking from one page to the other, every now and then. We must do something constructive which will feed the people of this country, because, at the moment, the people of this country are not going to eat the Constitution. They want some food, not constitutional amendments all the time.

Mr. Deputy Speaker, Sir, I would like to discuss, in a Motion, the subject of how we are going to feed these people rather than give powers to the few, because I am sure the Butere people are not interested in the clauses which we are amending here. They are interested in how they are going to get their food, shelter, education and the rest. They are very surprised to find their Member, almost always wasting his time in having to study the Constitution.

Mr. Deputy Speaker, Sir, I would now like to turn to page 134, section 29 and also looking at the paper which was handed to us on Tuesday afternoon, (which the Attorney-General has ably stipulated is what we have in the original Constitution) you will find that in clause (2) of that section, section 29, Cap 57, the Attorney-General has not stipulated the time and the percentage of the vote required in any of the Houses, whereas it is stipulated in the old Constitution, the one we are now amending. I was wondering why he has not included that in this Bill, because I am of the opinion that a percentage, as he stated in the old Constitution, should also be included. At the same time, it says, in the second part of (2), "In reckoning any period of twenty-eight days for the purposes of the provisions of this subsection in their application to the House of Representatives no account shall be taken of any time during which Parliament is dissolved."

Now, Mr. Deputy Speaker, Sir, here we do not know what will happen. Perhaps, Sir, Parliament will be dissolved, but then when it is what will happen? I feel that this is something which should be taken care of by the Attorney-General, because I am of the opinion that the time might come when this House might be dissolved, and as we now understand, of course, there is a possibility of having the Senate merging with the Lower House. Now, Sir, if the House has been dissolved, what will happen when that time comes? I think, therefore, that there should be a provision under which we, ourselves, are covered if such circumstances arose.

Now, Mr. Deputy Speaker, Sir, there is another point which I would like to raise and that is on page 134. I do not understand why the Attorney-General has seen fit to do away with the twenty-one days which are stipulated in the old Constitution and make it "twenty-eight days". I am of the opinion that within the period of twenty-eight days, the President, or any person in power at that time, could do a hell of a lot more havoc than he can otherwise do in twenty-one days. Now, Sir, I do not see any reason why, therefore, this time has been extended. I think that the old clause in the Constitution should remain, that is the one with regard to this question of "twenty-one days", because in the case of an emergency, there are many things that go wrong. We experienced a lot of things during the last Emergency which were caused by the imperialists, and therefore, Sir, I feel that if these things were left to carry on for twenty-eight days, by the time the then President comes to this House, everything will either have gone so bad or turned rotten that we will not be able to be put them

[Mr. Shikuku]

in order. It will then be too late. This, Sir, this is nearly a month. Therefore, Mr. Deputy Speaker, Sir, I suggest that the old clause which deals with the question of "twenty-one days" should be retained in this Bill. I do not see any valid reason why anything should be prolonged for twenty-eight days as it is stated in this clause here.

Mr. Deputy Speaker, Sir, I would now like to turn to page 135, First Schedule, where you will find it says under clause (6), "Whenever the election of the President results in a change in the holder of that office any order made under this section and in force immediately before the day on which the President assumes office shall cease to have effect on the expiration of seven days commencing with that day." Now, Sir, here, we are giving the new person coming into office seven days. I was wondering whether the Attorney-General can convince me why he finds it necessary to give this new person seven days. What will this new person be doing during those seven days? Now, Sir, let us say, for example, that the President who is in power today retires, or he, by nature taking its own course, dies, then the other President comes into office and has to sit there for seven days. Now, Sir, what will happen if there is a state of emergency at that time, and this man is just sitting there for seven days doing nothing? I think, Sir, the emergency regulations should lapse as soon as that person holding that office resigns or dies, so, Sir, the person going into office after him should immediately take over the power. He should also call Parliament immediately he takes over power, because if he is just sits for seven days, I do not know why he should stay there, in the office, if he is not doing anything, and the other President is either dead or retired. I also think that that period should be filled with activities.

Mr. Deputy Speaker, Sir, the other thing which I think the Attorney-General should take care of is with regard to the question of section 209, which is an addition to the Constitution. This, Sir, is where I have a quarrel with the Attorney-General. Here, Mr. Speaker, Sir, and I quote, "Nothing in this chapter shall prevent the Government from making any regulations for the acquisition, occupation or use of Trust Land during any period when Kenya is at war or when an order is in force under section 29 of this Constitution." Mr. Deputy Speaker, Sir, I have read this section, but still do not understand how this section is being absorbed into this amendment. This, Sir, takes me back to what we decided upon in the Kanu Parliamentary Group. There, Sir, we said that we would like to have an Act under

which, if any Member of Parliament, member of the public, or any citizen of Kenya, tries to meddle and subvert the popularly elected Government, then that particular individual, or a group of individuals, should be dealt with. But, Sir, here I do not understand how such a thing goes as far as the land.

Mr. Deputy Speaker, Sir, the question of land in this country is a very touchy question. Mr. Deputy Speaker, Sir, if there is somebody trying to subvert the Government, then that particular person is dealt with. I think that if we have to take land into account, then one President, because he wants some land in the Rift Valley, or in Butere, all he will do is to declare a state of emergency and during that time he takes the land he wants. I do not think, Sir, this is what we are supposed to approve here. We are only concerned with the question, as far as the resolution which was raised in the Kanu Parliamentary Group which I attended is concerned. We did not touch upon the question of land. Here, Sir, it has just been inserted and I do not know why it should come in this section when we are talking about states of emergency and preventive detention.

Mr. Deputy Speaker, Sir, I do not think the hon. new Minister for *Maendeleo ya Wanawake* should tell me not to talk. I am talking sense here. I do—

Mr. Omar: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to refer to a portfolio which does not exist in the Government? He mentioned the portfolio of *Maendeleo ya Wanawake*, which does not exist, is he in order?

The Deputy Speaker (Dr. De Souza): I am certainly not aware as to the Minister for *Maendeleo ya Wanawake*. If you are referring to any particular Minister, perhaps you will refer to him with his right title.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I did not mean to be offensive to the hon. Member for Kilifi South, who is a personal friend of mine, except that I meant he is the Minister for Social Services, which, of course, includes the *Maendeleo ya Wanawake*.

The Deputy Speaker (Dr. De Souza): You apologize or withdraw, Mr. Shikuku.

Mr. Shikuku: Mr. Deputy Speaker, Sir, if the hon. Member thought that I was being offensive, then I withdraw, but—

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir, but, in fact, I think it is

[The Minister for Co-operatives and Social Services]

rather a point of information. I would like to tell the Member that I have nothing against women, and I intend to develop them as Ministers.

Mr. Shikuku: You see, Mr. Deputy Speaker, Sir, we are good friends, and as you can see, he is amused.

Now, Mr. Deputy Speaker, Sir, leaving that aside, I would now like to register very strongly, in order to make it known to the Attorney-General, that I totally disagree with him in regard to including section 209 in this Bill here. As a matter of fact, Mr. Deputy Speaker, Sir, if we have to go according to the Kanu Parliamentary resolution, I have been reading this—the Ghana Preventive Order which was introduced in 1958, and I like this one because it is quite specific. I think, therefore, that the Attorney-General should not confuse the Members of this Parliament who are not lawyers, or at least most of us are not, but ordinary laymen and politicians, if he could stipulate what will happen to anybody who tries to play with the State. It is only one page. Mr. Deputy Speaker, Sir, I think having all these things taken, land, property and so on, it is going beyond the resolutions passed in the Kanu Parliamentary Group.

In addition to that, Mr. Deputy Speaker, Sir, I feel that the acquisition of properties, though we do not know what is happening now, I still think that if the hon. Ngala murders somebody, for example, it will be stupid for this House, or anybody for that matter, to arrest the hon. Ngala, sentence him to death, go home, collect all his chickens and cows and take over his land because he murdered a very important person. Also, Mr. Deputy Speaker, Sir, if I am engaged in subversion, it should be my responsibility and not that of my land and property. I believe, Sir, in African Socialism, that the land which I own at home is my land which was obtained through the sweat and toil of my forefathers. I shall kill anybody who comes to take that land. However, Sir, if I have done something wrong I think I should be penalized as Shikuku and my property should not be so penalized, nor my wife. In the end, Mr. Deputy Speaker, Sir, it will amount to people taking our wives. If that is what the Government wants; to acquire the wives of the people and their property, they should know that in African Socialism one's wife is one's own property and since we are including property here, it means that the Government is going to acquire women too.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Deputy Speaker, Sir, is it in order for a law maker like the hon. Member to

affirm that he is prepared to commit a crime when he knows that what he says will be an offence if he commits a crime, when he says, "I shall kill"?

The Deputy Speaker (Dr. De Souza): I do not think he says he will commit a crime. What he said was that he would fight until the very last to protect his land. I think one can say that. That is not an offence. He is entitled to express his views and state how far he will go.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I was speaking my mind. Mr. Deputy Speaker, Sir, if the hon. Ngei came to Butere and tried to take my three acres of land, then he would not come back alive. That is my land and I am entitled to defend my land.

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

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

Mr. Speaker, Sir, it is even quoted in the Bible that if somebody dies defending what is his right, he shall get into the Kingdom of Heaven. Therefore, Sir, I do not agree with the Attorney-General with regard to this question of acquisition of land, nor that the property of any criminal should be taken away.

Mr. Speaker, Sir, we have a problem here, because those who were involved in the *Mau Mau*—in fact, I think the hon. Mr. Kamau moved a Motion in this House the other day to the effect that land was taken away from those who were killed or detained during that time—and now we are having delegation after delegation, demanding their land and even the other day, Mr. Speaker, Sir, the hon. Mr. Kamau asked that this land be brought back to him and his colleagues. Are we going to become involved in this problem again, acquiring people's land? Mr. Speaker, Sir, we should acquire them and not their properties. Therefore, Mr. Speaker, Sir, I totally reject this clause; that the acquiring of land should be carried out when anybody has committed a crime. We should acquire the man concerned, hang him or do whatever we like with him, but leave his property. I oppose that section.

Now, Mr. Speaker, Sir, the other issue which was touched upon by the hon. Minister for Economic Planning, Mr. Mboya, is the question of eight months. I do not think we should be specific in giving the month, week, or days or even the hours. I think we should go according to circumstances under which that particular state of emergency has been declared, but I do not see any reason why we should stipulate in this amendment the period of eight months. I think we should stipulate that, as soon as the situation improves, if it improves within two days

[Mr. Shikuku]

of the emergency, or after seven hours of the emergency, then the emergency should end. We should not be called here after eight months, we should be called here immediately; and we should review the situation week after week or hour after hour. I do not like the idea of having eight months. I know that sometimes, when an emergency is on, people behave themselves, and so it will be completely unfair for anybody to hang on for eight months before the issue can be reviewed. I think Parliament should be recalled before those eight months lapse. During the time of the emergency, people will have behaved themselves and there is no need to hang over them the emergency law for a long time.

Now, on page 136, Part I—Preliminary, subclause (f) states, “the provision of a sufficiency of the supplies and services essential to life and well being of the community, their equitable distribution and availability at fair prices;” I think this touches the trade unions. Now, we have some essential services which we require in order to keep ourselves alive. Some people are employed in such services. So, if we have to put it down this way, I think the trade unions and those people working in say, the department of supplies which considers what is essential to human life will not have the chance of fighting for their rights to improve their standard of living by an increase of salary. They will not be able to demand more from their employers. So, if we pass this Bill, as this subclause stands, we will be going too far in terms of making it law. I do not see, then, how these people will be able to air their views when they want to demand more food for their families. I think a clause should be included here to say that there should be special machinery through which these people in the essential services can air their views, without necessitating their going on strike. They should not be suppressed by this clause here. If that is looked into, I think things will be all right for our brothers in that department.

Now in Part III—Special Public Security Measures, I think I will have to ask for an explanation from the Attorney-General because this is the most important part of the Bill. It is stated here in subclause (2): “Regulations for the preservation of public security may make provision for (a) the detention of persons;”

Now, the Attorney-General said, during his speech, that the two are being combined, detention and the preservation of public security. Now, here the two things are getting rather confusing, because if we are dealing with the question of detention, which we asked the Attorney-General to do, he has not stipulated here the number of

days a person is supposed to be detained, and the time when his case can be reviewed. If I look at the Ghana Detention Order, section 4 (1), it says, “Subject to the provision of subsection (3) of the last foregoing section, no person will be detained in pursuance of an order under this Act for a period exceeding five years.” Here they are stipulating time, when a particular person or a group of persons can remain in detention. Here, in our Act, we do not know how long the detention will last, we do not know if it is to last for ever and a day. I wish to know.

Mr. Speaker, I am wondering whether the Attorney-General is paying attention because the hon. Ochwada is keeping him busy. This particular portion is the most important part of this Bill.

Mr. Speaker, I am trying to draw the attention of the Attorney-General to the fact that under Part III—Special Public Security Measures, under subclause (2) (a), he only talks of detention of persons, but he has not stipulated how long these persons can be detained, and under what circumstances they are to be detained. Therefore, in approving this Bill, I think we are entitled to know how long a person can be placed in detention, what he should do if he is in detention. That is why I look at this Ghana Detention Order where they appear to be more specific, where they say, “Subject to the provision of section 3 (1) of the last foregoing section, no person shall be detained in pursuance of an order under this Act for a period exceeding five years.” Here they have definitely stipulated the period. In our Act we do not have the period specified during which a person can be detained. I do not know whether the Attorney-General intends to detain some people for ever and a day, or until they die. We should be told this and, at the same time, we should be told what will happen to a particular person when he is in detention. Like anybody else here, I am supposed to see further than my nose. I must look ahead and I have always told the hon. Members here that they too should look ahead because you never know when something you do here might bounce back on you later on. I quote here that it is written in the Bible, “The dead said to me, ‘Today for me and tomorrow for thee.’” Some of us may be in detention tomorrow and we would like to know how long that will be for. I am sure that my hon. friend Mr. M. Kamau, who has been in detention, would never like to go back there. At that time, he was not aware how long he would have to stay. Fortunately, however, we were given independence. Now there is no question of getting independence in order to get these people who will be placed in detention back, because independence has come to stay.

The Speaker (Mr. Slade): I think I might save some misunderstanding if I pointed out that detention or any other Act, under the proposed law, can only last as long as the proposed law itself is in force, which is as long as Parliament decides it should stay in force. It is a temporary law, you see, and everything that happens under it is temporary, depending on the continuation of that law.

Mr. Shikuku: Thank you very much, Mr. Speaker. I am glad that you have drawn my attention to that. However, may I make one observation here. You will find that this is politics, and if you are in power, naturally, you do not come into power unless you are popular with the people who support you. Now, if we all support the present President of the Republic of Kenya, the hon. Jomo Kenyatta, surely during that period when he is in power, everybody and every Member in this House would not like to get on the wrong side of the President. Naturally, when he brings a Motion and says, "Now, how about reviewing this case?", they will say, "Oh, yes, Mr. President, all right." They will do that, Mr. Speaker, because there are those who fear to speak their minds. They say, "yes", here and they will go on saying, "yes", because there are very few people, Mr. Speaker, who dare to speak their minds. Some of us feel, if you say this, then you will be considered a bad boy. There are some of us, however, who are brave enough to speak our minds and be considered bad boys, but we feel we have made a point in the interests of the people. We are not the type that will say, "yes" to everything. That is why I am contributing. I am taking this Bill clause by clause and saying what I feel should be done, but there are some people who will not say that, because they think they will be considered bad boys. Of course, the President is not all that stupid as to believe all these people who say, "yes". He told us one day that he was not a coward and surely he will hate those cowards who say, "yes", all the time because these cowards will never help you when the fight breaks out. They are bound to run away.

POINT OF ORDER RELEVANCY IN DEBATE

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, is the hon. Member in order to talk about a constitution which is outdated, the one from Ghana from which he has been quoting? Is he in order to quote from that constitution when it is no longer used by the country where it is applicable? Is it in order for him to refer to this constitution continuously?

The Speaker (Mr. Slade): Oh, yes, the hon. Member is discussing a proposed law, and he is quite entitled to refer to the laws of other countries by way of precedent or by way of favourable comparison. In fact, when Mr. Mboya was seconding this Motion, I think, he referred to what has happened in other countries. It is quite in order.

POINT OF ORDER

LIMITATION OF SPEECHES IN SECOND READINGS

Mr. arap Biy: On a point of order, Mr. Speaker, may I seek your guidance on whether there would be any way of getting a limitation on the time taken by an hon. Member when speaking on a Bill, because such a very important constitutional amendment should be debated by as many Members as possible, and not just by one hon. Member.

The Speaker (Mr. Slade): No, there is never any limit to the time for which a Member may speak on a Motion, unless the House resolves that there shall be a limit. Under our Standing Orders, the House has power to do that, either for a particular debate or for a particular class of debates. Hon. Members are aware that, in fact there is now outstanding a resolution that Private Members' Motions be limited to a total duration, and the length of speech of any Member.

Never yet has the House resolved that debate on a Bill, Second or Third Reading, should be limited in time, or the length of speech of any Member, particularly debate on such an important Bill as amendment of the Constitution. There is, of course, the restriction that Members must not repeat themselves or repeat what other Members have said, and that they must be relevant. Within those bounds, though, unless there is a resolution of the House for a limitation, a Member can speak as long as he likes.

There is, of course, again, the provision for the closure of a debate by resolution of the House, when the Speaker thinks that it is fair to Members that that should be allowed. That is the remedy of the House with regard to this debate. However, I should warn hon. Members that I should not allow the closure until I am pretty sure that all points of view have been heard.

(Resumption of debate)

Mr. Shikuku: Thank you, Mr. Speaker, for your first ruling and the second one as well. Of course, the hon. Member for Kuria, who is my friend, probably was dreaming at the time the hon. Tom Mboya was referring to some other constitution. It is immaterial whether Ghana is dead today or will be dead tomorrow, because

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something that they have done is on record. That is what I was referring to, Mr. Speaker. I may quote further later on.

Mr. Speaker, my point here again is under Part III—Special Public Security Measures. I am not clear as to what the Attorney-General means in (2) (b) where the subclause says, “the registration, restriction of movement (into, out of or within Kenya), and compulsory movement of persons, including the imposition of curfews;”. I do not understand what restriction he is referring to and I should be delighted if he could tell me this. If it is a question of movement within Kenya, I am wondering what he means by this, because he did mention that we did not want to declare an emergency throughout the whole country, but only to declare a state of emergency in local places where a particular area is affected. If he is talking of movement within Kenya, Mr. Speaker, I do not know whether this has anything to do with an emergency in a particular area. If he means within a particular area, I think he should have made it known that it applies to movement within the emergency-declared area. In this case, people from such an area would be free to move to other places. If a person is causing trouble, let us say, in Central Nyanza, and the emergency is in Central Nyanza, then I do not see any reason why we should restrict this person from moving into Nairobi to buy bread. This is all right, so long as he does not go loitering around Nyanza causing trouble. I do not see what the Attorney-General means to do in regard to this particular subclause. It is all right for this person to move around to other places to see his friends, so long as he does not go around Central Nyanza making further trouble, the place where the emergency is. I think, therefore, that it should be specifically stated here that this refers to movement into the area where the emergency is declared. I am no lawyer and I feel that this should be made simple for us to realize where these restrictions will be.

Mr. Speaker, I feel that sub-clause (2) (c) does not apply to some of the local people, unless the Attorney-General is referring to foreigners who are within the country. The sub-clause refers to the control of aliens, including the removal of diplomatic privileges. Personally, Sir, I do not know what diplomatic privileges I may possibly have in Butere. It would be good to know because I can live and learn; it is never too late for that. If I have any diplomatic privileges in Butere, then I should be told what they are.

The Speaker (Mr. Slade): I do not think you are an alien, are you?

Mr. Shikuku: I am not, Mr. Speaker. The hon. Member for Emukhaya is in high spirits and is taking every opportunity to try and mislead me from the right path. If he talks in terms of me being not in Butere and staying in Nairobi, then he is very much mistaken because Butere people know that I stay in Butere. I am very popular there.

The Speaker (Mr. Slade): You should not let hon. Members distract you like this.

Mr. Shikuku: Mr. Speaker, Sir, in upholding your ruling I will leave the Member for Emukhaya alone to talk to himself.

I wish to come to sub-clause (2) (d) which says, “the censorship, control or prohibition of the communication of any information, or of any means of communicating or of recording ideas or information, including any publication or document, and the prevention of the dissemination of false reports;”. Here, I do not know what the Attorney-General intends to do. I wish to point out that if it is a question of an emergency—I am talking of a local emergency, not war. If it is a local emergency, then I do not understand what he means by censorship. Does he mean to tell me, or the House, or the public of this country, that once there is an emergency in, let us say, one of the provinces—I hope there will be no emergency in Butere—all the information and restriction in that area will also affect the people going to that area other than the residents of the area? You have controlled communications and the people are supposed to travel. I think that will be a bit too much. This should only apply to the people living in the area.

Having said that, Mr. Speaker, I feel the Attorney-General should be specific as to what he means. I will be waiting for an interpretation by the Attorney-General when he comes to reply. I think I will have an opportunity later on in order to see that something is done.

Lastly, Mr. Speaker, may I say this. If some of the Members here think that this Bill is intended, as undeniably, the hon. Member for Nairobi Central, the hon. Mboya, said, some people say, if we pass this Bill, then we must not forget that one day it will also affect us. No Member in this House is stupid enough to think so, but there is a likelihood of some thinking that; after all, I am in the safe custody so far. But may I point out, Mr. Speaker, that the recent situation which was in this House where we had only one or two Members objecting to the Second Reading of this Bill has, as a matter of fact, been translated by some of our colleagues in this House as to their being stubborn but,

[Mr. Shikuku]

Mr. Speaker, may I register today, in this Parliament that though we support the Government, we are also to retain our individual thinking and individual ways looking at things independently, and this should not be cashed in on by those people who look forward for favours from somebody or from somewhere to go on saying that so-and-so is bad, and is the stubborn man in the area. Mr. Speaker, I want to register that I am prepared to die speaking the truth, but I shall never stoop low; but, so long as I am in this country, I know I have the right to speak in this Parliament and air my views, be it contrary to the whole opinion of this House or—

The Speaker (Mr. Slade): Mr. Shikuku, you have made this very clear several times in your speech.

Mr. Shikuku: Yes, Sir, but I am trying to raise this because there is already talk—

The Speaker (Mr. Slade): But you are, in fact repeating yourself.

Mr. Shikuku: Thank you. But, Mr. Speaker, if you so feel that I have already made this point, I will leave it, but I must make it known that if we have to go ahead, let us go ahead reasonably and anybody who disagrees with us should not be looked upon as an enemy, for we do not expect everybody to say or think alike, and therefore, we must entertain different views at different times, and take such criticism or whatever contribution made, because if all of us have to say "yea" to everything we may go wrong because not all are right. With these few remarks, Mr. Speaker, I support the Bill, and I hope the hon. — I am very glad the hon. Members are applauding they thought that I would oppose the Bill; but I am a reasonable man, I have done my homework and I have contributed, and therefore, Mr. Speaker, I beg to support the Bill and I hope this law will apply specifically to those people who are subverting the Government. But in any case, I would also like to make it known that in all cases we should try and get the people to the courts to be charged with an offence, rather than having to use these powers so often as to cover some cases for which we think we may not have enough evidence. The police must also do their job by getting people sent to court and being proved guilty. With these few remarks, Mr. Speaker, I beg to support the Bill.

Mr. Ngala-Abok: Mr. Speaker, Sir, I would like to say straight away that I am supporting the Bill. I am supporting the Bill, because it has not hurt, it has not harmed anybody. It is a precautionary Bill, putting the Government—any

Government, this one or a future one—in a position to deal with any situation that could be otherwise considered by the people who are so-called democracy lovers or representatives of the poor. I mean, whenever a situation occurs—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order to refer to people— personally, I have been the person who has been referred to as the "president of the poor." Is he in order to refer to me as so-called when, in actual fact, I exist here?

The Speaker (Mr. Slade): I do not quite follow the point. As I understand it, Mr. Shikuku has described himself as the president of the poor, with or without authority; Mr. Ngala-Abok is referring to someone unnamed as having described himself as president of the poor. He can do that. If he wanted to refer to Mr. Shikuku specifically by name, then it should be "the hon. Member," of course.

Mr. Ngala-Abok: Mr. Speaker, Sir, we are yet to be told who represents the poor more than I do. We are here to be told because we do not want to be cheap, although I do not want to labour that one. 90 per cent of the people I represent are described as poor and the word "poor" could describe at any time 90 per cent of the people I represent, so I do not wish to be cheap. Moreover, Mr. Speaker, I did not refer to the hon. Member and he is no more a poor man's representative than I am and, moreover, when it came to the critical stage when the so-called poor man's representatives went away, he remained in the city. Which people is he representing? Is he representing a moneyed class of people who will never help anybody.

Mr. Speaker, my point is that I support the Bill. My first point was I support it because it has never done any harm and because I wish to dispel this idea from the minds of our people, who are still growing in the democratic world, that anything that is suspicious is never true. One only thinks that it might endanger somebody, but in the spirit as the people making the law are thinking that somebody will do wrong, so the people who are opposing are also thinking that someone will be affected. I think both of them are true, both of them are right, that it will affect somebody. They think that it will affect somebody and there is a likelihood of someone breaking the law which has not been covered by the law of the land, and therefore this must be provided for, whereas this fellow who is merely suspicious should be told when we are accepting this particular Bill today that, so long as he is maintaining his rightful position, he is following the ten commandments of God which any

[Mr. Ngala-Abok]

government in the world will follow—not to steal, not to cheat, not to fight for nothing, not to subvert and not to undermine—then this Bill actually is not going to affect anyone. Moreover, Mr. Speaker, one fact which must be clear to our people: any Government which has actually been elected—I should say so without referring because I am not a lawyer—and has been put into power is even beyond this written Constitution. The Government will do anything to see that law and order are kept, but we are merely being democratic by warning our people that if they do this, they will go wrong, just like somebody warning his children. All the time the children grow up knowing that if you touch fire, it will burn because once you have touched fire, it is the father that is going to suffer, sending you to hospital, spending all the money talking to doctors and the rest of it.

So we are warning our people: “For goodness’ sake, if you are democratic, never undermine, never cheat, never kill, never commit adultery, never do anything which is actually going to go against the State or society.”

As I have just explained, Mr. Speaker, I am supporting this Bill because it has never affected anybody, and if anybody is suspicious, it is going to affect him. Because you are suspicious, you know you are doing wrong and you are a wrongdoer. In fact, this Bill should affect you and it is right that it should affect you, because the person making it also knows that there is room for some people trying to act in the same manner and, therefore, this must be provided for.

Another aspect of my reasons for supporting this Bill, Mr. Speaker, is that, throughout Africa, Kenya has made a good name, because nothing has been done by this country which is not constitutional. Every step has been taken, but it has been constitutional and, in fact, I think we are playing the best politics in the world, as far as these newly independent countries are concerned, and even some of the old, independent countries, Mr. Speaker, are merely traditional but they are not negotiating the hard type of life we are negotiating ourselves. Whenever they take action, they will refer to 1950 when such an occasion occurred, the Government did this and, therefore, we are fully right today to take the same action. Even when the situation is so different, they will then reason out by saying that the same situation occurred. So our Government is actually negotiating a hard sort of life, but may I just say one thing, Mr. Speaker? For opposition’s sake, anybody does not need opposition, but if, collected together as Members of Parliament, we

feel that opposition may be given room for democracy’s sake, let us also provide something that the Opposition will be able to see and use to guide them for whatever steps they take and whatever action they take, because this is in their own interest. I begin to feel that some of these people are not out to form a proper opposition or to produce enlightened criticism, but they are only out to create suspicion after suspicion.

Whenever you take a clean step, he comes and throws mud on to it and then he says, “Oh, this is meant to do this, this is meant to do this.” Let us do less in terms of talking about what we have not experienced and let us do more in terms of promoting what is right, so that such preventive measures are not actually employed against us.

Now, Mr. Speaker, in concluding my second point for supporting this Bill, that our country in Africa is trying to do much better in terms of being constitutional rather than being arbitrary and self-centred, and so on, in whatever we are doing, I would like just to say one thing: that, so far, for this particular Bill, no action has been taken by this Government which could be produced as evidence of suspicion now or promoting of suspicion in any field whatsoever. I think that since we attained independence, we all the time speak about suspicion and we all the time assume that this happen, that that will happen, and the other. So I think that all the time, if we want to educate our public, let us try to be able to quote what happened last year, which was not constitutional, and which this Government committed and which was wrong, so that our people can also begin to build their thinking in terms of our own history, our own history in Kenya. This will help us much better, this will educate our people, rather than coming and then putting a full document which had been thrown out by the Ghanaian people, a document which has no relevance whatsoever to what we are trying to do here. So, Mr. Speaker, that is my second reason—

Mr. Shikuku: On a point of order, Mr Speaker, is the hon. Member not trying to overrule what you have ruled already, or to challenge your ruling, when you referred to my quotation of the Ghana paper as being in order, and he, in so saying, is actually challenging your ruling?

The Speaker (Mr. Slade): Not quite, I think. I did rule that it was in order for you to refer to other laws, of other places, on the subject of preventive detention; but it might yet have been not altogether relevant because the circumstances of that other law might have been so different. I believe they are. I believe—I may be wrong—that

[The Speaker]

the Ghanaian law to which you refer is a substantive, permanent law, and not a law providing for temporary measures such as this, but that is a question of a nice point of relevance. I think the hon. Member is allowed to argue that in the circumstances it was not relevant.

Mr. Ngala-Abok: Mr. Speaker, Sir, thank you very much. The hon. gentleman supports the Motion and whatever way I put my points, I think he is not going to be any different from what I am working for. I am working for support of the Motion, the same thing.

Mr. Speaker, what I wish to question a bit is why the Government felt it necessary to extend the twenty-one days to twenty-eight days because the former gives ample time. Twenty-one days is enough, and any emergency in the world is an emergency, so long as we do not use that term in the present time, because we do not want it, it is an old thing and it has received several different interpretations in the world. I quite agree that our Government should not find itself tied up by this word, but I think twenty-one days is enough. Three weeks is enough and, in fact, we would have even made it one week, because a situation which may involve somebody's life—once I am born, I start to see life, at five years old I start to know what life is and life, of course, is described as comfort. Anything below comfort is not life. So if anything is affecting the life of my brother, my own life, the life of my child, or my wife and the rest of it, my relatives and friends, and so on, why should the Parliament of the nation not be asked to discuss the circumstances or to give approval within twenty-one days or even less? I think I have a case there and this case is genuine, and whatever one might like to explain, in fact I think one must sympathize with my point, that twenty-one days was just as good as one week. So that point should be actually explained.

As far as the President's powers under this particular Bill are concerned, I have no quarrel, and as far as the aims and the objects of this Bill are concerned, I have no quarrel. Now, Mr. Speaker, before I end, because once one declares that he is supporting something, he should not really try to bring confusion, I must say one thing in a general way.

Shall we say in this particular Parliament that we are democratic, Mr. Speaker, and let the nation know that we are democratic? We are democratic, because we want to warn our friends early, and we want to warn ourselves as well, because many people have tried to cash in on this particular monotonous phrase; that what you

do today might boomerang back on you. If you legislate today, tomorrow you will find yourself affected by what you have legislated for. But is this not true in life? No Member here is going to stay in this Parliament for ever, but so long as you are a Member of Parliament, so long as you are a Minister, so long as you are a President, you have a duty to do and that is to prevent anything which might occur and which the majority of the people will not like. But as to whether you will be affected or not, this depends on the good sense of who will be the ruler of tomorrow. He must also be a genuine ruler, because if something will affect me at that time, it will not mean that membership of Parliament will be ended by an Ngala-Abok or by any other person. So let this Government not be frightened by people trying to brandish papers all over the place, saying that next time it is for you, today you enjoy, but next time you will find it. Every person must know that, even if tomorrow, so-and-so becomes a Minister or a President, he will also, in turn, fall probably in one week. This Government has, so far, lasted three years and I have yet to see any Government lasting three years and remaining as popular as ours.

Therefore, let us forget any cheap threats, somebody trying to frighten our Government, or Members of Parliament saying that whatever Bill we are passing here, that Bill will work against us. We are not passing anything to work against us—

The Speaker (Mr. Slade): That point was made at some length by Mr. Mboya. Do not let us have long repetition of it.

Mr. Ngala-Abok: Mr. Speaker, Sir, thank you very much. I just wish to support the Bill and also I wish to appeal to our Members that, so long as we realise that a Bill is good and we want to support it, let us not be cheap by trying to cheat the eyes of the public, that we are opposing it and yet, at the same time, we know we are supporting it. So let us learn to be truthful all the time. Thank you.

POINT OF ORDER**NO NEWSPAPER TO BE BROUGHT INTO THE CHAMBER**

The Speaker (Mr. Slade): There is one point of order. Mr. Ngala-Abok, I saw you waving a newspaper all the time. I thought you were going to refer to it. Did you actually refer to it in your speech?

Mr. Ngala-Abok: No, Mr. Speaker, I did not refer to it, but it was together with my Parliamentary documents.

The Speaker (Mr. Slade): In that case, it should not be in the Chamber at all. Will you please take it out now. I would remind hon. Members they are not to bring newspapers into this Chamber at all, unless they wish to refer to them and are going to refer to them in the course of debate, for the purpose of debate. It should not be here at all, and you should now take it out or give it to the Serjeant-at-Arms.

(Resumption of debate)

Mr. Muliro: Mr. Speaker, Sir, I had earlier on in my mind decided to oppose this Bill, but after the explanation by the Attorney-General and the Minister for Economic Planning and Development, I find it only fair and just for me to accept the Bill as it stands.

Constitutions, Sir, are made to be amended by a living society. Kenya has a living society, we have a living Constitution which is not a rigid document but is pliable. There are inadequacies here and there. When I read the Public Security Act and the Penal Code along with the Constitution, I felt this was quite adequate, but the argument that we do not want to refer to any question of an emergency—even if we have an emergency on somewhere, we do not want to call it emergency because of the abominable history of the word—seems to satisfy me.

The arguments which have been appearing in the papers, I think, were more prompted by our own Parliamentary Group publicizing the statement before the Bill was published. I think, in future, we as mature parliamentarians should not, if we have the intention of passing legislation in this House, publicize it as a document coming from the Parliamentary Group. It is fair and just for us to publish and publicize every political document we want as Kanu politics, against any situation or any party in Kenya like the K.P.U., but we should not, for goodness' sake, publicize what we intend to make law, because the public would either interpret the Kanu Parliamentary Group as steamrolling the Cabinet, or the Cabinet as steamrolling the Parliamentary Group. Now, we are sure, when we decide and come to agreement, we come to agreement as mature adults and not because one is steamrolled here and there.

For the people who are afraid of this Bill, what I can say is this. Death or sickness is natural. Subversion can be brought about by some bad people but when one knows that one can be sick and die, it does not stop someone from going to see their doctor, and this is like a doctor. We are having a document, being ready with it; any time we have to apply it, we know

we have something to apply, rather than to be faced and confronted with an emergency situation and then find that we have no machinery to deal with the situation. So Mr. Speaker, I find that those who are law-abiding need not worry about astringent measures. Some of us have struggled in Kenya politics during the very tough times of the colonial régime. We were assured of being detained from time to time, but we knew what language to speak to be able to be free, and we delivered the goods: that is, independence.

So, the independence which we have achieved, Mr. Speaker, through bitter struggle, should not be marred by anyone who is power-thirsty. We know power corrupts, as some people said, but the present President might be the right President, the present President might use these powers properly and someone next will not use them properly. But we cannot make laws, bearing a particular individual in mind. A law should apply universally, irrespective of who is in power as the President. Therefore, Mr. Speaker, I find the hon. Members wrong who have fears that the next President might never be just and fair. Who knows whether you might not be the President? The very hon. Member questioning that might be, because this is a democratic country, and if the public wants to elect any of us here as the President of Kenya, nobody would die.

Mr. Speaker, I think with these few remarks I support this wholeheartedly, and if we can, let us get on quickly, vote, and go away.

The Assistant Minister for Commerce and Industry (Mr. Ole Oloitipiti): Mr. Speaker, Sir, I also rise to support this Bill very strongly, but before I come to the real Bill, Mr. Speaker, I wish to put on record the following. Mr. Speaker, Sir, when this Bill was discussed first in the Parliamentary Group I was sick, and I was not in the Parliamentary Group, Mr. Speaker. When I came, Mr. Speaker, it was reported in the paper that this Bill was nothing but preventive detention. It was not interpreted to us the way the Attorney-General has interpreted it today. So everyone, not only myself, was confused by this Bill, and when, Mr. Speaker, I tried to find out what was the real thing about this Bill, some Members in this House, Mr. Speaker, accused me of trying to block this Bill and that I was campaigning to make the Members refuse this Bill. Mr. Speaker, Sir, I wish to point out categorically that this *fatina*, Mr. Speaker, should end. There are some people here, Mr. Speaker, and I wish you will allow me to express this, some hon. Members in this House who think that—

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, is the hon. Assistant Minister in order to accuse the hon. Members in the House collectively without substantiating who are the hon. Members who accused him?

The Speaker (Mr. Slade): Order! Order! General statements of that kind, that there are some Members who do such a sort of thing, are not really capable of substantiation, nor is it desirable that we come down to personalities on such a subject. I think it is better to let the hon. Member go on with what he has to say, unless we find that it is quite irrelevant, in which case I will ask him to stop.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Thank you, Mr. Speaker.

Mr. Speaker, Sir, the ignorance of the hon. Members surprises me, because I have not yet made my point and he should have waited until I made my point. As I said, I am not going to speak in this hon. House about anything which I cannot substantiate for your information. I say this, Mr. Speaker, there are some hon. Members in this House who think that because they are Ministers, or for that matter Assistant Ministers, that somebody is doing this, they are going to benefit. But in this, they are just deceiving themselves. If I want to say anything, Mr. Speaker, let everybody see me as Oloitipitip, and I am the Member for Kajiado. I can speak and say anything I feel that I want to. I do not hide anything, Mr. Speaker.

The Speaker (Mr. Slade): I am quite sure everyone knows that about you, I think we should get on with the Bill now.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I hope you will excuse me because I have been accused that I have been acting underground, going to ask the Members not to vote for this Bill.

The Speaker (Mr. Slade): Order! Order! You have not been accused in this House, or in this debate and we really must get on with the subject of the Bill. I have given you a chance to say what your position has been, and you have made it quite clear, now let us get on with the Bill.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Therefore, Mr. Speaker, I have made my point quite clear, that we should be very straightforward, all of us as hon. Members, and able to tell the truth and nothing but the truth, because to whisper to other

people as behind backs, does not reflect well on us. We are going to speak as we would like to speak.

Mr. Speaker, Sir, this Bill is a very important Bill, as far as I can see, because it does not ask for anything at all, but it asks that we, as elected Members, have a duty to protect the right of our people, and by doing so, that is the only necessity we can help our own people by making such a law which everyone must respect in this country. Therefore, Mr. Speaker, the only fear was that, perhaps, this preventive detention, as interpreted by the papers, was going to be given to one person, these powers were going to be given to one person, who anybody can take his *fatina* to, and you see that he can send someone to jail and detain him for a year. But today, Mr. Speaker, that was the interpretation of the papers, but today the fears have been allayed by the Attorney-General when he spoke to us today. Mr. Speaker, Sir, not only that, there are very many points that were misinterpreted by the papers, but today it has come out very differently and everybody has understood the structure of the Bill, and therefore we all ought to support this Bill very strongly.

Mr. Speaker, Sir, what I would like to point out is this. The Government must warn the papers, because it is really astonishing that, before a particular Bill comes into being, or is even distributed to the Members, that the papers should have already known what was going on in the Government. The Government must check what is causing this, the leakage of their secret, and, at the same time, the Government must see that the papers do not publish anything which is going to be law. Because, Mr. Speaker, this is what brought about all this emotion on this Bill, Mr. Speaker. Therefore, the point I wanted to make is that the Government must be very careful when publishing Bills and see that they are really strict, and that they are kept confidential, so that the papers will not get hold of anything which is going to be law in this country before it has been made the law. At the same time, we must warn the papers not to publish anything they are not sure of because they are only going to confuse our people. We do not want our people to be confused, and I think that any paper found guilty of confusing the country, should be banned by the Minister for Home Affairs.

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

The Speaker (Mr. Slade): I am a little hesitant to intervene, but I think we must be fair in this debate, I must point out what Mr. Muliro said,

[The Speaker]

that newspapers which commented on a proposed law for preventive detention were doing no more than commenting on what they had been told by representatives of the Kanu Parliamentary Group; and I think you should blame those representatives of the Kanu Parliamentary Group as much as the newspapers for the premature comments on this Bill.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): As I have said earlier, This is, of course, an extremely important Bill and I cannot allow the closure until every point of view has been heard. But there is no sign yet of any hon. Member opposing the Bill, and so unless there is any hon. Member who wishes to speak against the Bill I think I must allow the House to consider the closure.

Is there any Member wishing to speak against the Bill?

Mr. Mbogoh: Mr. Speaker, Sir, I very much oppose this Bill, and I feel that this Bill should never have been introduced to this House. Mr. Speaker, Sir, my reason for opposing this Bill is that, for example, in the country today, we have the Penal Code which is always used to arrest somebody, and charge him with any offences. So, if we have the Penal Code in this country I do not see why it should be duplicated with a very dangerous negative Bill which can always take somebody into detention without first taking him to court. Mr. Speaker, if we are now allowed to take people into detention instead of being charged and tried, this is absolutely the South African style, and if Kenya is going to adopt the South African style, then we have no country here. Mr. Speaker, anybody who wants to look at me can look at me. I am here to be looked at. Mr. Speaker, if we have been laughing at South Africa every time, saying that South Africa is departing from democracy from day to day, if this is not the right time that the right mind in Kenya should show that to bring a detention Bill like this is a waste of time and is depriving the citizens of their freedom, and to liken this with South Africa, then it is useless for anybody to stand in this House and say that Kenya is a democratic country, and then go on to blame South Africa.

Mr. Speaker, most of the clauses in this amendment give the President a lot of dictatorial powers: first, to declare an emergency, and then to convene the Parliament. He can continue with the emergency without calling Parliament, and, after twenty-eight days, he can then say it has

lapsed, and then he can continue again after that. It is not that I have somebody in mind myself, it is that even if, for example, we have Mzee Kenyatta today and he is a man who knows what detention means in this country, he has been there for quite a long time, and, therefore, he is very sympathetic—but if we have a man like, let us say, hon. Maisori-Itumbo who has never been in detention, and he does not know what people feel when they are detained, I think that would be very dangerous to the people who may be detained in this country. Mr. Speaker, we have known other dictators—

Mr. Balala: On a point of order, Mr. Speaker, is it in order for the hon. Member to allege that if Maisori-Itumbo, who has never been in detention, if he becomes President he would be dictatorial and unfair in his decision?

The Speaker (Mr. Slade): Yes, it is a hypothetical case and not out of order.

Mr. Mbogoh: Mr. Speaker, Sir, we have known many times what happens to dictators, in most cases dictators end with a machine gun, or usually end with their Government being overthrown. Here, Mr. Speaker, it is terrible that we are endangering the life of our Mzee Jomo Kenyatta today, by giving him such powers as a dictator, so that everybody will be dissatisfied in the country, and will be lying waiting with machine guns on the Gatundu Road when Mzee is going home because this House has given him those dictatorial powers. In that case, I will oppose this Bill so seriously, because, giving him such dictatorial powers, it is not Mzee who wants these dictatorial powers, it is a few Members here who brought this into the House to be debated.

Mr. Omar: On a point of order, Mr. Speaker, the hon. Member has said that it is not the President who wants this power, but some Members who want this power, can he substantiate?

The Speaker (Mr. Slade): I am sure he cannot, but he is expressing his opinion.

Mr. Mbogoh: I could, Mr. Speaker, because this came out of the Parliamentary Group, not from the President himself. Mr. Speaker, I do not see why some hon. Members here fear to hear what I am saying. They do not want to hear the truth as it is spoken, and they do not want to hear anyone else speaking, they are becoming dictators again. Mr. Speaker, I am refusing dictatorship, and if someone wants to dictate to me, I oppose that seriously. So, Mr. Speaker, I do not think, as someone was saying here a few moments ago, that forced labour is an element of slavery. But I do think that, when you take someone to prison without his knowing his mistakes, and without taking him to court

[Mr. Mbogoh]

and charging him with a specific offence, so that he does not know what he has done wrong in the eyes of the law, I think this is slavery. Mr. Speaker, Sir, it is just like the time when slaves were forced and taken to places they did not know, like the plantations and so forth. They were arrested and did not know why or why they were being taken to such places. Mr. Speaker, Sir, this Bill, whatever happens, interferes so much with the basic freedoms of the human beings in the country, and I would have like to see a different Bill which would have come in order to safeguard the freedoms of the people.

Mr. Speaker, Sir, already we have a very cruel police force in this country, and to add more powers to this cruel police force is going to cause people trouble. Already, the police are searching houses without any reasons. They search anywhere, and even stop anybody on the roads at any time, yet now we are giving them unlimited powers to search anybody, stop anybody and, in other words, to do anything.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, is the hon. Member alleging that the police have been searching houses without a warrant? If that is the allegation, could he substantiate?

The Speaker (Mr. Slade): Is that what you are alleging, Mr. Mbogoh? Can you substantiate it?

Mr. Mbogoh: Mr. Speaker, Sir, I can do that. Mr. Speaker, Sir. About two weeks ago, I was not exactly there, but I received a report from home that this had happened. Again, Mr. Speaker, Sir, I raised, some time during the last session, a question here regarding the policemen who had gone to somebody's house, searched it and—

The Speaker (Mr. Slade): Order! I must ask hon. Members to maintain strict order when points of order are being raised and being dealt with. We cannot have interjections and noise and that sort of thing. It has to be taken quite calmly and with dignity. So please let Mr. Mbogoh finish his substantiation.

Mr. Mbogoh: Mr. Speaker, Sir, when I reported that case, the police again went to the same place and searched another man's house. The man's name is Njagi Nyaga. The police went and searched his house without a warrant. They went, pulled him out of the house, and beat him up. I feel that I am entitled to say that, because I have knowledge about this.

The Speaker (Mr. Slade): I do not think we want to pursue this any further. Mr. Mbogoh has given a measure of substantiation, and, as usual,

it rests with the House to judge the strength of his substantiation. Now, if we can get back more closely to the subject of the Bill.

Mr. Balala: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this point, Sir, as I do not know whether I am in order or not. However, Sir, when Mr. Mbogoh was substantiating his case, he stated that the incident was raised in Parliament. I remember, Sir, when he raised this incident in Parliament, it was answered by the Minister concerned. It was refuted. Is it therefore in order for the hon. Member now to refer to the same incident, which was refuted by the Minister concerned?

The Speaker (Mr. Slade): No, it is not correct for an hon. Member to reply for substantiation on something which has been denied by Government, unless he is in a position to prove that it was wrong. However, Mr. Mbogoh has referred to another incident as well. I think we had better move on now.

Mr. Mbogoh: Mr. Speaker, Sir, I did refer to two incidents. Mr. Speaker, Sir, when I was referring to that case, I think what I was trying to establish was the fact that this Bill would increase the weight on the ordinary man in the street, and it would increase the weight on some people who cannot argue a case. They cannot go to the Ministry and say that they have been mistreated. It has been held, in most cases, by the general public, that a policeman is a man who cannot be taken to court. Therefore, Sir, if he beats you or does anything else to you, you cannot get him where he can be questioned.

Mr. Speaker, Sir, I think that this is the right time, if this Bill has to go through, for the Government also to go to the people and educate them and tell them that a policeman is a man like everybody else and if he is wrong, he can also be taken to court. So, Sir, instead of giving these policemen all these powers with which to deal with people, I feel that they should not be left without any protection.

Mr. Speaker, Sir, my learned friend, the Attorney-General quoted quite a bit from the Jurists' Conference in India in 1959. Mr. Speaker, Sir, whether it was international or the Indian jurists, does not really matter. What does matter, though, Mr. Speaker, Sir, is why they had to write that and why it was carried by those jurists. Mr. Speaker, Sir, it is true that some countries have a Detention Act but do not use it and some countries just do not have this Act. They rely on their own intelligence to locate somebody who is trying to spoil the Government and then imprison them. They do not, though, detain them without having taken them to court first. So, Mr. Speaker,

[Mr. Mbogoh]

Sir, I feel that this law does not have any relationship with the jurists who established that in 1959. Anyway, that is obsolete, we do not need it in 1966.

Mr. Speaker, Sir, I do not see why Kenya should not have laws to suit the people of Kenya, instead of copying all the odd things which have been dealt with by other countries. For example, Mr. Speaker, Sir, I see quite a number of times that we are referred to the Indian law, which is to suit the Indians, but, Sir, that is not going to suit the Kenyans. Mr. Speaker, Sir, I thought that even if we did pass this amendment here, it could be passed as it occurred—

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): Order! I am quite prepared to allow the closure to be moved when Mr. Mbogoh has finished; but he is the only Member who is speaking against the Bill, and that being so, he must be given a full hearing.

Mr. Mbogoh: Thank you, Mr. Speaker, Sir, I thought that if this law could be amended as the incidents occur, then it would help the Parliament much more. Mr. Speaker, Sir, the last time there was an amendment Bill to be passed, Parliament was called and the Bill went through without any difficulties, but, Sir, to put it here and leave it in case there is trouble might mean either intimidation or an abuse of powers. This, Sir, is not necessary. Mr. Speaker, Sir, I would have waited until an incident occurred which needed detention and then this could have been used at that particular time.

Mr. Speaker, Sir, we have heard the reports from the papers and it seems that some of the people who read these reports are also sometimes jubilant when the same papers attack hon. Members in this House. It has been a custom of the newspapers to come to this House and then, after having reported, when somebody, a Minister or somebody else, may stand up and say that the paper was right, but now it is quite evident that somebody has noticed that the paper can go further than one expects them to go. Some people, Mr. Speaker, Sir, also expect some Members to go very far, and it is quite possible, one day, that the papers will reveal something which is secret. Mr. Speaker, Sir, it is very interesting to see that the self-same Government which is today blaming the papers, gives the papers many reports even before they are introduced in this House, and we do not know if the papers always relay

the truth. It means then that the public are informed before the Members of Parliament are informed.

So, Mr. Speaker, Sir, I do not want to press that point any more. I hope that nobody will think I am opposing this Bill simply because of fear. I do not fear anything because I am not a law-breaker. I do not carry out subversive actions. This is to safeguard the freedom of the people of this country. After that, I hope the Government will come to its senses. At present, I do not think that anybody in his right senses would pass such a Bill.

So, Mr. Speaker, I beg to oppose.

The Assistant Minister for Labour (Mr. Kubai): On a point of order, Mr. Speaker, Sir, I beg to move that the hon. Mover be now called upon to reply.

(Question put and agreed to)

The Speaker (Mr. Slade): Mr. Njonjo, if you wanted to speak very much beyond 6.30 p.m., then you should move exemption of this business from Standing Order 11 long enough to allow this business to be disposed of. I do not know how long you want to speak for.

MOTION

EXEMPTION FROM STANDING ORDERS: HOURS OF MEETING

The Attorney-General (Mr. Njonjo): Mr. Speaker, I think I had better move the exemption.

Mr. Speaker, Sir, I beg to move:—

THAT the outstanding business of the Second Reading and subject to leave of the House, the Committee and final stages of the Constitution of Kenya (Amendment) (No. 3) Bill be exempted from the provisions of Standing Order 11 (Hours of Meeting) so as to enable the House to sit continuously until that business is completed.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

BILL

Second Reading

CONSTITUTION OF KENYA (AMENDMENT) (NO. 3) BILL

(Resumption of debate)

The Speaker (Mr. Slade): That means that we continue until we finish the Second Reading, regardless of time, and then we take the leave of

[The Speaker]

the House, and, if the House agrees, then we continue with the Committee stage and Third Reading, till we finish them.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am much obliged to the House for agreeing to this Bill. I do not propose to speak for a long time because most of the points have been raised by some hon. Members who, unfortunately, are not here now. In fact, I did attempt to explain, in my opening remarks, but as always happens when one is speaking, those Members who are going to comment in the House happen to be out at that particular time; so explanation is, in fact, wasted.

One point that the hon. Mr. Shikuku mentioned is that there have been too many amendments to our Constitution. I would say to that that we are not a static State, we are a developing country, and if we find that our Constitution does not allow for development, or if we feel that there are certain amendments which are required in the Constitution, then, with respect, Mr. Speaker, I think those amendments should be introduced in this House so as to bring our Constitution into line with our present position.

A Member did refer to section 29 regarding the percentage. That, Mr. Speaker, is not affected because the percentage for the amending of the Constitution remains as in section 71, and also the general interpretation which is contained in the section.

Another question which was raised was in regard to land. I did emphasize this in my opening remarks, that if land is taken during a time of war, by the Government, under its powers, the provisions relating to compensation still remain the same. No land can be taken by the Government, even under these emergency provisions, without compensation.

Mr. Speaker, you were good enough to explain that these powers are temporary and that these powers would only last so long as this Parliament gives its blessing to their duration.

There was another point made by the hon. Mr. Shikuku on essential services, and I did refer—and I was not joking—to this and said that, at the moment, there are emergency regulations in England which have been brought about because of a strike in the dockyard in London. Food cannot be moved because the dockworkers have gone on strike. Well, the Government cannot just fold their hands and wait until these dockworkers return to work. They have now been on strike for three weeks and somebody must work at the docks in order to move the essential supplies so that the people in England can have food.

If we are faced with a situation like that in this country, I think it is the duty of the Government to make quite certain that food supplies, essential supplies, are available to our people.

Mr. Speaker, obviously, some of the Members have been reading the *Nation* which has been trying to explain this Bill. Again, I made it quite clear when I was making my opening remarks, that these provisions are subject to the Constitution. If one would look at the provisions in our Constitution relating to forced labour, that section still remains in the Constitution. It is not referred to in these amendments that are now being introduced in this Bill. So, it is very misleading for somebody to stand up and say that this Bill does introduce forced labour.

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

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

The hon. Mr. Mbogoh is not here and, therefore, my remarks are going to be wasted and he will not be any the wiser. He said that the provisions in the Penal Code are wide enough to meet the situation. This is what I was being told by the *Nation*; they are trying to teach me my own work. What I am saying is that there are certain circumstances which are not provided for in the Penal Code. If people are going to hold meetings in secret, if people are going to whisper in corners and they do not come out in the open and make a public statement saying, "We oppose the Government, we are going to subvert the Government, we are going to topple the Government." How are we going to know? How are we going to bring a charge when we have no evidence and yet we know that these things are taking place? Well, Mr. Speaker, these are the situations that the Government is trying to meet in this Bill.

I would like to impress upon hon. Members, as I said earlier on, that the last person who wants to misuse powers of detention, or powers of arresting people, is our President. This Bill is introduced to protect the rights and properties of our people. The Government is determined to make quite sure that it has powers if somebody, or a group of people, are going to attempt to subvert, or even to think that they can topple the Government. That is the purpose of this Bill, Mr. Speaker, and these are the intentions of Government. I hope hon. Members will give support to this Bill.

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

The Deputy Speaker (Dr. De Souza): This being a Constitutional amendment, it will require the necessary two-thirds vote, which, as I understand it, is seventy-one votes. I will therefore not

[The Deputy Speaker]

put it to voice vote, we will call for a Division and wait to see if we have the requisite number of people in the Chamber before we go to the Division.

Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): Order! I believe we now have the requisite number of people.

I have the following Tellers given to me: for the Ayes, Mr. Gachago and Mr. Makone; for the Noes, Mr. Odero-Jowi and Mr. Kibuga. These are the Tellers which have been given by the Chief Whip.

Mr. Jamal: On a point of order, Mr. Deputy Speaker, it was ruled last time that one of the Tellers on either side should be one "Yes" and one "No". Does it apply in this case also?

The Deputy Speaker (Dr. De Souza): Yes, it does.

DIVISION

(The House divided)

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

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

The Speaker (Mr. Slade): Hon. Members, it appears, in spite of a preliminary count before the Division, it is now found that we only have seventy people in the Chamber, whereas a minimum of seventy-one is necessary for a Bill of this kind to be passed. As I have said on other occasions, I consider a Division without the minimum number in the Chamber—not the minimum number voting the right way, but the minimum number in the Chamber altogether—must be abortive because, just as the lack of an ordinary quorum makes an ordinary Division abortive, so the lack of a special quorum for Bills of this kind must make the Division abortive. So we are at liberty to have another Division at a time when we have at least seventy-one Members in the Chamber. If there is a prospect of getting them now, I suggest we proceed straight away to ring the Division Bell again, otherwise we adjourn.

Very well, we will start again. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): I take it we shall have the same Tellers of the Ayes and Noes.

(The House divided)

(Question carried by 73 votes to nil)

AYES: Messrs. Ayodo, Balala, Biy, Chirchir, Dr. De Souza, Messrs. Gachago, Gatuguta, Gichuru, Godia, Jamal, Kamau, Kamuren, Kariuki, G. G. Kerich, Khasakhala, Kiamba, Kibaki, Kibuga, Kiprotich, Koinange, Komora, Konchellah, Kubai, Khaoya, Maisori-Itumbo, Makone, Malu, Malindi, Masinde, Matano, Mate, Mbai, Mboya, McKenzie, Mohamed, Moi, Mulama, Muliro, Dr. Mungai, Messrs. Muruli, Mutiso, Mwalwa, Mwamzandi, Mwanyumba, Mwendwa, Ndile, Ngala, Ngala-Abok, Njeru, Nyaberi, Nyagah, Ochwada, Odero-Jowi, Ogle, Okwanyo, Oloitipiti, Omar, Omweri, Onamu, Osogo, Pandya, Sagini, Shikuku, Soi, Theuri, Tialal, Tipis, Too, Thimungu-Kaunyangi, Dr. Waiyaki, Messrs. Wamuthenya and Warriithi.

Tellers of the Ayes: Messrs. Odero-Jowi and Makone.

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

The Speaker (Mr. Slade): I must remind the hon. Members, before any hon. Member leaves the Chamber, that the same majority will be required again on the Third Reading, which I think is certainly taking place this evening.

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

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

IN THE COMMITTEE

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

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 3) BILL

(Clause 2 agreed to)

(Clauses 3 and 4 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Constitution of Kenya (Amendment) (No. 3) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE CONSTITUTION OF KENYA (AMENDMENT)
(NO. 3) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Constitution of Kenya (Amendment) (No. 3) Bill and its approval thereof without amendment.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to move that the House doth agree with the Committee of the whole House in the said report.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) (No. 3) Bill be now read a Third Time.

(Question proposed)

Mr. Omar: Mr. Speaker, Sir, while speaking on this—give me freedom of speech, I have to speak.

Mr. Speaker, Sir, as this Bill is now getting the Third Reading, I have a few observations, Sir, to make, and that is about the powers that have been vested in the hands of His Excellency the President. I know the President himself is a man of integrity, a good leader and a leader who has no grudge against anybody, against any leader at all; but I have found in this Bill, Mr. Speaker, that before His Excellency the President applies the power that is vested in him by this ordinance, he will have to receive a report from certain civil servants in connexion with the habits or movements of some politicians. Now, I know there are some civil servants, Mr. Speaker, who probably hate some politicians for one reason or the other, and they might colour a leader and make a false report on the conduct of a person or persons, and if this misreport is presented to His Excellency the President, he might make an order of detention on such a person or persons.

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

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

The persons who will be concerned will probably hate His Excellency the President, or the relatives of the persons who will be detained might think that it is the President himself who took that decision, not knowing exactly what had happened. So, I would like the Minister for Home Affairs

to warn the police so that, when they give a report of the conduct of any politician or a leader, it should be a true report, not to make a false report in order to get somebody or some people into trouble. I am saying this, Mr. Deputy Speaker, because, during the colonial days when the emergency was declared, I know of quite a number of persons who were falsely detained by the Colonial Government. Some chiefs in the locations were not on good terms with some politicians and they used to go to the district commissioner or to the district officer and give false reports, that those people were involved in *Mau Mau* activities and so on. As a result, Sir, these people were detained.

Mr. Muliro: On a point of order, Mr. Deputy Speaker, the hon. Member should have made his speech at the time of the Second Reading. Is it not unfair to detain the whole House here for some person who has deliberately not spoken at the right time?

The Deputy Speaker (Dr. De Souza): Order! I sympathize with hon. Members who wish to go home early, but I think that since Standing Orders are Standing Orders, we must give the hon. Member a chance to speak if he wants to.

Mr. Omar: This is very important, Mr. Deputy Speaker, because, as I have already said, during the colonial days when there was an emergency, some people were falsely detained. There was no evidence to prove that they were really involved in *Mau Mau* activities, and yet they were imprisoned because of reports that were received from the district commissioners through the chiefs.

Now, as we have given His Excellency the President these powers, the Minister for Home Affairs and the Police Department should be watched closely so that they do not give false reports on some politicians in order to get them into trouble. I know during the emergency, some people at the Coast, some chiefs wanted to get married to the other people or the politicians, and there were others who wanted to get some property. They were jealous of the prosperity of some politicians. What they did was this. They went to the police and gave false reports.

So, I think this is the kind of Bill which can mislead the President and also mislead the Minister for Home Affairs and thus make our President unpopular, because he would be detaining people falsely without any proper evidence.

Another thing, Mr. Deputy Speaker, is about the maintenance of justice.

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, I beg to move that the question be now put.

The Deputy Speaker (Dr. De Souza): Yes, I think I will do that after the speaker has finished. Mr. Omar do make it short. There is a moral righteousness in what Mr. Muliro said, that you could have spoken on the Second Reading. I do not know if the closure was applied, but even if it was, I think you had a chance to speak at that time. So, I suggest you make it short.

Mr. Omar: Another thing, Mr. Deputy Speaker, is about the control as I see it here. The control of harbours, ports and movement of vessels. I think this is a very important matter which really the Government should go into. The Government should keep a close eye on the ports, because a port is a place where ships come. As you will remember, some time last year or earlier than that, there was a ship which brought ammunition from eastern countries and wanted to unload the ammunition here. It was only because the Government was very alert that it could stop this ammunition from being brought into this country.

With these few words, Mr. Deputy Speaker, I beg to support the Third Reading of this Bill.

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, Sir, I think we have exhausted the subject, but I have one or two little points to make.

Firstly, the powers that are given in the Bill refer to the present President when the Bill is passed. I do not think we have any worries about this. When we have the next President, of course, he will have to seek a new mandate. I think it is very unfair for any hon. Member who is worthy of the name in this House, to try and say that the Members of this House do give dishonest reports.

Mr. Makone: On a point of order, Mr. Deputy Speaker, I would like to propose that the question be now put.

The Deputy Speaker (Dr. De Souza): Order! Order! I hate to interrupt any speaker, particularly a Minister, when he is speaking, but I think Mr. Gichuru himself said at an earlier stage that we should hurry on with the job and get this Bill through. So, I do not think he would mind very much if I put to the House that the Mover be called upon to reply.

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I do not think there is any point that I can really usefully add. Unfortunately, the hon. Mr. Omar was not here when I made my opening remarks. So, I think we will ask him to read HANSARD tomorrow and

he will see that the points he has raised are, in fact, covered, and he does not need to have any fear.

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

The Deputy Speaker (Dr. De Souza): I will now put the question.

(The question was put)

The Deputy Speaker (Dr. De Souza): I will now call for the Division Bell, because this Reading also needs the requisite number of votes, and I will not take a voice vote but wait until the requisite number of people are in the Chamber. Let us hope there is no mistake this time and make quite sure there are seventy-one here.

DIVISION

(The House divided)

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

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

(Question carried by 74 votes to nil)

AYES: Messrs. Ayodo, Balala, Biy, Chirchir, Dr. De Souza, Messrs. Gachago, Gatuguta, Gichuru, Godia, Jahazi, Jamal, Kamau, Kamuren, Kariuki, G. G., Kerich, Khasakhala, Kiamba, Kibaki, Kibuga, Kiprotich, Koinange, Komora, Kubai, Khaoya, Maisori-Itumbo, Makone, Malu, Malinda, Masinde, Matano, Mati, Mbai, Mbogoh, Mboya, McKenzie, Mohamed, Moi, Mulama, Muliro, Dr. Mungai, Messrs. Muruli, Mutiso, Mwalwa, Mwamzandi, Mwanyumba, Mwendwa, Ndile, Ngala, Ngala-Abok, Njeru, Nyaberi, Nyagah, Ochwada, Odero-Jowi, Ogle, Okwanyo, Oloitipitip, Omar, Omweri, Onamu, Osogo, Pandya, Sagini, Seroney, Shikuku, Soi, Theuri, Tialal, Tipis, Too, Thimungu-Kaunyangi, Dr. Waiyaki, Messrs. Wamuthenya and Wariithi.

Tellers of the Ayes: Messrs. Odero-Jowi and Makone.

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business for today. The House is therefore adjourned until tomorrow, Friday, 3rd June, at 9 a.m.

The House rose at fifty-five minutes past Seven o'clock.

Friday, 3rd June 1966

The House met at Nine o'clock.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

A copy of His Excellency's Speech made to the nation on *Madaraka Day*.

(*By the Minister for Housing (Mr. Ngei)*)

NOTICE OF MOTION

HIS EXCELLENCY'S *Madaraka Day* SPEECH

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the national importance of the *Madaraka Day* Speech of His Excellency the President, Mzee Jomo Kenyatta, this House warmly endorses the declaration of His Excellency and pledges itself to impress upon the nation the absolute necessity of carrying out His Excellency's directions as expounded in His Excellency's Speech.

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): Order, Mr. Mwendwa! Mr. Tuwei is on his feet.

The Minister for Power and Communications (Mr. Mwendwa): Is it my question?

The Speaker (Mr. Slade): No, I was just reminding you, Mr. Mwendwa, that it is out of order to walk between the Chair and an hon. Member who is on his feet. Mr. Tuwei was on his feet.

The Minister for Power and Communications (Mr. Mwendwa): I am sorry, Mr. Speaker.

Question No. 38

MANAGEMENT ORDER FARMS IN UASIN GISHU

Mr. Tuwei asked the Minister for Agriculture and Animal Husbandry how many farms in Uasin Gishu District were now under management order.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Fourteen.

Mr. Tuwei: Mr. Speaker, Sir, it happens that some of these farms are in one block. Could the Assistant Minister, when these farms have been well managed, resell them to Kenyans?

Mr. Khasakhala: I did not catch the last word, Mr. Speaker.

The Speaker (Mr. Slade): No, I did not quite hear that. Would you say it again, Mr. Tuwei.

Mr. Tuwei: Mr. Speaker, Sir, as it happens that some of these farms are—

The Speaker, (Mr. Slade): Order, Mr. Mwan-yumba! Hon. Members do, please, remember this rule. Sit down, Mr. Mwan-yumba. It is the rule that it is out of order to walk between the Chair and a Member who is speaking.

Mr. Tuwei: Mr. Speaker, Sir, will the Assistant Minister resell these farms to Kenyans when they have been well managed?

Mr. Khasakhala: Yes, Sir.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says there are fourteen farms under management orders. Would he tell us what his Ministry is doing to make sure that the economy derived from those farms is not deteriorating but improving, so that the nation is not at a loss?

Mr. Khasakhala: Mr. Speaker, Sir, that is the reason why the Ministry issues the management order, because if the farm is mismanaged, then the Ministry takes it over and takes care of it until such time it sees that the farm is well managed and it is then sold to the person who used to own it or the tenants.

Mr. arap Bii: Mr. Speaker, Sir, could the Assistant Minister tell us, out of these fourteen farms, how many were formerly owned by Africans and how many by foreigners?

Mr. Khasakhala: Mr. Speaker, Sir, I would need notice of that question.

Question No. 97

DIAGNOSIS AND TREATMENT OF POLIOMYELITIS

Mr. Muruli asked the Minister for Health if he was satisfied with the existing facilities for publicizing the importance of early diagnosis and treatment of poliomyelitis.

The Minister for Works (Mr. Mwan-yumba): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Health, I beg to reply. The answer to the question is, "Yes". The Ministry has decided to maintain a constant campaign against poliomyelitis in this country.

Mr. Muruli: Mr. Speaker, is the Minister aware that the campaign is only being carried out in big towns and not in the rural areas?

Mr. Mwan-yumba: Mr. Speaker, Sir, the campaign is carried out throughout the country, not only in urban areas.

Question No. 79

TARMAC ROADS IN WESTERN PROVINCE

Mr. Godia asked the Minister for Works if he would tell the House when he intended to tarmac the following roads: Maragoli-Maseno; Chavakali-Kapsabet-Eldoret; Kakamega-Bungoma; Kakamega-Busia.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. The Maragoli-Maseno road is not a trunk road and is therefore the responsibility of the local authority. This has not secured a place in our plans, due to higher priorities elsewhere. It did not have a place in the priorities put forward by either Nyanza or Western Province.

With regard to other roads mentioned, my Ministry has indicated in the Development Plan that the bituminization of the Kapsabet-Eldoret Road should be under construction between mid-1967 and mid-1970. Subject to the availability of funds, I hope to adhere to this plan.

The reconstruction of the Chavakali-Kaimosi section of the road to gravel standard is expected to be completed by mid-1967.

The reconstruction of the Mbwekas-Busia section of the Kakamega-Busia Road to gravel standard is also expected to be completed by mid-1967.

The construction of the Kakamega-Mumias-Bungoma Road is phased to be carried out in the period between 1966 and 1969, subject to the availability of funds.

My Ministry has, at the present time, no plans for the reconstruction of the other sections of road mentioned by the hon. Member.

I may add that, the bituminization of the roads mentioned (other than Kapsabet-Eldoret road) cannot be considered at present, on the basis of the funds likely to be available and the higher priorities elsewhere in the country.

Mr. Godia: Mr. Speaker, Sir, would the Minister tell the House what qualification has to be fulfilled before he considers a road is fit for being tarmacked, particularly as regards this Maragoli-Maseno Road which is in the centre of a very large population and which is very much in use all the time?

Mr. Mwanyumba: Mr. Speaker, Sir, there are many factors considered before a road is improved. Normally, the routine taken by the Ministry is that we must have priorities from the provincial administration. If the provincial

administration thinks that a road in a certain place should be improved, then they will send that resolution to the Central Road Authority which advises the Minister for Works on any road to be improved. However, Sir, in this particular case, we have not received any such recommendations from the provincial administration or from the provincial advisory council.

Question No. 39

THIRD-CLASS WAITING ROOM, ELDORET

Mr. Tuwei asked the Minister for Power and Communications to tell the House, in view of the fact that the third-class waiting room in the Eldoret Railway Station was in a very bad condition, what the East African Railways and Harbours Administration were planning to do to improve it.

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. I must agree with the hon. Member that the third-class waiting facilities at Eldoret Station are far from satisfactory, but I would assure him that the matter has not escaped the notice of the authorities concerned. As a result of a meeting held towards the end of last year, at which the Eldoret Town Clerk and the East African Railways and Harbours Traffic Superintendent were present, a remodelling scheme is now being prepared with a view to replacing the present old and rather dismal shelter with a new and much more modern structure.

Mr. Shikuku: Arising from that acceptance of the fact that the third-class waiting room facilities at Eldoret are so unsatisfactory, would the Minister tell the House what he intends to do immediately, because it is not only in Eldoret but throughout all stations in the country? This, Sir, is very unhealthy and most of the people are subjected to infections whilst waiting in these places and become sick even before they have reached their destination.

Mr. Mwendwa: Mr. Speaker, Sir, I think I have agreed with the hon. Member, and the remodelling scheme will provide more comfortable seating, better ventilation, new toilets and a new refreshment stall.

Question No. 82

Harambee SCHOOL TEACHERS' SALARIES

Mr. Godia asked the Minister for Education if he would tell the House whether he would consider applying for a Supplementary Estimate to the National Assembly, in order

[Mr. Godia]

to enable him to take over the responsibility for payment of salaries for teachers in the present registered *Harambee* secondary schools.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. My Ministry has already had to obtain additional funds in order to make adequate grants to aided schools for the period January to June 1966, and I am conscious that further sums are not, at present, available. In the circumstances, therefore, there would be no point in my applying for further supplementary funds to the Treasury.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, where he says that he has already submitted an application for supplementary estimates to meet his commitments, can he tell the House why he did not consider it necessary to include the expansions for payment of salaries for teachers in the present registered *Harambee* secondary schools? These schools have been registered by his Ministry.

Mr. Mutiso: Mr. Speaker, Sir, the reasons why we did not include the *Harambee* secondary schools while applying for these supplementary estimates, is because the *Harambee* secondary schools, although the Ministry does recognize the burden which the parents have to bear in running these secondary schools, the Ministry originally did not take it as a policy to assist the secondary schools until they were already under full control of the Government. Therefore, Sir, even when the hon. Member put this question, the supplementary estimates had already been submitted to the Treasury and it was too late for us to consider his point.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that these *Harambee* secondary schools have been encouraged by the Government, and in view of the fact that, in some areas, the parents have done quite a lot, would the Ministry consider, when giving grants to these schools, the country area by area? I have taken as an example Chogoria and Muthambi, in fact, Meru as a whole, where the Government has done nothing for any of the *Harambee* secondary schools.

Mr. Mutiso: Mr. Speaker, Sir, this is exactly what we do, what the hon. Member has said; that the Ministry should consider zoning when giving aid to these schools. In fact, Mr. Speaker, Sir, when the Ministry decides to aid any of the *Harambee* secondary schools, we do not do it because that school is situated in a place where, perhaps, a certain individual has some interest, but we do consider the fact that the school has fulfilled the requirements of the Ministry and, again, in accordance with the needs of that particular area.

Mr. Muliro: Mr. Speaker, Sir, would the Assistant Minister not consider taking serious steps to assist those *Harambee* secondary schools which are situated where there is no Government-aided secondary school?

Mr. Mutiso: Mr. Speaker, Sir, I would refer the hon. Member to look in the Development Plan which has already been revised and there he will see that a lot of consideration has been placed on these particular areas.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that the people have erected these buildings and the people are responding to the call of the President of *Harambee*, does not the Assistant Minister therefore see fit to join the chorus of *Harambee*, by providing teachers or books, or at least take a part in this important issue of building our nation?

Mr. Mutiso: Mr. Speaker, Sir, I fail to understand what the Member is driving at, because when the Government decide to aid a *Harambee* secondary school, it does consider what sort of aid it is going to give this particular school. This, Sir, includes the paying of the teachers or equipping the school with the necessary equipment, which the parents may not be in a position to equip the school with.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLIES TO QUESTION No. 82:
Harambee SCHOOL TEACHERS' SALARIES

Mr. Godia: On a point of order, Mr. Speaker, Sir, I regret but I feel that the question has not been answered satisfactorily and I feel the pressure from the people particularly with regard to this *Harambee* spirit is being ignored. So, Sir, may I, please, raise this matter as a motion on the adjournment?

ORAL ANSWERS TO QUESTIONS

Question No. 89

KENYA REPRESENTATIVES IN UGANDA AND
TANZANIA

Mr. Balala asked the Minister for State, President's Office if he could tell the House whether there were any representatives of Kenya in the neighbouring countries of Tanzania and Uganda, so that our Government could be acquainted with current affairs in those territories.

The Minister for State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Kenya has no representatives in the neighbouring countries of Tanzania and Uganda, but this does not mean that Kenya is not acquainted with the current affairs in those countries. Due to

[The Minister of State, President's Office]

the E.A.C.S.O. services and the absence of rigid customs and immigration control, there is a freer movement of citizens of the East African countries and, thus, contact and communication is reasonably easy. Furthermore, the East African Heads of Government hold regular meetings to enable them to exchange information on matters of common interest.

Mr. Balala: Mr. Speaker, Sir, what I referred to in my question was with regard to "current affairs". I would like to know, with the present situation in Uganda now and the situations which have arisen in the past in Tanzania, what media of information the Government has, so that it is well acquainted and well informed of any situation be it good or bad.

Mr. Koinange: Mr. Speaker, Sir, I said that the Heads of the Government in each territory meet, and that they discuss matters of common interest. I believe, Sir, that constitutes a really good medium.

Mr. Mbogoh: Mr. Speaker, Sir, can the Minister agree that the Kenya Government has given other Governments, for example, the Government of Somalia, a chance to make subversive statements in Dar es Salaam, where there is no Kenya representative in that country to deny what is being said about this country?

Mr. Koinange: Mr. Speaker, Sir, if I understand the questioner correctly, he said that the Kenya Government has allowed the Government of Somalia to make statements. In Tanzania, the Government of Kenya cannot control the Government of Tanzania, but the Government of Kenya has definitely requested, and drawn the attention of the Government of Tanzania to the fact, and asked the Government of Tanzania to see to this, and discussions have been taking place between the Government of Somalia in Tanzania.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous reply given by the Minister that the Heads of State of the three territories do meet, is he aware that, for example, now with the situation in Uganda at the moment, since it started, the Heads of State have not met? The Kabaka is missing, we do not know what is happening, and is he also aware that if you go to Uganda or Tanzania there are border checks for those men whom we spoke of as having free movement? There is no free movement in Uganda or Tanzania, one has to be checked now.

Mr. Koinange: Mr. Speaker, Sir, from the information already given in the Press which was given by President Obote, they say that the Kabaka is alive, and that is one of the most important things which we can confirm here.

The second point is that our own borders have been keeping a very close check on movement of the people there. Furthermore, I still state that our Head of State is in close contact with the President of Uganda, President Obote.

Mr. Muliro: Mr. Speaker, Sir, would the Minister not agree that in the interest of the East African Federation, representatives of Kenya placed in Tanzania and Uganda would give us better information and we would be better informed than we are at present?

Mr. Koinange: Mr. Speaker, Sir, whatever representatives of each country we may have the contact that the Heads of the Governments have within themselves within Kenya, I very much doubt whether it could be better than the direct contact that the Heads of the Governments have of the three countries.

Mr. Khaoya: Mr. Speaker, Sir, does the Minister not agree with me that our Government needs to know much more than what, in fact, is told by the leaders of the two countries concerned, and that for us to be in a position to judge current affairs properly, we need to know the basis on which the leaders of the two countries base their findings when they make their reports?

Mr. Koinange: I agree, Mr. Speaker, that we need more sources of information, but it is definite that, to a certain extent, each country is restricted. We also restrict our borders and check on movement. So the information we want is, therefore, left in the hands of the Heads of State, between whom, communication is much more free and easy.

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

NOTICE OF MOTIONS FOR THE ADJOURNMENT

LAND SETTLEMENT: KARURA FOREST RESIDENTS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Dr. De Souza of his desire to raise on adjournment the Question No. 69 concerning land settlement schemes for Karura Forest workers, and I have fixed next Tuesday, the 7th June, for that matter to be raised on the adjournment.

POLICE ARRESTS IN MOMBASA

The Speaker (Mr. Slade): Also, I have received from Mr. Gatuguta notice of his desire to raise on adjournment Question No. 78, raised by Mr. Mwatsama, concerning police arrests in Mombasa on the 8th November last. That matter will be raised on the adjournment on Wednesday, 8th June.

MOTION

ASSISTANCE FOR EMERGENCY WIDOWS AND ORPHANS

THAT in view of the fact that many people in this country died during the war of independence from 1952-60 and left behind many children without parents, this House urges the Government to take responsibility and educate these unfortunate children free of charge and assist the widows financially.

(Resumption of debate interrupted on 27th May 1966)

(Mr. Kamau on 27th May 1966)

The Speaker (Mr. Slade): Hon. Members will recall that on this Motion we have one hour left for debate. Mr. ole Konchellah was speaking on behalf of Government and had not yet finished. However, he is not present now, so we will continue without him.

Mr. J. M. Kariuki. Mr. Speaker, Sir, I rise to support this Motion very strongly. The main reason for supporting this Motion is that it is a well-known fact that, in recent months, the Government has thought fit to allocate so many acres of land to the freedom fighters. Many of them are already settled in the settlement schemes.

So one wonders why the Government has turned a deaf ear to the request of many Members in various areas to assist those orphan children whose parents died during the Emergency. These people died during the struggle for independence. Now, Sir, I feel that the Government should try to find ways and means as to how these children can be helped. Maybe many of them were left without anybody to take care of them. I know very well, Sir, that it is not of their own wish that they lost their parents. Their fathers died during the struggle for independence. I know that most of our Ministers who are in the Government today were students at universities abroad and so they were not here during that particular period to see how many people suffered, and how they died in the struggle for independence. It is true to say that they may not be in a position to know how many of these children are left without anybody to care for them.

Now, Sir, I would like to appeal to the Government to find out way and means of assisting these needy children in various parts of the country, not only in the Central Province where the people suffered most, but also in other parts of this country where you find lots of orphan children. Sir, I feel that if their parents could be

alive today they would be considered in the same way as those other freedom fighters who have recently been settled by the Government.

Mr. Speaker, this leads one to wonder who is more important, a person who is strong and can go and work for his own living or a small child who cannot do anything for himself or herself. So, I feel that those people who should be assisted are the children.

The Government should not only say outside this House that it is out and out to assist the needy people. We should practise what we say outside this House, or, if we do not intend to assist these people, then we should come forward and tell them so. We should not only do so in this House but outside as well, we must tell them that we are not going to assist them.

Now, what this Motion is asking for is, Mr. Speaker, that these children be assisted, by giving them free education. It also asks that the widows be assisted financially. Sir, if you go around the country today, you will find that there are so many children who need education. If you inquire why they cannot go to school, you find that many of them have mothers but no fathers. In many cases, the mothers have tried to educate the children but they cannot afford to do so. Now, that we have given free education to children in Forms V and VI, many people are asking how it is that the Government has thought fit to start educating those children whose parents took advantage of the Emergency to educate their children. Why should the Government now turn a deaf ear to the requests of people who suffered for the freedom of this country? These are the things that are being spoken, and what is being spoken cannot be ignored.

There are so many who are discontented. Free education is being given to those people who educated their children from 1952 to 1960, when most of the children of other people could not go to school just because their parents were absent. I feel that, in order to alleviate the problems of the countryside, the Government must try and have a programme which will cater for all those children and widows who need this assistance.

Now, Mr. Speaker, I am wondering whether the Government has ever thought fit, in terms of allocating money through the Kenya National Fund, to help these people. This money is being given by the people and so we should try to assist those children with the money which we contribute. I am sure we can do a very good job for the needy children by providing them with free education. The Minister for Education should try

[Mr. J. M. Kariuki]

and find out ways and means which can be applied, in order to assist these poor children. I wonder whether there is anybody in the Ministry of Education who is trying to find out what the figure is of those needy children. What the Ministry is trying to say now is that it cannot do much. Maybe, the Ministry is not able to do very much, but it must try and find out what the figure of the needy is, in order that it can base its assistance on that figure.

It is high time that the Government came forward with a concrete figure and say exactly whether we are going to assist these children whose parents died, not of their own wish, but because many of them died in the struggle for freedom. Many people died at Embakasi Airport. We say today that this is one of the best airports in Africa and it is because of the efforts of some people that we have such an airport. The parents of some of these children died there when building this airport. So I do not see the reason why we should not assist the children; why we should not compensate these children by providing them with free education. We are going to enjoy the airport where thousands and thousands of people died, we are going to enjoy the amenities of the airport, and so, I believe, that we must try and help the children of the parents who built the airport and died there. We must provide them with some sort of education, something which will help them in the future. This will help in the development of this country.

For the reasons I have given, I feel that the Government must try to do something for these children, instead of ignoring the Motion just because it is asking specifically for what the people around the countryside would like to see done for the needy children.

With these few words, Mr. Speaker, I beg to support this Motion very strongly and I will oppose very strongly any move by the Government to amend this Motion. I feel it is a Motion which is requesting exactly what our people would like to be done. We should not only help those people who took advantage of those who fought during the struggle for independence.

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

Mr. Gatuguta: Mr. Speaker, Sir, I rise to support this Motion, because I see the importance of it and the urgency of the whole problem. I understand that the idea behind the Motion is to help the children of the people who died during the war of independence.

However, I would like to go further myself and say that there are so many other children in the country who lost their parents for one reason or another, and they should also be included here in the Motion.

Mr. Speaker, the question of children who have lost their parents is a social problem in this country, and it is the responsibility of the State to make quite sure that the children of the country get their education, that they enjoy the fruits of independence like anybody else. It is a social problem, as I have said, and the Government must find a way of eliminating this social problem. If these children grow up without anybody looking after them, without any education, without even a decent standard of living, these children may turn out to be criminals. When they become criminals, then, of course, they create chaos in the country and they also provide a measure of instability.

Mr. Speaker, this is a serious question and I hope that the Ministry of Education will not say that the Government cannot get money. The Government must sit down and find out how funds can be made available to sort out this problem. I know that, at the moment, something is being done by the provincial administration. Some money is being given, I think, by the Ministry of Social Services, or somewhere else, and there are children who are being assisted with a little money, in order to get some food. Widows are being given some money, but this money is so limited, it is so meagre that it cannot support many children. I know in my own district, Kiambu, I was talking with the district commissioner, and he said that the money given to support these children and widows was so meagre that it did not last even two months. This was the money that was being given by the Ministry of Social Services.

Now, what we are asking the Government to do is to consider this matter as something very important, even if it requires cutting down other services, because we know how much money is being wasted in some other fields which are not essential. If it means cutting down the salaries of Members of Parliament, if it means cutting down the salaries of civil servants, and so on, so that we get money to educate these children, then let us do so.

Sir, I feel that this is a problem that the Government must look into immediately and I am surprised to find that it has not been included in the five-year Development Plan. It should have been included, because we cannot afford to have

[Mr. Gatuguta]

children without mothers, without fathers, roaming about in the streets, becoming criminals, begging, and so on. We want a State in which the welfare of every individual, man, woman and child, is being looked after. It is high time that our Government started on some social security measures to try and help these children.

There is not very much to say about this Motion, Mr. Speaker, except that I would urge the Government to come out and support this Motion. If it means that the Motion has to be amended, then it should include all the orphan children in the country, not only the children of those parents who during the war of independence. I think the Motion restricts itself to only the children of the parents who died during the war of emergency; but there are other children and we have the responsibility, as a Government, to look after all the children.

With those few words, Mr. Speaker, Sir, I support.

The Speaker (Mr. Slade): In view of Mr. Gatuguta's suggestion that the Motion might be amended to cover a much wider range of orphans or other children, I should explain that I have already told Mr. Kariuki that I could not allow any such amendment, the principle being that you cannot allow an amendment which really takes the House away from the main point of the Motion. Here, very specifically, this is a Motion which refers to those who died during what is described as the war of independence, and, quite definitely, asking for special consideration for the children of those people. So I could not allow an amendment which altered the form of the Motion so much as to refer to all orphans, or to any other much wider class of people, because it would really be a different Motion.

Mr. Mate: Mr. Speaker, Sir, in supporting the Motion before the House, I would just like to say one or two things.

Mr. Speaker, the struggle for *Uhuru*, which is known generally as the Emergency, did affect a number of classes of people. In mind I have those who were referred to at that particular time as "loyalists", "terrorists", "detained persons", "freedom fighters" and "homeguards". Mr. Speaker, whether one parent died as a result of being with one group or the other is not important as far as this Motion is concerned. The important point is that the children left are left and they are helpless. So, Mr. Speaker, when the House considers this particular question, I would like to remove the wrong feeling in some people's

minds that one form of death is better than another, so that we include all the children of the loyalists, terrorists, detained, freedom fighters and the homeguards.

Mr. Speaker, I feel that this Motion has one particularly important aspect which would make it very commendable to Government, in that the Emergency was like an act of God. It was a necessary step in Kenya's history and those particular people who died and left the children, as it were, it so happened, did take part at that particular stage in the struggle for *Uhuru* for this country. Their children today are in a very difficult position and whatever Government can do to assist them to get some education, would be most welcome. Mr. Speaker, I do agree there are many other needy cases in the country; there are many other orphans for other reasons, or maybe there are other children without help or parents for different reasons. But in supporting this Motion by the Member for Githunguri, I do feel, Sir, that, since the principle of compensation was accepted before this—people who lost their property were compensated somehow or other. During the Emergency, there were people who received some benefit from the Government of the day at that particular time, because they lost something—in the same way we are making a plea to the Government on behalf of this class of children because they are in a very difficult position.

Mr. Speaker, I do not want to labour this point very much, but I do hope that Government might, at least, agree to have a survey of the problem and see how big it is. I do not know whether, Mr. Speaker, Government have done any survey to find out, say, how many children are affected or would be affected throughout the country. So I think, in principle at least, the Government should make it their responsibility to find out from the provincial education officers, district commissioners and the other people concerned how many children of that category there are, so that before they even reject the Motion, they should attempt to find out how big the problem is because, as it is now, it can be very vague. Government can say, maybe, that the children are so many, they cannot even know how many there are. Would the Government, Mr. Speaker, in accepting the Motion, also accept to conduct a kind of survey throughout the country to find out the extent of the problem, because they should at least, through the system of remissions or special grants or any other kind of arrangement, make this group of Kenya's manpower have an opportunity of getting some education.

[Mr. Mate]

Mr. Speaker, I do not think I have much more to say on this particular Motion, but I do hope that, at least, the Government will not throw this out through the window because I think there are some merits in it and I do feel, Mr. Speaker, the Government should find a way of going into the problem in a positive kind of way.

Thank you, Mr. Speaker.

Mr. Mbogoh: Mr. Speaker, Sir, the terms of this Motion are quite clear and I do not think the Government is going to amend this Motion as it gives in very clear terms the truth, that it is the children of those people who died in detention and those who died in the forest who are suffering and need to be helped.

Mr. Speaker, if the fathers of these children were alive today, it is possible that some of them would be even Members of Parliament and their children would not suffer while our children are happy. In fact, the children would be enjoying the fruits of the labour of their fathers. They did not go to the forest to enjoy themselves. They suffered, they smelt death in the forest; they knew there would be machine-guns, they knew there would be bombs, but they went there because they were convinced that their children should be free. Now, in a free country, their children are suffering, they cannot get education, simply because their fathers are not alive. That is horrible, and I think this Government should be able to compensate or at least help those children.

Mr. Speaker, I quite agree that this was not the fault of the present Government; it was the Imperialist Government which killed these people; and I would ask this Government to treat such a subject with importance, because, at present, I can see that the British Government has been giving us loans to purchase land and compensate the landowners. Why can they not give the Kenya Government a loan to liberate the children of those who fought for independence? Then, if they cannot do that and they cannot accept their responsibility, since they themselves are the ones who employed the murderers to murder these people; who employed their heavy bombs to kill these people in the forest, then they should not be called human beings and Kenya should also refuse to be in the Commonwealth of Nations where there are such murderers who do not accept their responsibility.

Mr. Speaker, we owe these gentlemen quite a lot and all the success we have was through them. I also appreciate that this did not happen in all parts of Kenya, so when a subject like this is

brought, it is possible that some hon. Member may say, "This is a problem of Kikuyu, Embu and Meru and not a problem of Kenya as a whole." Mr. Speaker, it is true that it is not a problem of just a few tribes. This is a problem which affects the whole of Kenya and when I check from everywhere, I find that there were even Luos who were *Mau Mau*, although they did not die; I see that there were Wakamba, plus all the others. Every tribe in Kenya was represented during the Emergency and, as a result, that is how Kenya achieved independence. In that case, Mr. Speaker, I hope that the Government will take it as a serious issue and help these orphans whose fathers were killed while fighting for the independence of this country.

Mr. Speaker, many of these children are in the streets today. You find them playing; some of them are here in Nairobi. We laugh at them, they are tramps; you see them collecting food from dustbins and yet it is not their fault. This is something which could be helped and we could rid Nairobi streets of the menace of tomorrow's thugs who would be learning how to kill people in the streets or breaking into houses next time. If they were collected and taken to school, I think some of them could even be professors; they could be the brains of this country. Who knows? Only give them a chance and see what they can do. So, Mr. Speaker, I think it is wrong just to leave them free like that and it does not help anybody nor the country.

Mr. Speaker, I have been a member of a school committee where we used to give fees remission to parents and every day when we had a committee meeting for remissions, I found that most of those women who came with small children for remission were the widows of the former freedom fighters who were killed.

Mr. Speaker, Sir, they came in big numbers until I just could not see what to do, because, in a school committee, they are allowed to give only twenty remissions. Now, Sir, about 100 women come with their children asking for remissions and we can only give twenty, and so what do we do, just close our eyes and shut them out, or decide that this is a difficult task and we have to face it like a man? But, Sir, if we had enough remissions I think these women could be given these remissions.

Mr. Speaker, Sir, I know that many of them today have not had any more children since their husbands died, because they just do not know how they can have more children and know that they will be educated. They cannot possibly educate them or give them enough food and so they do not have these children. They find it

[Mr. Mbogoh]

hard to look after the ones they already have. Mr. Speaker, Sir, a lot of these women would have more children if only they could be assured that these children would be safeguarded and educated by somebody, but now knowing that they are not going to be taken care of, they are left and therefore these women just say that they are not going to have any more children. This, Sir, is another way, and the hon. Members will appreciate it, of reducing the population in Kenya.

Therefore, Mr. Speaker, Sir, I hope the Ministry will think in terms of this point, and if at any time, the Minister or the Assistant Minister, whoever is present here, finds that it is not very easy to get the money, because I know that the reply to this Motion will be that there are no funds, then we are prepared to vote here in this House some money to go towards helping these children as quickly as we vote money to enable these Ministers to fly around the world. I know that there has been a lot of money used by these Ministers who fly to this place or that place and this money could be cut down and that money go towards the running of an orphan school, then we will not have to leave them in the streets like they are.

Mr. Speaker, Sir, I support the Motion as it now stands.

Mr. Makone: Mr. Speaker, Sir, on a point of order, I thought I should speak before Mr. Mutiso.

The Speaker (Mr. Slade): Why?

Mr. Makone: Mr. Speaker, Sir, I have not yet spoken, and I stood up before him.

The Speaker (Mr. Slade): It is all right, Mr. Makone, he was catching my eye, all the same.

The Assistant Minister for Education (Mr. Mutiso): Thank you very much, Mr. Speaker, Sir. I would like to take this opportunity, on behalf of the Government, to put across the feelings of the Government with regard to this Motion.

Mr. Speaker, Sir, before I continue with the points which I want to raise here, I would like, first of all, to point out that this Motion, according to the hon. Members who have so far spoken, has been deviated from by these Members. They have deviated from the Motion with regard to what it is seeking to do and some of them have tried to introduce an amendment. I am glad, Mr. Speaker, Sir, you have very ably put them right and given them proper guidance on this point.

Now, Mr. Speaker, Sir, first of all, the Motion is asking that "the House urges the Government to take responsibility and educate those unfortunate children free of charge and assist the widows financially. Mr. Speaker, Sir, I think, as the hon. Members in this Chamber know very well, that it is not possible for the Government, at the present moment, to meet with all the pressing demands made upon it, particularly in regard to education in the country. This is so, Sir, because we entirely depend on our own resources and the hon. Members are well aware of the fact that the Government has had to take some very strict measures in certain county councils, which are almost bankrupt, because of the failure of the citizens to pay their own taxes, so that we can run some of the essential services. If it were not for the Government asking the administrative officers to arrest some of the hon. Members who are defaulters over paying their taxes, then I think, Mr. Speaker, many—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, the Assistant Minister has just stated that they instructed the Administration to arrest some of the hon. Members who were tax defaulters, could he tell us which hon. Members are so irresponsible that they had to be arrested before they could pay their taxes? Can he substantiate that, Mr. Speaker, Sir?

The Speaker (Mr. Slade): I think not, because it is so irrelevant to this Motion. Let us keep on the Motion.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I did not intend to say that there are some hon. Members here who are defaulters. I said that even if there were some hon. Members who failed to pay their own taxes, they would be met by this law which the Government has introduced. It has instructed the administrative officers to see that the necessary services continue to run smoothly by making every taxpayer meet his own obligations.

Now, Sir, this is one of the difficulties why the Government cannot, at the moment, accept the gist of this Motion, because we cannot afford it financially. Again, Mr. Speaker, Sir, one of the hon. Members, I think, the hon. J. M. Kariuki, did say that the Government has introduced free education in Forms V and VI, and he thought that this was only serving the children of those people who were able to education their children during the time of the Emergency. But, Sir, I wonder whether during the Emergency the schools were closed, nobody was allowed to go to school and that the children who were born during that time could not even go to school

[The Assistant Minister for Education]

during the Emergency. Up to this time fourteen years later, that child born during the time of the Emergency, would now be at secondary school. Mr. Speaker, Sir, if this Motion is to deal with the children who lost their parents during the Emergency, then, obviously, some of them must be in a good position today in terms of education, because the Government has a system whereby any person, or any child, who cannot afford to meet the expenses of school fees, can get a grant from the county councils which is given the money by the Government. These particular children can therefore apply for these grants.

Again, Mr. Speaker, Sir, the Government, through the administrative officers, the district commissioners or the provincial commissioners, has also allocated a further sum of money for the distressed families, in order that they may be helped through this system. Therefore, if the hon. Member, who brought this Motion, had any specific case to bring forward, because he generalized on the whole idea, the Government would have looked into this matter and directed the particular Member to his own administrative officer in that area, who could investigate the case. But, Sir, to generalize on such a matter, that the Government take over the responsibility of educating the children who lost their parents during the Emergency, I think it is not very clear, because the revenue of this country is obtained from everybody, whether he fought during the Emergency or not. We have all had to fight in order to gain this freedom. Therefore, Sir, it is the responsibility of this Government to make sure that, eventually, free primary education is in full swing. Mr. Speaker, Sir, I must assure the hon. Members of this House that the Government has not departed from its promises of introducing free primary education as soon as possible. I think, Sir, therefore that there is no point in trying to create classes of people here in this House or in this country by suggesting that only those children who lost their parents because of this war of independence should be given preference. As the hon. Member, Mr. Gatuguta, stated very clearly, Sir, this is a national problem. There are so many children who are involved in this.

Mr. Speaker, Sir, another hon. Member also said that there is no better form of death. Even if a person dies during the Emergency, or perhaps another child lost its parents either through the Emergency, or not, it is still a case which the Government has to look into. Therefore, Mr. Speaker, Sir, as soon as this Government and this country can afford to introduce free primary

education, the children of the people who fought for our independence, and all the other children, will be looked after. Their case will be looked into by the Government. Mr. Speaker, Sir, I am sure that the House is aware of the policy of the Government of committing itself to introducing this free primary education as soon as possible.

Mr. Speaker, Sir, as a step towards this goal, the Government, as one hon. Member said, has already introduced free education in Forms V and VI and we intend, as soon as resources will allow, to introduce further free classes in a very short time.

Therefore, Mr. Speaker, Sir, the Government finds it completely impossible to accept this Motion, and therefore I beg to oppose it.

Mr. Makone: Mr. Speaker, Sir, I rise to say a few words on the Motion moved by my hon. friend. He seems these days to specialize in this type of Motion.

Mr. Speaker, Sir, I would like to make myself very clear before the House, that the intention of this type of Motion is good, but it seems to me to be rather tribally minded. Mr. Speaker, Sir, it is true that there are many other children in the country today who have either no fathers or no parents at all. Mr. Speaker, Sir, are we going to discriminate against such children, and tell them to stay at home, when the children of those parents who died during the Emergency go to school? Mr. Speaker, Sir, is this not a national problem, whereby the Government should come forward and find a method for catering for all these children? Mr. Speaker, Sir, this is not just a problem which is confined to South Nyanza or Central Province, this is a country-wide problem.

Mr. Speaker, Sir, one of the hon. Members said that we are enjoying the airport which was built by these people. But, Sir, are we not enjoying the same railway which was also built by these people? Some of the people died during the building of this railway, are we not going to educate their children?

Mr. Kamau: On a point of order, Mr. Speaker, Sir, I think, for the information of the hon. Member—

The Speaker (Mr. Slade): You rose on a point of order.

Mr. Kamau: Mr. Speaker, Sir, can the hon. Member give way for me to give him some information?

The Speaker (Mr. Slade): No, Mr. Kamau.

Mr. Makone: Mr. Speaker, Sir, he will have his time to reply later. Anyway, Mr. Speaker, Sir, we are also enjoying the railway from Mombasa to Nairobi which was built by some of the people who died during the construction of this railway. Mr. Speaker, Sir, are we going to leave out the children of the men who are fighting for us in the North-Eastern Province? They are defending our nation in the same way as those who fought in the Emergency; are we therefore going to leave out those children who are made orphans because of this fighting?

Mr. Speaker, Sir, I feel that this Motion should have been amended, as my hon. friend, Mr. Gatuguta, said, to fit in with the national struggle and not just make it a provincial or a district struggle. Mr. Speaker, Sir, the Assistant Minister has said that his Ministry does not have, at the moment, enough money or even the resources whereby they can give universal, free education. Mr. Speaker, Sir, I think that it is time we did something.

Mr. Speaker, Sir, we are living in a moving Kenya, and we should not therefore mark time, but move with the needs of the people. There is no question of somebody sitting in an office and signing papers. Mr. Speaker, Sir, there are so many ways, if the Ministry is sufficiently awake, of making money. Sir, for example, let the Minister start with the salaries of the Members of Parliament. Let the salary go for one month, without paying the Members, stop the State lunches, and even appeal to the national volunteers to give something to this established fund. Sir, I think that if the Minister came out with such schemes, he would find plenty of money. Mr. Speaker, Sir, no one can come here and say that there is no money.

Mr. Speaker, Sir, I oppose the Motion. I feel that this is a national problem. The children who have no parents should not become the victims because they have no parents. We should shoulder the responsibility; the people who have hands and can work, the ones who have work. We should even have a portion of our livelihood deducted for the benefit of these children; sons and daughters. We should not just sit and see these boys and girls denied the chance to go to school. We should share the fruits of our independence with those sons and daughters. But, Sir, we should not share the fruits on a provincial or a district basis, but on a national, State basis.

Mr. Speaker, Sir, in this spirit of the Motion, I beg to oppose it. I think it should be brought in a new form, next Session. Mr. Speaker, Sir, I beg to oppose very strongly.

Dr. De Souza: Mr. Speaker, Sir, I do not know why some hon. gentlemen tend to look at every Motion from a tribal point of view. I certainly do not belong to any tribe, but I strongly support this Motion.

Mr. Speaker, Sir, the point is that whatever our view of violence, and whether we agree that violence should be used as a means of securing independence or not, it is now widely accepted, even in official quarters, that the members of the so-called *Mau Mau* who went to fight in the forests did so officially and with the full blessings of the full leadership at the time, and of today, to fight for the independence of this country. They are now being called "freedom fighters" or "forest fighters" and they have been given sanctity and a place of honour in this country, such as the freedom fighters of other countries, as in France, Italy, or all the other countries which achieved their independence or political revolution, have been given. If this is so, then I see no reason why the Government, now having admitted that these people went to the forest to fight on their direction and on their behalf, should not honour them and assist their children. After all, it is the parents of these children who gave their lives to fight for the freedom of this country. It is they who sacrificed the maximum that they could sacrifice. Having done so, there is the responsibility on the State to assist the widows and orphans of those people who fought for and sacrificed everything, on the basis which we today benefit from—the fruits of independence. If we admit, as we obviously do, and we must do, that by a violent campaign Kenya did, in fact, become free, then we must also admit that we owe a responsibility to those people who are the victims and sufferers of that campaign.

This is so, Sir, in many countries such as Cyprus. Those persons who fought for independence, their children are being looked after. I am told the same is happening in Algeria. Why not in Kenya? Why should we not also appreciate and understand that these people died for this country and the least we can do is to see that their widows and children do not become destitutes of the streets, beggars, people who remain uneducated, tramps, or literally thugs later on, simply because they have had no education. If their parents had stayed at home and perhaps run their shops or their businesses, or become home guards, their children would probably have been graduates or important people today. It is because they sacrificed their lives that their children have no money for education.

[Dr. De Souza]

So, why does the Government not consider it reasonable that we should assist these children to become citizens like all other citizens and have the advantage of education like all the other children whose parents are alive have today?

Sir, I would like to stress that this Motion is not a tribal one. It is not true that only one tribe fought for independence. Many tribes fought for independence, but if it does happen that there is a preponderant number of people from a particular tribe who went to fight for independence, well, that is a recognition that they, in fact, sacrificed so much and for which we must pay. The present generation, as I say, is enjoying the fruits of their labour and so I think it is time we thanked them.

Sir, I beg to support.

The Speaker (Mr. Slade): I will have to call on the Mover to reply in about three or four minutes' time.

Mr. Kibuga: Mr. Speaker, Sir, I am very much surprised by the ignorance of some of the Ministers and Assistant Ministers of this Government. When the Assistant Minister says that the people who fought during the emergency and were in the forest, if their children were to be educated by now, they should have been educated, they should have gone to the universities, it shows the ignorance some of the Ministers and Assistant Ministers display.

During the Emergency, when some of the people decided, with the blessing of the people, that they should go to the forest to die—or to live to the end of the war—and save the country, so that the country might become independent, they had to sacrifice. Some of them were doing important jobs, yet they went away into the forest. Some of them were cultivating their good gardens, yet they went away into the forest. The mothers who are left, at that time, also went to the forest to supply the men with food and other requirements instead of concentrating on their homes.

Mr. Speaker, Sir, it is true that there are many orphans and widows who may be in a good position to be able to support themselves, but it cannot be forgotten that in some areas like Kikuyu, Embu and Meru, during land consolidation, traditionally women were not considered as owners of land. They were not given land. However, that situation has changed today. You find a widow with children but with no means of livelihood. They are very poor indeed. The Government should carry out some investigation; it

should find out who are the widows who are in distress and who are the widows who can support themselves. This would be a good thing.

However, it is not good that the Government should just reject the Motion and say that all the people who fought and sacrificed their lives should be considered like any other person is sheer ignorance.

I would support the idea that there are people who have sacrificed their lives in so many other ways outside the former Central Province. Their children and widows should also be supported. There is no reason why another Motion of a similar type should not be brought to this House for debate, because this particular Motion only asks for assistance for the orphans and widows of the people who fought during the war of the Emergency, and they are many. The Assistant Minister and the Government should, at least, promise to go into the country, find out the extent of the problems. They do not know what is happening. The Assistant Minister is directing us to the county councils which should give aid to the children who cannot manage to pay their school fees. What the Assistant Minister fails to understand is the fact that even though the county councils want to give aid to children, they are limited by the percentage. You give 10 per cent of the total population of the school, and you aid that number. In some county councils it is only 5 per cent. So, if you have 100 children who cannot go to school because they cannot meet their fees, it is obvious that they cannot all be assisted even though the county councils may wish to assist. I would have thought that the Assistant Minister, in order to make an effort, would have said, "Let us go out and assist the most depressed children and widows. Let us try to get some of these widows to settle on the settlement schemes. Let us help the poorest." Mr. Speaker, there is a degree of poverty. Some are not so badly off, others are not.

The Speaker (Mr. Slade): Order! Order! It is now time for the Mover to be called upon to reply.

Mr. Kamau: Mr. Speaker, Sir, I will say a few words only on this Motion. I am glad to have this chance to inform the hon. Member, Mr. Makone, that it is unfortunate that when I moved this Motion he was not in the House to hear me declaring that this was not a tribal Motion, it was a countrywide Motion, it was a national Motion. I said that, as an eye witness, I can assure the hon. Member, the hon. Mr. Makone, that during my detention there were very many Kisii.

Mr. Makone: On a point of order, Mr. Speaker, is the hon. Member replying to the House or to the hon. Makone?

The Speaker (Mr. Slade): Oh yes, when an hon. Member replies to a debate, he replies to everything that has been said in the debate, and I think he has particular reason to reply to you.

Mr. Kamau: Mr. Speaker, Sir, when a Member is supporting or opposing a Motion, his points are recorded by the Mover and so the points must either be refuted or clarified. So, the hon. Mr. Makone should bear with any repetition from me.

I have stated, and I would like the hon. Members to know, that during my detention I was with the Kisii people. They were fighting with us, we all fought together. As one hon. Member mentioned, *Mau Mau* was not a tribal organization. It was a countrywide organization, organized by brainy people who knew that one tribe alone could not save Kenya. It was known that if we could unite all the tribes of Kenya, then we could free the country. Therefore, my hon. friends, I hope you will find within a short time that you are confronted with these orphan children in your own constituencies. That is why I say this Motion does not refer to a particular tribe. I am putting this in a simple and clear language, because I want every Member here to be convinced that this is a national issue, not a tribal issue. Some people thought when I introduced this Motion that it was meant for the Kikuyu, Meru and Embu people only. That is not my theme at all. This is for the country as a whole.

Mr. Speaker, Sir, I must thank the hon. Seconder of my Motion, the hon. Mr. arap Biy, who put it very well that this Motion was not a tribal Motion but that it was a national Motion.

Mr. Speaker, my reason for bringing this Motion, at this stage, was because I know that the Government has started so many projects, and most of these projects, require educated people in order to carry out the necessary work. Most of the work can only be carried out by well-trained people. That is why I thought this was the best time to bring this Motion in, because no one can argue in this House that those children who are neglected today are to be blamed for the death of their fathers. It has been repeated quite often by a number of hon. Members that if the parents of those children were alive today, a lot of them might have been Members of this House. So, it would look awkward, throughout the world, if it were said that the Kenya Parliament opposed

the Motion for the education of the children of those fathers who died fighting for the independence of this country.

Mr. Speaker, Sir, I would say that the Assistant Minister for Education, who spoke first and who opposed the Motion, the hon. ole Konchellah, did not give any reason at all why he opposed the Motion. I feel that he opposed it merely on emotional basis. He did not advance any reasons and I challenge him to put forward any reasons at all for opposing the Motion.

Mr. Speaker, Sir, I brought this Motion to the House with a clean and brave heart, hoping that all the hon. Members would support it because it is not a tribal Motion. It is a national Motion, and although the hon. Assistant Minister is whispering to me that free education will come soon, we would like—

Mr. Makone: On a point of order, Mr. Speaker, is the hon. Member not misquoting me when he says that I opposed the Motion without giving any reasons for opposing it?

The Speaker (Mr. Slade): No, he was not referring to you, Mr. Makone, he was referring to Mr. ole Konchellah's speech, the speech that we heard last Friday.

Mr. Kamau: Mr. Speaker, Sir, I would request the hon. Member not to be so nervous because I am not accusing him at all. I am only referring to the hon. Assistant Minister.

I hope you have now changed your mind and will support this Motion because being—

The Speaker (Mr. Slade): Remember to address the Chair, Mr. Kamau.

Mr. Kamau: I am sorry, Mr. Speaker, Sir.

I hope the hon. Member has now understood the theme of the Motion, that it is not a tribal Motion, and I hope that he will now support it.

It is very surprising to see any Assistant Minister of this national Government standing up in this House to oppose a Motion on education. This means that the House or the Government does not look after the interests of the oppressed, of the poor people. I am forced to say that it may be called the Government of the fortunate people, of the rich people, because the world would regard this House as a House of Lords which, in actual fact, does not consider the case of the poor.

I hope that every Member here will support this Motion. I do not want to labour the point very much but I would like to say that, during the time when we fought for our freedom, all

[**Mr. Kamau**]

tribes were engaged in this fight, all tribes were in detention, all tribes were in prison. Some of our security forces were shot down, they died, and, therefore, their children, also, should be helped. So, I consider that fight to have been a national fight, because it was not confined to any one tribe alone. For this reason, no one in this House can stand up and say that the hon. Member for Githunguri has the audacity to bring such a tribal Motion here. Any Member who brings a Motion here, a Motion which he is advised to bring by the people of the constituency he represents, should be considered a national Motion.

Mr. Speaker, this Motion is self-explanatory, it is nation-wide and it is going to benefit every child, irrespective of tribe, race or colour who has been affected by the war of independence.

So, without wasting the time of the hon. Members, because they have understood the issue, I beg to move.

(Question put and negatived)

DIVISION

Mr. Kamau: On a point of order, Mr. Speaker, Sir, in view of the fact that I feel the Ayes were more than the Noes, could we have a Division?

The Speaker (Mr. Slade): Strictly you are too late, Mr. Kamau, because we have already moved to the next Order, but since you are not very familiar with these things I think I must allow it.

The principle of the Division is that the Speaker will order a Division either if ten or more Members demand it, or if he thinks there is reasonable doubt as to the outcome of the Division. Well, I felt some doubt with regard to the Ayes and Noes. So, we will have a Division. Ring the Division Bell. You will have to be quick next time, Mr. Kamau, before we call the next Order.

(The Division Bell was rung)

Mr. Gatuguta: On a point of order, Mr. Speaker, if it happens that you, Sir, are in doubt as to whether the Ayes or Noes have it, is it not in order for you to put the question again so that you may satisfy yourself, without having a Division?

The Speaker (Mr. Slade): No.

(The House divided)

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

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

The Deputy Speaker (Dr. De Souza): I might explain that in each case there is one Teller for the Ayes and one for the Noes in alternate places. I think that is understood.

Mr. arap Soi: On a point of order, Mr. Speaker, is it in order for the Mover to be the Teller?

The Deputy Speaker (Dr. De Souza): Yes, yes, perfectly in order. Anyone can be the Teller. In fact, it is for the Mover to appoint his Tellers, which I think he has done in this case.

(Question negatived by 22 votes to 12)

AYES: Mr. arap Biy, Dr. De Souza, Messrs. Gatuguta, Ithirai, Kamau, J. M. Kariuki, Kibuga, Mate, Mbogoh, Thimangu-Kaunyangi, Dr. Waiyaki and Mr. Wariithi.

Tellers of the Ayes: Messrs. Gatuguta and Malinda.

NOES: Messrs. Abdirahman, Alexander, Amin, Chirchir, Godia, Jamal, Kerich, Dr. Kiano, Messrs. Konchellah, Kubai, Khaoya, Makone, Malu, Malinda, Masinde, Mbai, Mutiso, Mwendwa, Njeru, Osogo, Seroney and arap Soi.

Tellers of the Noes: Messrs. Kamau and Makone.

The Deputy Speaker (Dr. De Souza): Mr. Konchellah, I believe you have a statement to make?

MINISTERIAL STATEMENT

GOVERNMENT ASSISTANCE TO ORPHANS

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Deputy Speaker, Sir, I would like to make a brief statement in regard to this Motion. In my reply last week, I gave reasons why the Government had to refuse this Motion and, mainly, the points on which I touched, which I am going to quote and also make again as a statement, are as follows.

The Government says that it can be seen that without singling out the children of those who fought for *Uhuru*, the country is taking care of the needy children as far as finances can allow. Should a policy of identifying those who fought for *Uhuru* for the purpose of rewarding them be adopted, obviously those who did not fight for *Uhuru* would have to be denied some benefit of such funds as have been described above. This is to say, Mr. Deputy Speaker, that if an orphan child's father died fighting for *Uhuru* or not, he has the right, perhaps, for the Government to look after him and educate him. On the other hand, this is a Motion which the Government would like to see covering the whole of Kenya and not only one particular province. So this would be a form of injustice, if we only gave aid to a number of people in only one province, which would not correct the original problem,

[The Assistant Minister for Education]

since the funds available are a contribution from all citizens and non-citizens alike, whether they fought for *Uhuru* or fought *Uhuru* fighters.

Again, Mr. Deputy Speaker, an attempt to identify who did what and for what cause during the Emergency, would open up very many wounds and divisions in the society, which I am sure the President has—

POINT OF ORDER**MINISTERIAL STATEMENTS NOT TO INCLUDE MATTERS PREVIOUSLY RAISED IN DEBATE**

Mr. Wariithi: On a point of order, Mr. Deputy Speaker, I just want to seek your guidance. This seems to be a form of reply to the Motion. If it were a Ministerial Statement, I do not think it should cover the same kind of debate we have heard already and the reply given by the other Assistant Minister.

The Deputy Speaker (Dr. De Souza): Yes, I think Mr. Wariithi is quite right, Mr. Konchellah. If you are, in fact, repeating what you have said in your original speech, then I do not think you are allowed to do so. The purpose of merely giving some additional information to explain Government's point of view very briefly and succinctly would be permitted, but I think what you are now trying to do is more or less to repeat the exact speech that you have already given, which is already on record in HANSARD. That, I am afraid, is not permissible. If you have something new to add, which you will do very briefly as a personal explanation, as it were, from the Government point of view of why it cannot take this action, that is all right. But if you are merely repeating, even though in different words, the points you have already made, I am afraid that is not permissible.

Mr. arap Soi: On a point of order, Mr. Deputy Speaker, as it is important for the House and for the nation to know the Government policy, is it not in order for the Minister to give us full details, even if he repeats?

The Deputy Speaker (Dr. De Souza): No, no, that is not allowed. After all, a very full debate has taken place in which two Assistant Ministers for Education have spoken very fully and they are given half-an-hour each, or at least the official Government responder is given half-an-hour, to reply to the debate. It would, therefore, not be correct to give them additional time after the debate is over to start explaining the Government point of view a third time. I think if it is something new, well and good, not otherwise.

(Resumption of Ministerial Statement)

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Deputy Speaker, Sir, then I will be very brief because in the short statement I had, I just touched on a few points which I mentioned before, and if it is not according to the House regulations, then I apologize.

My statement is this, Mr. Deputy Speaker, that the Government feels that an attempt to identify who did what and for what cause during the Emergency would open up very many wounds and divisions in society which the President has persistently tried to make everybody forget.

Mr. arap Soi: On a point of order, Mr. Deputy Speaker, am I in order to ask a question concerning this statement?

The Deputy Speaker (Dr. De Souza): No, not at this stage. I am afraid this is the end of it. It is not a Ministerial Statement in the normal sense of the term; I think it is merely an explanation of Government's point of view in this debate and we do not want to go further into it.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, will I be in order if I ask to say also a word for the record?

The Deputy Speaker (Dr. De Souza): No, I am afraid not.

Next order, please.

MOTION**AFRICANIZATION: BUSINESS FIRMS AND COMPANIES**

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I beg to move the following Motion, but I wish to correct one or two words there. Where it says, "this House urges the Government to make a legislation," it should actually be, "this House urges the Government to introduce legislation". Having corrected that, Mr. Deputy Speaker, I wish to move:—

THAT in view of the slow Africanization policy in the commercial and business firms and companies in this country, this House urges the Government to introduce legislation under which such firms and companies will be required to have at least 50 per cent of their executive jobs taken by Africans.

This Motion is very straightforward, Mr. Deputy Speaker, Sir, and I know that many Members in this House will support the Motion because it is a Motion that concerns the whole future of our country. It is no good, Mr. Deputy Speaker, Sir, our Government saying, "Africanization or Kenyanization," and, on the other hand, no steps are taken to make sure that this policy

[Mr. Gatuguta]

is being implemented. I would like to congratulate the Government because, as far as the Civil Service is concerned, a lot has been done and a tremendous amount of Africanization is going on. In many Government departments, many Africans have already taken over the important jobs of the country, but this class of commercial people have completely ignored the policy of the Government, and what they are doing today is to perpetuate colonialism in private firms. I am particularly referring to non-African firms, firms owned by Europeans and Asians. They have made it a practice to import foreigners, to continue bringing them into this country to take up important jobs, when our own people, people who have been fully educated in the universities and high schools, are going about in the country, on the streets of the cities, looking for jobs.

You only have to look round the country, Mr. Deputy Speaker. Look at the oil companies. None of these oil companies have made sufficient attempts to Africanize their firms. Most of their top executive jobs are still occupied either by Europeans or Asians and when they want to cheat—if I may use the word—the Government that they are Africanizing, they create some posts there and employ some Africans. Those posts have no responsibility; they are just given names—“personnel manager”—without any responsibility at all. They are never there when the decisions are made. In fact, most of them are worse off than *karanis*. If you look at the record, you will find that, in the oil companies, many of the top Africans, who are well-educated people and many of whom have spent years there, are leaving these companies because of frustration. There is a tremendous amount of frustration in these companies.

Look at the commercial banks of Nairobi. What do you see when you go to these banks? You see only white faces; they are either Asians or Europeans. Is this an African country? If it is, why do we not give a chance to the citizens of this country to do these jobs?

Look at the airways. When B.O.A.C. opens an office in Nairobi, they take girls from London and some other men to come and work here, in Nairobi offices. In Air-India, they do the same thing. Do we not have people who can do these jobs in this country? I think this is a complete abuse of the freedom that these companies are given by our country. It is true that our Government is encouraging foreign investors in this country and it is a good thing, but this encouragement and the confidence our Government has

created to bring foreign investors into this country must not be interpreted to mean that they should bring all their relatives and families to come and work in our country.

We have people here who can do these jobs and I am surprised, Mr. Deputy Speaker, that the Government has not taken any concrete steps to make sure that these people employ Africans. There should be legislation, I think, that these companies will only be allowed to employ Africans to a certain number of people for the top jobs: managerial jobs and executive jobs. People in this country now are free to come and go. Kenya has become a land to which anybody comes who wants to live in a healthy climate and get a good job at the expense of the local people.

After all, where does the money go when they come and work here? They do not spend it here. When an expatriate is employed by, say, one of the motor companies here, first of all he is paid more than a local man would be paid. Secondly, he accumulates all the money. He saves, he spends very little here and then he goes with all that money. How much money is going out of the country because of employing expatriates when we have people who can do the job? There is a lot of it.

I remember Dr. Kiano, when he was the Minister for Commerce and Industry, writing a circular to the various foreign companies in this country, asking them how much Africanization they had done. If Dr. Kiano were to answer this, he would tell this House that many of these companies ignored that circular, they never replied, and those who did reply showed that they had not done anything regarding Africanization. Now, the Government has not done anything so far. The purpose of this Motion is to ask the Government to take an interest in what is happening in private firms and companies, because we cannot allow this situation to continue for such a long time.

This task lies squarely on the Ministry of Commerce and Industry. They are the people to deal with it. The Government policy is there: Africanization. Why has it not been implemented? If you look around other countries of the world, you find legislation restricting the type of people that can be employed. In India there is a law of this type. Every foreign company must employ indigenous people in India, to the extent of even 90 per cent. Here we are being liberal; I am saying 50. But in countries like India, 90 per cent must be local people of all grades. You have the same law in the Sudan. You have the same law in Egypt and, I think, in many other countries of the world. Why are we being

[Mr. Gatuguta]

so lenient in this country? Our leniency is being abused by some of these people and our leniency will put our country many miles behind, because our people who are looking for jobs are getting frustrated every day. When a man goes to a bank in Nairobi to look for a job, he sees all white faces there and he is told there is no job for him, and the next day he sees an Asian coming from Bombay or Calcutta to take up a job. This type of frustration is becoming very serious.

Now, Sir, these commercial firms advance the argument, all the time, that we do not have capable, experienced people to do the jobs. This is ridiculous and I think it is high time that these companies stopped talking about these things, because we are tired of hearing that we have not enough capable people. Why do we not have capable people? Has any of these companies started a programme of training local people? One of the oil companies started training African girls as typists. These girls were trained—about ten of them—and they were given sweepers' jobs in the office. The company had to spend the money and said, "Oh, we have started a big Africanization programme; we are training African girls, typists, and so on." They announced it in the Press, just to blind our eyes, and when these girls went there, they were not given proper jobs at all and they had to leave. In fact, all of them have left. This is the type of treatment Africans are getting; even the most capable men, even the people who can do the job are not given the right job. I want any person in this House, or outside this House, to tell me why the insurance companies, which have been in this country for years, have never employed a simple African in an important position? All the Africans employed in insurance companies are just brokers, they go and look for customers. They send them to Parliament to talk to Africans there, persuade them to buy insurance, and so on. But they do not employ a single African in an important position.

Why have the commercial banks here in Nairobi not employed a single African manager or sub-manager? You will never get one. Even on the counters, Africans are not expected to handle cash. Every time an African is given a job, a responsible position, he is looked upon with suspicion as a person who cannot do the job. The point is this. They either have the confidence in the African people or they do not have. If they do not have confidence that the Africans can do the job, then, for heaven's sake, they can go. We can do without that kind of person. Mr. Deputy Speaker, Sir, I am saying this, because the time has come for us to let

these people know that we run this country, and if we are running this country, then it must be run in the interest of our people and the interest of our nation. It is not going to be run in their interest at all.

Mr. Deputy Speaker, Sir, I think the freedom we have given to all these people is being abused, and the time has come when we must look into this question very, very firmly. Mr. Deputy Speaker, Sir, when the Minister for Commerce and Industry comes forward and replies, I would like him to give us a few statistics, which I could not obtain myself, as to how many people have been given important posts in the Government. I mean posts where these people have to make decisions. I know of some firms where they have given Africans titles, and so on, but when it comes to the making of any decision, it is a junior person who makes those decisions. Mr. Deputy Speaker, Sir, I think this type of thing must go completely in the interest of the nation. I accuse, very strongly, the foreign companies, Asians and Europeans, for not having started training programmes for the Africans so that they can take up big managerial jobs.

Mr. Deputy Speaker, Sir, I would like our Immigration Department to be very firm on this matter. Why should we be so lenient or so weak to allow anybody who comes into Kenya to take up jobs? For example, Sir, say, somebody applies for a job in Kenya, he is given an entry permit so that he can work here for a year or so. He will, perhaps, bring his wife with him, and also his children, and although this permit was applied for by one person or for one person, they are all given jobs. Now, Sir, I therefore think that the Immigration Act ought to be completely amended. If he comes here on a one year's contract and then carries on renewing it for another year after the previous year, it means that instead of coming here and training our people so that they can take up this job after one year, his contract is being renewed every year.

What happens then to our people? They leave Makerere, leave the universities, come here, roam about in the country looking for jobs, but all the time they are told that these firms do not have any jobs for them. On some doors, you will see placards with the words "*Hakuna Kazi*" written.

Mr. Deputy Speaker, Sir, I do not want to labour very much on this Motion, but I just want it to be understood that the feeling of the country about this matter is very, very strong, and the sooner the Government can take any actions that can be seen, the better. We cannot allow situations like the one to which I have referred to continue.

[Mr. Gatuguta]

I would like to warn these firms that our people might have to take the matter into their own hands if they themselves do not improve the situation, and also if the Government itself does not improve the situation.

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

Mr. Wariithi: Mr. Deputy Speaker, Sir, in supporting this Motion, I would like to say, at the outset, that we have been told quite often by our Government, and believe it to be true, that until we Africanize the economy of this country, we will not enjoy the fruits of our independence. Sir, I believe that one of the ways of doing this is to see that the big firms and companies, the people who work in these companies, are indigenous, that the firms are owned by the indigenous people of this country. It is quite true, as the Mover of the Motion has said, that although the Government's policy of Africanization has been accepted and has been carried out in the Government services, we feel that it has been very slow in these private firms and, in many cases, it is even absurd, because you will find, in terms of percentage, not even 1 or 2 per cent.

Mr. Deputy Speaker, Sir, I would like to start off by saying that it is not, in many cases, that there are no people who can do the job in these big companies. It is simply because the owners of these companies, the people in charge, are not interested and do not want to take in the local people. Sir, if you look around, you will see that in many of these companies of late, there are many people who are called "personnel officers" or "personnel managers" or "public relations officers". But, Sir, if you go deep into this, you will find the reason behind all these names. A Kenyan who is called a "personnel manager" only deals with the African employees, and there will be found that there will be another employee who will deal with the non-Africans in the same company. Normally, you will find that these people are given some big post and also a big salary, in order to make them contented without giving them any responsibility. Now, Sir, let us put it this way. Why should he not be given all the responsibility to deal with the people employed in that company? There is another category. In these big companies, you will find a public relations officer. Now, Sir, this is quite easy to understand. Since the Government is in African hands, all the Ministers are Africans, the Permanent Secretaries are Africans, then it becomes easy to discuss things when the other person is an African rather than a European person, because the atmosphere may not be very comfortable. So, Sir, these companies

are very clever, they place an African there so that he can serve the purpose which they want him to serve: for example, send him around, meet these people and obtain licences and things like that. The former Minister for Commerce knows very well that this is true.

Mr. Deputy Speaker, Sir, as my hon. learned friend said here, we in Kenya seem to be too lenient in the way we treat this kind of thing. Why can we not do something which is good for our own country, even if we have to annoy certain people? Even, Sir, if we have to make people fear coming to this country, but we think that something is good for this country, then why do we not do it?

Mr. Deputy Speaker, Sir, I would like to suggest one or two things which I think our Government should do. I think, at the moment, these companies, if they have to recruit a technician, should have to satisfy the Immigration Department, or the Government, that that technician is not available locally.

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

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

I would like the Government, here, to be very strict, and satisfy themselves beyond any doubt that that person who is being recruited cannot be found locally. It is quite easy for a company to say, "We want this person, we have tried, but we cannot obtain him locally." I think that the Ministry, itself, should be thoroughly satisfied that it is quite true and quite certain that this person cannot be found anywhere in the country.

Now, Mr. Speaker, Sir, there is another category of people who do not want to apply for permits to come and work here. They are already here and they may also apply for jobs. In fact, Sir, I would like to request the Ministry concerned to have a list of these persons who are not Kenya citizens who are staying in the country and to give them what I call work permits. Some of these people come here on a visit, stay, get a job and then apply for work permits. This category of people should also be controlled.

Mr. Speaker, Sir, the other suggestion which I would like to put forward—and I think this one is very important—is that the Government should step in and demand a programme of Africanization in all these big companies. I think that in all the posts where there is an expatriate holding a particular post, these companies should satisfy the Government that they have a programme whereby they will train someone to take over from that particular expatriate. This, Sir, can be done very

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easily. I do not see any reason why our Government should not step in and demand these things. As a matter of fact, the companies, generally, do not mind who works for them, as far as I understand the situation, so long as they make a profit. If they just want to make a profit and get back a return from their investment, then I would have thought that it was even cheaper to employ local people, in that they will be paid smaller salaries than are being paid out at the moment; and, thus, they will make a higher profit.

So, Mr. Speaker, Sir, in supporting this Motion, I would like to go further and say that the Government will not be doing any injustice to these foreign companies in introducing legislation which will compel them to employ not even 50 per cent Africans, but to go further in some cases, because some companies can even employ more than 50 per cent of the local personnel. In fact, Sir, even where this Motion refers to executive jobs, there are many jobs in these companies which are not executive jobs and which could also be done by local people.

As my learned friend said here, if you go to the banks, you see so many clerks who are non-citizens of this country. There are not executive jobs, but I am sure that these jobs can be done very effectively by the local people.

So, Mr. Speaker, Sir, in supporting this Motion, I think our new Minister for Commerce and Industry, whom we know is very energetic, will come forward with definite proposals as to how he intends to tackle this problem. I hope the Government will accept this Motion. Although, I think, the Government is going to amend this Motion, I do not think they are going to reject it.

Finally, Mr. Speaker, Sir, I would like to say that what we are asking here, for legislation to be introduced under which such firms and companies will be required to have at least fifty per cent of executive posts, is nothing new. It has been done in other countries, and apart from the fact that it has been done in other countries, it is also desirable in our own country, so that our people will reap the fruits of our independence.

With these few words, I beg to support.

(Question proposed)

Mr. arap Soi: Mr. Speaker, Sir, I rise to support this Motion very strongly. We do not intend to see any amendment, because it is a very important Motion. Mr. Speaker, Sir, in fact, it is so important to our people because, in the first place, when our Government invite people to

invest money in Kenya, its main reason for doing this is to provide for the local people and see that there is employment for the local people. But, Sir, in Kenya, nowadays, one does not actually see this being done, because in some very big industries or companies, the top executive officers are all foreigners. It seems to be a policy or resolution of the company to see that Africans are not quickly promoted, as has been done in the Government services.

Now, Mr. Speaker, Sir, for example, take the Kericho Tea Estate. This is one of the very big companies in Kenya and a very important company. This company has only provided employment for the local people in the low grades, as people to pick tea, and labourers, but when you go into the offices you will find officers earning a large salary, sometimes even bigger than the Ministers' salaries, almost the same as the President. These people are foreigners and are large exporters of Kenya money. They are exporting Kenya money, they are earning salaries here but most of them—if there is one at all—are not citizens of Kenya. Some of them have been holding these posts since before independence. They do not see that there is any difference now. I do not know how much they have convinced the Government in order to allow them to continue in this way.

Now, the Africans are told that they have to get experience and they have to work for many years before they can acquire these executive posts. Yet when they learn the work, it is a long time before they can be promoted to any high office.

Mr. Speaker, it is very difficult to control foreign people. A man does not come here to control European labourers but African labourers. Here I refer to an assistant manager. There are very few, probably two, Africans who have been promoted in that tea estate to a full managerial post. What they have done is this: they have only created some new assistant manager posts. These never existed before. The Africans are told they must gain experience, they must work for five years. Some of them have to work for more than five years before they are given full managerial posts. When they get these managerial posts, they have to wait again before they can go further.

Mr. Speaker, the Government must come forward and tell these foreigners that they should give these posts to the Africans. Our people are looking to our own Government to help them. They know that these big industries have come about in the past, not because of the foreigners but because of the labour of the Africans which was so cheap and so plentiful, labour which was

[Mr. arap Soi]

exploited in the past. That is why these companies have become so rich. Now what we want is to see that these companies continue to provide revenue for our country. They must do so by providing local employment for the people of this country. This is what we want. We do not want the Government to come out with some queer ideas or explanations saying, "Oh, you do not know everything. We need to have people with experience in an industry before we can give the high posts to the local people." The Government may come forward and say it does not want to disturb the industry which is providing income tax in this country. I am sure that the Africans we have in the local industries are not so inexperienced or not so foolish that they would not be able to take up the higher posts if they were taught how to do things. They need the right people to guide them, to help them to study, to lead them and then they will be able to do the jobs in a matter of weeks, not years.

Mr. Speaker, we do not want this country to lose money which it could have from employers and employees. Foreigners come to this country and earn money, make money. They are told that they have to spend money but, in the end, their savings will be taken away from the country. This is how the country will lose money which should have been spent in this country and have remained here permanently. So, I urge the Government to look into this.

When you go to some places, you find garages where vehicles are repaired. You find that all the important posts are occupied by foreigners, by other people, everybody except Africans. They are not highly technical posts. When you take your car there, you find that an African repairs it but who are the people who look after the administration of the place? They are the foreigners. The technical jobs are done by the Africans. Africans know how to do these things and so we can Africanize this line in all the important places, because Africans can handle motor-cars, lorries, tractors. They can repair all these vehicles. Our Africans are already trained to do these jobs.

Now, Mr. Speaker, when some people go to these garages they fail to get the respect due to them. For example, if a Minister goes to one of the garages, and he is not known there, say, the Minister for Commerce and Industry, and he wanted his car urgently, and said he was a Member of Parliament and since he was in a hurry he wanted his car to be repaired within three hours, they would not do that. Now, those people might say, "I do not care, gentleman, even if you are a Member of Legco." They do not know that

now it is the Kenya Parliament, that it is no longer Legco. They just do not know that. They do not care if you are a Member of Legco. However, if a European comes in with a Mercedes car, he looks a rich man, and they will repair his car quickly. If he says he wants his car repaired quickly, it will be repaired for him in less than one hour. Because of these things, Mr. Speaker, you do not even realize who is in power these days. These things must be attended to by our Government.

Mr. Speaker, it does not look as though there is independence in this country by the way things are going on in the private firms and companies. Africans do not feel that they have achieved independence. Promotion is blocked.

Mr. Speaker, the Ministry of Commerce and Industry has a new Minister. The Cabinet has had a reshuffle. Probably the other Minister was sleeping and we do not want the present Minister to do the same. He is an important Minister. We do not want him to act in the same way as his predecessors. We want this Ministry to represent our thoughts and ideas. Banks, shops and other places of business should be included in this change. There are rich people who have shops, there are good posts in shops where Africans can be placed. If you go to the shops, you do not see a lot of African salesmen. If the shop is owned by Europeans, then most of the salesmen will be Europeans; if a shop is owned by Asians, then you will find that most, if not all, the salesmen are Asians. What is the use of this? The whole aim of investing in this country will fail, because the intention is to provide income and employment for the Africans.

So, Sir, this legislation where employment must be Africanized is very important. The Minister must see to this.

I do not want to continue longer. I have given my reasons which I hope the Ministry will not forget and will not overlook. It is the genuine wish of our people that the Government should Africanize, and when this is done, our people employed in these places will realize the fruits of independence which so far they have not seen.

Mr. Speaker, I beg to support this Motion very strongly.

Mr. Shikuku: Mr. Speaker, Sir, I wish to stand and register my support very strongly in this Parliament on this Motion. I stand to speak because, being the president of the poor people who are unemployed, I think I would be failing in my duty if I did not air my views or contribute to this Motion.

[Mr. Shikuku]

One thing the Minister should note is that there is a move by these private companies to set up restrictions. For example, if you wanted a booking clerk in East African Airways, they ask for a boy who has obtained a first-grade school certificate. This is a very simple job which can be done by anyone who understands a bit of English. Anybody who is able to write, anyone who is able to attend to the telephone, can do this job. If some person wants to fly on B.O.A.C. flight number 123 to London, you note that down and get that man a ticket. To do this job, they want a first-grade school certificate person. These are restrictions to make sure that an African does not get a job. As a result, Mr. Speaker, I accuse the private companies here because they are the cause of a hell of a lot of unemployment in this country. All the jobs are taken up by the expatriates with a lot of inducement. They get these jobs because they are expatriates in this country, and all the time our people go hungry.

Mr. Speaker, I resent very strongly Kenya being made into the sort of place where people come to gather money and go away, leaving the place completely barren and dry. We have to accept the fact, Sir, that we want private enterprise, private firms and private companies to come here and establish themselves in this country. We welcome them, but I do not think we should be at the mercy of these people, because if they have to use Kenya as an outlet for their own respective countries, to bring their people and dump them here, then we will not be surprised one day to find that Kenya is another British Guiana where you have so many Indians and the indigenous people are having a difficult time.

It is not difficult for anybody to see what happens on Sunday in any of the parks we have in Nairobi. You would think you were in Bombay or in Madras, because, on Sundays, you will find the whole place is full of no one else but Indians. You see so many of them on the lawns around the former district commissioner's office along the Uhuru Highway, there is a park there where you find very many Indians sitting. You will think you are in Bombay. Where do all these people come from? They are all employed by Air-India, by the private companies here, all flocking in and, in the long run, you will not be surprised to find that the President of Kenya will one day be an Indian. This is the thing, Mr. Speaker, we must guard against, because there are so many people being employed by private firms and companies. One day we may find ourselves out-voted and this place will be full of no one else but Indians and Europeans.

Mr. Speaker, I think the Government must check this question of restriction, where there are excuses that this man does not have this qualification. If you check, at times, you may find that those holding the higher posts do not have the same qualifications as the people they are restricting from getting such posts. This is something the Government must look into in order to enable our people in the private firms to get into the executive jobs.

Another thing which has already been touched upon is the question of money. Our money is going out of this country and Kenya is being used as a sort of coffee nursery, where we have a place to plant the coffee seeds. When they have grown into seedlings, then the coffee is removed and planted somewhere else. Kenya is being turned into a nursery where foreigners come and plant their seedlings and when the seedlings have matured to a stage where they should be removed, they are removed and planted in Bombay, Madras, London, New York and such places. One of the companies which is very famous for this kind of thing is Caltex. You will find this company is very American in its attitude, and although the Americans pose, at times, to be great lovers of the Africans, there are no Africans holding the top executive posts. Having worked in that company, I know how rotten it is. I was the first African to be employed in that company. I joined on the 27th September 1957. I know how awkward they can be and how they suppress the Africans in this company. I think the Government must look into such companies and tell them to wake up.

With all due respect to the hon. Mover, I wish to add that the question of 50 per cent is not enough, I think it should be 51 per cent. In future, we can even increase the percentage if we so choose, in order that we can get our people employed in the country. I am talking, of course, as the president of the poor people.

There is another restriction where you may find that certain firms accept an African, usually understudying somebody. What happens is that he is subjected to a lot of harassment and difficulties. For example, if you are put to work under an Indian, and you are understudying him, there are a lot of reports, almost every minute, to the big boss to say how useless you are. In the long run, you find yourself out of a job. This is something which the Government must note if it is saying that it wants to help the Africans. This is what these private companies are saying, that they want to help the Africans, but, at the same time, they subject them to a lot of difficulties. In the end the Africans run away from the particular firms.

[Mr. Shikuku]

Mr. Speaker, I support this Motion because I believe that Kenya is not independent. Today, we only have a plan to do this and that, but everything is in the hands of the foreigners who are controlling us. You remember one day, Mr. Speaker, when the Prime Minister of India died—I do not want to say that I am rejoicing over his death—but I do regret the fact the Indians in this country closed all shops and bars, etc., because they control the economy of this country, they control the commerce in this country. All the shops were closed, so were the cinema houses. Everything came to a standstill because their Prime Minister had died. They declared a holiday of their own. As a result, people like Shikuku missed getting his milk, missed going to the pictures, and such things. This is very unfair, Mr. Speaker. Even if my father dies, I must still eat. So, I do not see why I had to miss getting my pint of milk on the day the Prime Minister of India died. This is something to show you that they are controlling the economy of this country. If we are going to bring our people into the picture, then Government must do something about it, not tomorrow, but now.

There are too many Europeans in this country who are here enjoying large sums of money without the necessary qualifications. I would always welcome any European in this country because of special qualifications, let us say, in technical jobs which the Africans cannot do as yet. However, I do not believe that we should be so good as to allow Europeans, even useless ones, to remain in this country and earn such large sums of money just because they happen to be Europeans. I appeal to this Government to get in touch with the Department of Immigration and check up on how many Europeans with special qualifications are required here. Those without special qualifications should be sent away in order to make way for the Africans to take over. This is a reality, Mr. Speaker, and we should urge the Government to do something in this connexion. Only then, will our people get something to eat. This is the only way in which we can get the support of the people. One day there might come a stage when the large number of unemployed people might rise and, when they do so, they will rise against this Government. At that time, the Europeans will fly off to London, India and so on, and they will leave the Africans to face the trouble.

Therefore, I beg to support the Motion very strongly.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I will be very brief on this occasion because what we are asked to do by this Motion, I would like to say, we are already in the process of doing, so we are in agreement with what this Motion requires us to do.

Mr. Speaker, I feel that the Motion is timely and that, probably, the actions we will announce shortly, will satisfy the hon. Member for Kikuyu and his friends. Mr. Speaker, Sir, we did, in 1965, when we published the Sessional Paper, make it quite clear that the Government policy was to ensure that employment in all categories—and I want to stress that—not merely the executive grades, should be given as a first priority to Kenya citizens and it should be only in those few cases where we did not have locally qualified people, that we could allow for non-citizens to be employed for the time being until our own people have been trained and have qualified. We initiated, Mr. Speaker, in May 1965, a survey of the manpower requirements of our economy for the coming five years. In that survey, when it was concluded—and hon. Members will have copies of it, it was distributed—we made quite clear in our conclusions that we knew there were only two ways to effect rapid Africanization.

First, the firms themselves, the companies, could voluntarily undertake programmes of Africanization and speed up the intake of qualified Africans. They could also voluntarily undertake programmes of training and apprenticeship to ensure that we have, in the shortest possible time, qualified Africans. That was one way of speeding up Africanization. But there is, we said in that survey, the second way, sometimes found more expedient in many countries, that is legislation by Government which would regulate the hiring practices of the companies: in other words—and I hope the Member for Butere can sit to listen to what the Government is doing about his shouts—to legislate, to ensure that these companies do, in fact, take local people.

We did also make it quite clear—I quote what we said there—“If, after an adequate period of trial, with a voluntary programme, it proved to be ineffective, then the Government would have little alternative but to introduce legislation to accomplish its goals in this respect.”

Now, Mr. Speaker, it is my conviction, along with that of the Members who have spoken, that that period of trial with a voluntary programme has, in fact, proved ineffective, and it is therefore, Mr. Speaker, my own conviction that the second alternative which was posed in that survey should now be applied.

[The Minister for Commerce and Industry]

Mr. Speaker, there was a survey that was introduced by the Minister for Commerce at that time, Dr. Kiano, to check what programmes these companies had for Africanization. I am in a position to say that only about half of the companies gave us any replies. The others did not even bother. From those who did reply, it was quite clear, Mr. Speaker, that only about 20 per cent of them had any effective programmes of training Africans to take over responsible positions—20 per cent only.

It was also clear, Mr. Speaker, that the overwhelming majority of the Asian-owned businesses in this country had no training schemes at all. Mr. Speaker, it was also clear that the few Africans in the management and executive position posts had been given these jobs, but that the schedules of work under those titles had been watered down to leave them with titles but really not with the responsibilities that used to be exercised by the Europeans or Asians who had held those jobs before.

Mr. Speaker, we have also discovered, as a result of these inquiries, that the banks, the insurance companies and other finance houses are, in fact, the worst offenders in this particular respect. So, Mr. Speaker, I have initiated some action and we hope to bring measures before this House very shortly.

Mr. Speaker, since we are going to bring those measures, I do not intend to speak at length at this particular time, because it would be inappropriate to announce them in great detail before they are actually worked out and cleared through the normal processes of Government. But I want to say this, that one impression which Kenyans have is wrong. There is an impression, which was repeated by the hon. Mover and Seconder, that the problem is that we allow people to come from outside and take jobs in Kenya. This is a wrong impression, because, since independence, the Immigration Act has been applied more strictly and, in fact, any company that wants to bring in people to work for it in Kenya has to apply for a work permit. Before the work permit is given, the Immigration Department checks with the relevant Ministries to ensure that we allow in only those people who can make a positive contribution to development and people who would not otherwise compete with the available local citizens. The problem, Mr. Speaker, has to do with another aspect, not that one aspect of our immigration laws, as they now are. That, Mr. Speaker, that we have a category of people in this country who have residents' permits, who are residents although they are not citizens. Those people are able to apply for jobs

and to compete with the local people and they do not have to seek work permits, so that in law we have no way of checking or controlling the employment of resident non-citizens. This is a category which covers the bulk of the Asians whom somebody was complaining about, which covers a very large number of other foreigners.

Mr. Speaker, therefore, that is where the problem really lies, and I want now to emphasize that, in our view, we do not merely want to enforce employment at the executive level. Indeed, Mr. Speaker, it is also at the lower level where we have the most serious problem, where plenty of our Kenya Preliminary Examination school-leavers have to compete with resident non-citizens in employment. It is in that category, for instance, and also in the category of Higher School Certificate leavers, where we want to make sure that the clerical jobs available, the middle-grade jobs available, as well as the executive jobs, are, in the first instance, offered to local citizens. It is in that area that the legislation will have to be made tighter and more restrictive.

Mr. Speaker, we are appalled—I am, myself, appalled—by the fact that these companies continue to say that they cannot find locally qualified people, when we as a Government, within eighteen months of independence, have been able to recruit locally very qualified people to man very senior positions like permanent secretaries, provincial commissioners, district commissioners, and all these very senior positions, and it is our experience that these people are doing a very good job, in many ways a much better job than that which was done by the expatriates before them. Mr. Speaker, therefore, I am not persuaded personally—I do not know of any African who is persuaded in Kenya—that we cannot find local people to do these jobs. Mr. Speaker, we know we can find them and if we cannot find them now, then of course the obvious thing is for us to initiate training programmes, apprenticeship programmes, so that we can have them in a year or two. But as I said earlier, only 20 per cent of these private firms have training programmes aimed at training Africans to take those positions. So even that action has not been undertaken.

Mr. Speaker, I would like to mention, too, that the Kenya Government recognizes the fact that, in very many categories, we do not have locally qualified people, and I know that all hon. Members here—because they are very realistic, they want to be practical—will agree that there are certain categories where we do not have locally qualified people. For those categories, we must continue to be flexible and we must continue to be able to co-operate with commerce

[The Minister for Commerce and Industry]

and industry to ensure that they can have the personnel from whatever sources that are available. We, ourselves, in the Government, Mr. Speaker, have to import from abroad those skills which are not available locally. What we really want, Mr. Speaker, is that there should be machinery for checking that the personnel who are imported are, in fact, those who are not available locally, and that there should be a governmental body which can make a decision as to whether the personnel is available locally or not. In other words, the onus should lie with the employer to prove that he cannot find locally the qualified personnel that he requires. If that can be proved, then, in those circumstances, he might be allowed to bring them from abroad.

But I am appalled, Mr. Speaker, by the way that local groups behave. Even for such petty work as in restaurants and hotels, they make applications to try and bring in waitresses, and so on, from abroad, and we have all these beautiful, smart girls of Kenya who have finished K.P.E. and who, with the minimum of training, can become very efficient in this kind of line.

These are the controls we want. Mr. Speaker, therefore, I am proposing an amendment, and I hope the hon. Member will find that I am in agreement with him in all this and will accept my amendment. The Motion imposes a restriction on us because it merely talks about 50 per cent and talks only of 50 per cent of executive jobs. In our view, the control which is required should apply to all categories of employment, except where we need to give specific exemptions. In order for the Motion to be in accord with what we really want to do, instead of being so restrictive, I would suggest, Mr. Speaker, with your permission and that of the Mover, to amend the Motion by deleting all the words after "Government" and substituting therefor the following words: "to take urgent measures, including legislation where necessary, to ensure that Kenya citizens are given first priority"—we stress the word "first"—"in employment, training and promotion in such firms."

Mr. Speaker, as I have said, the purpose of this amendment is to state quite clearly the way we see the procedure. The procedure is that in employment, when jobs are applied for, the first priority should be given to Kenyans and foreigners should only be employed if there are no Kenyans available. In training, this is important, Mr. Speaker, because we accept that there are certain categories where we do not have qualified people, so where the firms have training programmes, in those training programmes,

Kenyans should have the first priority, to equip them for future promotion. When vacancies occur for promotion in these jobs, we would wish to make provision, so that Kenyans, again, are given the first priority.

Mr. Speaker, this would be, I think a slight improvement on the Motion. It retains the intention of the Motion, but gives us greater flexibility and effectiveness, greater scope. I hope, therefore, Mr. Speaker, that the hon. Mover of the Motion will find his way to accepting this because, as I have said already, we are in fact in the process of implementing what his Motion requires us to implement.

Mr. Speaker, I beg to propose the amendment.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, I do not want to speak a lot because, as the Mover of the amendment has mentioned, this is a straightforward amendment which broadens the purpose of this Motion.

Mr. Speaker, when a Motion like this, which touches on the whole not only a small section of the economy and development of this country, comes to this House, it is important that it should be wide enough to embrace all the aspects of our intentions. As the Minister has mentioned, the intention of Government is to have Africans employed, not only in the executive grades of the commercial section of the economy but also in the lower grades. I think it is a straightforward amendment and the Mover of the original Motion will see his way to accepting it, because it also gives a warning to the firms who have gone very slowly in Africanizing the posts that they have. It also shows the intention of Government to see that Africans of Kenya origin—those who are indigenous in the country—get first priority in employment.

I would also say, Mr. Speaker, Sir, that when this step comes to be taken, I hope it will be possible to bring in measures, not only to control and, if necessary, to compel some of these commercial enterprises to employ Africans, but also to ensure that specific steps are taken to Africanize commercial and business enterprises. Mostly, Mr. Speaker, I have in mind places like you find in Government Road where you find that from the bottom employee to the top employee, there are Asians. It has also been explained earlier that we have no way of restricting employment of residents in this country who do not have Kenya citizenship. It will be much easier when this legislation is introduced or any other steps which Government wishes to take to alleviate and correct this anomaly.

[The Assistant Minister for Natural Resources]

Mr. Speaker, I think the amendment is self-explanatory and I do not think it needs to be argued any more than that, except that I hope the Mover of the original Motion will see fit to accept it.

Mr. Speaker, with these few remarks, I beg to second the amendment.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): We only have ten minutes before we have to dispose of this amendment and call upon the Mover to reply. Meanwhile, the debate on the amendment can be combined with debate on the main question.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I rise to support the amendment.

While supporting it, I think the original Motion also gave a clear picture and showed the strong feelings of Africans in Kenya or, let us say, in Nairobi, because I do not think we can hide the fact that there is strong feeling on the side of Africans when seeing a very big monopoly in jobs and in business in Nairobi.

Secondly, Mr. Speaker, Nairobi itself, as the capital of Kenya, gives a very wrong picture and this picture is being seen by foreigners, particularly tourists, who come to visit this country. When they first arrive in Nairobi, they start to think: "Are we really in Nairobi, are we really in Africa, are we really in Kenya, or are we perhaps in Delhi or Bombay?" Simply because the first people they will deal with will, for the most part, be Asians and, maybe, a number of Europeans. I think this picture needs to be corrected before it brings a lot of bad feelings, and I congratulate the Minister for Commerce and Industry for his speech and the immediate steps which he has announced are going to take place.

Mr. Speaker, I do not want to dwell very much on this, because a lot has already been said, but I have a number of points which I would like to mention. I think we need immediate changes in some of the big companies and, on the other hand, we would like to have African representatives in some of these big companies because we would like to know exactly what is going on in them.

Much has been said here about foreign embassies. These are the same as foreign companies, because a diplomat can come under the cover of a foreign company, because if the company belongs to his own country, it is easier for him to come and join the company and do his job.

If our policemen will only look out for diplomatic corps cars, there are other unknown diplomats within these big companies. I think one of the main reasons why these companies do not want to Africanize a number of executive jobs is that they carry a double job. So, Mr. Speaker, I would like our Government to look into this matter.

When you come to the business and work within these big companies, there is great exploitation by foreign companies, exploiting Africans. I will give an example. If you go to a big garage like, say, the Motor Mart, Cooper Motors or Westlands Motors—which deals with Toyota motors—you find that, although they do not employ many local mechanics and have not trained many of them, some of those who are employed as spanner boys and to clean cars have gained some mechanical knowledge and they work very hard in those companies. If you take a car to one of those companies, the labour charges which you will pay for repairing your car are very high and an African who is employed to deal with the part which was repaired in that car is being paid a very small amount. Yet they have toiled inside the factory. These big foreign motor companies charge such a big amount of money per hour and yet the man who toils is paid very little. If the labour charge is Sh. 25 per hour, it might be that for six or seven hours that man would work, he is only receiving, maybe, Sh. 20 per day, and yet he is doing a job worth about Sh. 140 a day. So this also needs to be looked into.

When we go to companies like the Credit Finance Corporation where they loan Africans money, we do not have any Africans in such companies to advise Africans. So when an African has taken a loan, if he fails within a month to pay the instalment for that particular month, then the car is brought in and he is not given a chance to go and get money if he runs into difficulty. Let us say that there is a lot of rain and he could not transport his goods, or, for instance, if he is a businessman and his business has not gone very well, he is not given a chance, and we think that is only because of the lack of African executive officers in some of these companies. Therefore, the poor African suffers very much.

So, Mr. Speaker, I feel myself that there is still a sort of colour discrimination in jobs, because if an African is appointed as a manager, it might be that there will be a number of people who will say tomorrow, "I'm going away, because if my company is going to be headed by an African, I am not going to be controlled by a black fellow." That is the time when a number

[The Assistant Minister for Education]

of people just resign and say that they had better go. The reason why Africans, therefore, do not have these executive positions in these big companies is only because Asians, and maybe a number of Europeans, do not want to work under an African manager or an African administrator in the company.

Mr. Speaker, I mentioned the loans which are also being given to Africans by some of the companies. With loans and even a number of small credits, it has become a habit that an African actually is exploited and he suffers because he is not given enough time to defend himself or, particularly, to try and bring the loan back or bring the money which he owes the company. For instance, if he has even a small bill of Sh. 200 or Sh. 300, it has been a habit for Asian lawyers in Nairobi not to give him time. Because that lawyer is also an Asian, who wants to earn a living, for his friend, he takes that minor case and then an African is sued, so that the friend of the Asian who is a lawyer gets the money, in order to earn a living. All these things have to be corrected, because our people need to deal with people who understand their difficulties. We think that in companies and in many other business places people who work there do not understand the African feelings and we think that the Government should do research, as the Minister said, so that this imbalance of business and also the treatment which the Africans are being given in banks and some other places can be straightened out and corrected, so that we can really live as a community who understand each other and we can live together as friends.

So, Mr. Speaker, with these few words, I beg to support the amendment.

The Speaker (Mr. Slade): It is time now to dispose of the amendment and call on the Mover to reply.

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

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

(Question of the Motion as amended proposed)

Mr. arap Soi: Mr. Speaker, Sir, in view of the time of starting this Motion, which was 10.55 a.m., it is not in order for you to allow more Members to speak before calling on the Mover to reply?

The Speaker (Mr. Slade): According to my record the Motion started at 10.50 a.m., in which case it is due to end at 12.20 a.m., and the Mover is due to reply at 12.10 p.m. which he is now doing.

Mr. arap Soi: I recorded, Mr. Speaker, Sir, that the Motion started at 10.55 a.m.

The Speaker (Mr. Slade): I am afraid I have to go by the Clerk's record rather than yours.

Mr. Gatuguta: Mr. Speaker, Sir, I have accepted the amendment to this Motion as proposed by the Minister. The reason why I have accepted the amendment is because of the speech which the Minister himself made. Of course, the amendment appears to be very weak, because it does not state definitely what is going to be done, but I have been encouraged by the speech of the Minister. The Minister has recognized the fact that there is need for action to be taken by the Government. He has himself told the House that the private firms and companies have failed to implement the Africanization policy voluntarily, therefore, the only alternative is for the Government to take stronger action, because of that, Mr. Speaker, Sir, I have accepted this amendment.

Mr. Speaker, Sir, I only hope that this is not going to be a mere resolution in this House where no action will be taken. I would like to see, and the country as a whole would like to see, action being taken immediately without any further delay. What we are asking, Sir, is that our country should be like any other country, for example when one goes to the United States, United Kingdom or India, for that matter, you see things being managed by the citizens without having to be told by anybody. You see the citizens of that country working, managing their offices and so on. This is the sort of thing we wish to see happening in our country. We want people coming to our country to see that it is the Africans who are managing their own affairs. This is very surprising because when the foreigners come here they find themselves being attended to by non-citizens and they wonder whether they are actually in Africa. I believe, Sir, somebody has already mentioned that.

So, Sir, what in actual fact we are asking is that our own people should be given these jobs so that we feel that we are managing our own affairs. This, Sir, is the only way in which we can eliminate unemployment which is so very acute in this country.

Mr. Speaker, Sir, they have, admittedly, been given a chance since we attained our independence to Africanize these jobs voluntarily but,

[Mr. Gatuguta]

so far, they have neglected this, in spite of the fact that the Government has given them promises and guarantees of their welfare in this country in that way. I think the Government allows them to invest in this country in order that they can make a profit, we are not asking them to share their profits with the Africans. We are only asking them to employ our people so that some of the profits can go back into the country in that way. I think the Government will have to take very serious action on this matter.

Mr. Speaker, Sir, I do not know what kind of measures the Minister is proposing to take, but I accept the amendment in good faith and in the hope that steps will be taken. I would like to suggest to the Minister that one of the conditions of employment should be that no person who is not a Kenya citizen will be given a job in this country unless the Government has agreed to that job being taken up by a non-citizen. Mr. Speaker, Sir, we have a lot of residents in this country, as the Minister himself mentioned, who have refused to become Kenya citizens. We have not asked them to go as has been done in some other countries. Some countries which have recently obtained independence in Africa, or Asia have asked the foreigners in that country to quit and go and leave their jobs and businesses. But, Sir, in Kenya we have asked them to stay. We have offered them our hands in friendship, and they have refused to become Kenya citizens. They still hold British passports, even the Asians. They, they Asians, feel that they are more secure having a British passport than a Kenya passport, but that is because they find they do not have much of a future in their own country. It is these same people who have no confidence at all in our country to whom we are giving these top jobs. Why should we do that?

So, Mr. Speaker, Sir, I congratulate the Minister because of his approach. He has been very

frank and he has been very honest in this matter, and I feel that if we had more Ministers of his calibre, Ministers who will accept facts and the truth, then I have no doubt we will move ahead very quickly. I hope, Sir, that the Minister will implement what he has told this House. He has recognized the problem and he has said that steps will be taken.

Mr. Speaker, Sir, I do not want to labour very much on this point. I therefore, Sir, beg to move.

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

Resolved accordingly:

THAT in view of the slow Africanization policy in the commercial and business firms and companies in this country, this House urges the Government to take urgent measures, including legislation where necessary, to ensure that Kenya citizens are given first priority in employment, training and promotion in such firms.

The Speaker (Mr. Slade): We do not have very much longer. Mr. arap Soi's Motion is due to come now, but I think it rests with him as to whether he would like to start now for the remaining thirteen minutes or prefer to leave it over and start another day.

Mr. arap Soi: Mr. Speaker, Sir, may I leave it until another day, next Friday?

The Speaker (Mr. Slade): Yes, Mr. arap Soi, you will have your priority.

ADJOURNMENT

The Speaker (Mr. Slade): In that case, hon. Members, the House is adjourned until next Tuesday, 7th June, at 2.30 p.m.

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

Tuesday, 7th June 1966

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

SENATE AGREEMENT TO BILL

The Speaker (Mr. Slade): I have to inform hon. Members that I have received a message from the Senate that they agreed to the Constitution of Kenya (Amendment) (No. 3) Bill without amendment, on Friday, 3rd June 1966.

ANNIVERSARY OF FIRST SITTING OF FIRST PARLIAMENT

The Speaker (Mr. Slade): Honourable Members, you may like to be reminded that this day is the third anniversary of the first sitting of the present Parliament.

I would respectfully congratulate all of you and your former colleagues on the development and achievements of this House during the past three years, and I wish the House many happy returns of this day.

PAPERS LAID

The following Papers were laid on the Table:—

Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June 1967.

Development Estimates for the year 1966/67.

(*By the Minister for Finance (Mr. Gichuru)*)

NOTICES OF MOTIONS

REGIONAL BOUNDARIES: RIFT VALLEY/WESTERN REGIONS

Mr. Barasa: Mr. Speaker, Sir, I would like to give notice of the following Motion:—

WHEREAS on the 11th October 1963, the Presidents of the Regional Assemblies of the Rift Valley Region and the Western Region respectively agreed in writing to certain alteration of the common boundary of those two regions, including the transfer of Kitale Township to the Western Region:

And whereas the said agreement was thereafter approved by the laws made by both of the said regional assemblies in accordance with section 239 of the Constitution of Kenya, namely, the Rift Valley Region (Alteration of

Regional Boundaries) Enactment, 1963, and the Western Region (Alteration of Regional Boundaries) Enactment, 1963; now this House approves the said agreement to alter the common boundary of the Rift Valley Region and the Western Region as described in the Schedule of the said Enactment.

RELEASE OF ELIZA MASINDE

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

THAT in view of the struggle Mr. Elija Masinde, the leader of *Dini ya Misambwa*, staged against the colonial régime and the consequential thirteen years of imprisonment he received, this House urges the Government—

- (a) to help this famous Bukusu hero resume normal life by releasing him from prison and providing him with a residence and a financial send-off; and
- (b) to allow this man to register his religion.

ORAL ANSWERS TO QUESTIONS

Question No. 109

ASSISTANCE FOR NANGINA MISSION HOSPITAL

Mr. Ochwada asked the Minister for Health to tell the House if he had any plans for assisting Nangina Mission Hospital, which was the only hospital in the southern part of Busia District, serving a population of over 100,000 people.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The Ministry continues to make available capital and recurrent grants to mission hospitals each year, on the recommendations of the Central Advisory Committee on Medical Missions. Nangina Mission Hospital is not, at present, receiving a grant from my Ministry, but if any assistance is required, they should make an application to the Central Advisory Committee in the first instance.

Mr. Ochwada: Mr. Speaker, Sir, do we understand by the reply that they should make an application, that this hospital has not made an application to the advisory council?

Mr. Matano: That is so, Sir.

Mr. Mbogoh: Mr. Speaker, Sir, would the Assistant Minister then tell the House when the people of Nangina area will recognize that the Kenya Government gives free medical treatment, if they are still buying their medicine from the mission hospital?

Mr. Matano: Mr. Speaker, Sir, the whole question of assistance to mission hospitals is under urgent consideration by the Ministry, in consultation with the Treasury. It is recognized that many of these hospitals are encountering serious financial problems whilst, at the same time, carrying out an essential service. The grants made to the different mission hospitals during the current year are as follows, because I think Members may be interested to know how a grant is given to these hospitals.

Maseno is £4,323; Kaloleni, £4,016; Kikuyu, £4,691; Mutumu, £4,528; Chogoria, £4,323; Maua, £3,816; Kaimosi, £4,413; Kendu Bay, £3,812; Kapsawa, £1,745; Ngau, £1,790; Ortum, £1,530; Nkubu, £3,278; Gachengiro, £3,906; Nyabondo, £9,906; Muthali, £1,800; Mipila, £1,906.

Then we have token maintenance grants which we grant to these mission hospitals, and Nyeri receives £1,548, and Kablong £1,512; Tenwek, £840. Then we also give training grants to mission hospitals—

The Speaker (Mr. Slade): Mr. Matano, you are getting too far from the original question.

Mr. Matano: Thank you, Mr. Speaker, Sir. I thought Members would be interested and that is why I went into these details, but if you think I have answered enough, I thank you very much.

Mr. Muliro: Mr. Speaker, Sir, arising from the Assistant Minister's original reply, considering the poor facilities of hospitalization in Busia District, could the Minister consider giving Nangina priority in getting hospital grants in Busia District?

Mr. Matano: Mr. Speaker, Sir, I have said earlier that the authority in charge of Nangina Mission Hospital should apply to the Central Advisory Committee and, therefore, once they do that, their case will be considered accordingly.

Question No. 98

EMPLOYERS AND THE TRIPARTITE AGREEMENT

Mr. Muruli asked the Minister for Labour what estimate existed of people, who had been employed under the Tripartite Agreement, and were still holding their posts and how many had become redundant.

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, on behalf of the Minister for Labour, I beg to reply. Mr. Speaker, Sir, the reply is going to be a bit lengthy, but since the word "redundancy" has been used, I would like to give, at length, the actual meaning of the Tripartite Agreement.

The Tripartite Agreement was signed on the 23rd January 1964, between the Government of Kenya, Federation of Kenya Employers and the Central Organization of Trade Unions, and the agreement was supposed to last for twelve months, later increased to fourteen months. The Tripartite Agreement ended on 8th April 1965. The Tripartite Agreement was a temporary measure devised by the three parties to alleviate the acute unemployment situation. Although the number of persons that received employment under the agreement were about 38,000, it failed short of the original target which was 40,000. However, it was a notable success, particularly in view of the voluntary nature of the agreement and the difficulties facing the private sector and the public services.

It is not correct to say that those who were not absorbed in the permanent establishment at the end of the agreement were made redundant, because the agreement specifically provided that those engaged must be given employment for a period of fourteen months. Under the same agreement, it was clearly stated that there would be no redundancy within that period or dismissal of any worker, except in accordance with the steps set out in negotiated agreement. During the whole life of the Tripartite Agreement, no workers were made redundant and, therefore, the question of redundancy does not arise at all.

At the end of the Tripartite Agreement, the three parties voluntarily agreed that the maximum possible number of additional workers who were engaged under the Tripartite Agreement would be absorbed into the employers' permanent establishment. I am grateful to employers, because a number of them honoured this voluntary pledge and I can say that, over 70 per cent of those taken under the agreement, have been absorbed in the permanent establishment.

A number of private establishments and, particularly the public services, had to create emergency jobs in order to absorb the additional workers. These special projects, in many cases, did not last the fourteen months, but the employers kept them in employment and, at the end of the agreement, there was no alternative but to terminate their services. I must say that where this situation arose, it was beyond the employers' power and nothing could be done, except to comply with the agreement which provided for fourteen months of employment. I must also state that a large part of the increase in employment in 1964 was due to the Tripartite Agreement and, when the agreement ceased to bind the signatory parties, there have been indications to show that, in the main, the persons

[The Assistant Minister for Tourism and Wildlife]

employed under the terms of the agreement, have been assimilated into the labour force of their employers and are being retained. Under the circumstances, the question of redundancy does not arise and those who were not absorbed in permanent employment were treated in terms of the agreement which provided for fourteen months of employment.

Mr. Muruli: Mr. Speaker, Sir, would the Assistant Minister tell the House how many of these were employed by Government and Government establishments, and how many are still working within Government establishments?

Mr. Mohamed: Mr. Speaker, Sir, I should think that is a different question. However, for the benefit of—

The Speaker (Mr. Slade): It is relevant to the second part of it; it is the same question. The first part is a different question. How many are still employed by Government as a result of this agreement is relevant to this.

Mr. Mohamed: Mr. Speaker, Sir, unfortunately, I do not have that figure at this moment, but I could supply that at a later stage.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House what arrangement similar to the Tripartite Agreement the Government is considering introducing, in order to relieve unemployment?

Mr. Mohamed: Mr. Speaker, Sir, in my original reply, I said that over 70 per cent of the people employed under the Tripartite Agreement have continued to be employed. However, it would be interesting to note that the total employment, overall, has always been on the increase. If I may just quote some figures, Mr. Speaker, Sir. In 1960, the working population of our country was 622,200 which dropped in 1961 and 1962 to 589,000 and 579,000 respectively. There was a further drop in 1963 to 533,000, but the increase came in 1964, with the Tripartite Agreement, which took in 589,000 people. But, Mr. Speaker, Sir, in 1965, the total employment figure is 594,000, therefore, Sir, it indicates that more and more people have been employed and therefore, it is not, perhaps, necessary to have another Tripartite Agreement.

Mr. Balala: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister did not reply to my question. My question is what other alternative, similar to the Tripartite Agreement, is the Government considering to introduce, in order to absorb further unemployed people?

Mr. Mohamed: Mr. Speaker, Sir, I have said this very clearly that the employment figure has gone up since 1965.

The Speaker (Mr. Slade): Mr. Balala's question was whether any further arrangement of that particular kind is contemplated.

Mr. Mohamed: Mr. Speaker, Sir, we do not see the need, because the figure indicates that the employment is going up.

Mr. Omar: Mr. Speaker, Sir, is the Assistant Minister not aware that the great number of school children, who left school at Standard VII and Form IV has increased the number of unemployed persons, and therefore his reply that the number of unemployed persons has been reduced is not correct?

Mr. Mohamed: Mr. Speaker, Sir, our population in the country has increased and we know that this is the case, but, at the same time, the employment figure has also increased, and, if I may say so, the hon. Minister for Economic Planning and Development has just published a new Development Plan in which we hope that more and more people will be employed as this Development Plan is implemented.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, where he stated that 70 per cent of the youth who are employed were still continuing to be employed, may I know if there is any plan to consider taking in the other 30 per cent which were dismissed and have nowhere to go?

Mr. Mohamed: Mr. Speaker, Sir, I made it clear in my reply that the agreement was for a specific period of fourteen months. I also said that if 70 per cent of the total number of people employed were absorbed into permanent employment, I think it would be a good success, and if the 30 per cent were dismissed or discharged, then our 1965 figures suggest that a much greater number than even the 30 per cent who were not employed in the old provisional capacity have been employed.

Question No. 107

FOREIGN MONEY FOR POLITICAL PARTIES

Mr. arap Too asked the Minister for Home Affairs if he could tell the House if he had any evidence of money having been received from any foreign country, through the international agencies, by any individual or groups in Kenya for subversive political purposes. If the answer was in the affirmative, could he also

[Mr. arap Too]

tell the House whether the Government was prepared to disclose that evidence to the House and would he state what action had been taken to prevent such activities.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. Yes, Sir. The Government does have evidence of money being given by foreign countries to individuals and groups for purposes inimical to the stability of the State.

I regret, however, that I cannot reveal the evidence at my disposal, as it would be prejudicial to the interests of national security. I also consider it unwise to say what measures are being taken, or contemplated, to counteract these activities.

Mr. arap Too: Mr. Speaker, Sir, although I did not follow the answer given by the Assistant Minister, I just wanted to know whether or not the Government is taking any action at all to prevent this money being used all over the place in the country, including bars in the towns for subversive political purposes.

Mr. Wamuthenya: Mr. Speaker, Sir, I have already said that some disclosure of this matter will sever the security in the country, and if the questioner is trying to put me into the position of asking me to disclose further, I am afraid I cannot do this, Sir.

Mr. Muliro: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he not agree with me that the Government is condoning corruption in Kenya politics which ought to be wiped out?

Mr. Wamuthenya: Mr. Speaker, Sir, the Government is doing everything to see that all the money which is coming into the country is being investigated. When we get any report concerning this, then, if it becomes necessary to reveal to the general public, when the time is right, it will be done.

Mr. Somo: Mr. Speaker, Sir, could the Assistant Minister tell this House with regard to the first part of the question, which are the countries who are bringing money into the country?

Mr. Wamuthenya: Mr. Speaker, Sir, I cannot do so.

Mr. Alexander: Mr. Speaker, Sir, would the Assistant Minister tell us how the Government identifies that such money is for subversive political purposes?

Mr. Wamuthenya: Mr. Speaker, Sir, through the Government's intelligence machinery.

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, I am afraid my ears are very bad, and I do not know whether I am in order, but could the Assistant Minister repeat his last answer?

The Speaker (Mr. Slade): It was a negative answer, and I think hon. Members will continue to get negative answers on this question. We had better go on.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 107: FOREIGN MONEY FOR POLITICAL PARTIES

Mr. Muliro: Mr. Speaker, Sir, on a point of order, in view of the unsatisfactory reply from the Assistant Minister, could I raise this matter on adjournment?

ORAL ANSWERS TO QUESTIONS

Question No. 108

TITLE DEEDS IN WESTERN PROVINCE

Mr. Ochwada asked the Minister for Lands and Settlement if he could tell the House how many land owners had been issued with title deeds in the Western Province. Could he also tell the House the number in respect of the districts.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. By the 31st December 1965 there were 63,686 plots of land with registered title in the Western Province. Of these, 55,821 were in Kakamega District and 7,865 in Bungoma District.

A further 8,000 plots are due to be registered in Bungoma District in the next three months and 5,000 plots will be registered in the same period in Busia District.

The number of land certificates which have been sold per district is 1,567 in Kakamega and 363 in Bungoma.

Mr. Ochwada: Mr. Speaker, Sir, could the Assistant Minister tell this House why it has taken so long before any plot is registered in Busia District?

Mr. Gachago: Mr. Speaker, Sir, to register a plot in Busia District takes as long as or as short a time as it takes to register a plot in Murang'a District.

Question No. 100

FORM I PUPILS FROM BUNGOMA

Mr. Barasa asked the Minister for Education if he could tell the House how many pupils from Bungoma District had joined Form I classes in any of the Kenya national schools this year.

The Minister for Education (Mr. Nyagah): Mr. Speaker, I beg to reply. Twenty-three pupils from Bungoma District were admitted to Form I at extra-provincial secondary schools in 1966.

Question No. 101

WESTERN PROVINCE FORM I PUPILS

Mr. Barasa asked the Minister for Education if he could tell the House how many pupils from Western Province had been selected for Form I into the national secondary schools.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. 180 pupils from the Western Province were admitted into Form I at extra-provincial secondary schools in 1966.

Mr. Mwamzandi: Mr. Speaker, Sir, would the Minister tell the House if the 180 pupils were the only K.P.E. passes in the Western Province?

Mr. Nyagah: Mr. Speaker, Sir, certainly not, there were many other passes.

Mr. Muruli: Mr. Speaker, Sir, is the Minister prepared to give us the number of pupils who were admitted to this national school from other provinces, besides the Western Province?

Mr. Nyagah: No, Sir.

Mr. Barasa: Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House whether the name "national secondary school" is under Kenya's Constitution and therefore can it be replaced by this "extra-provincial secondary school"?

Mr. Nyagah: Yes, Sir.

Question No. 84

UNIVERSITY COLLEGE AT SIRIBA

Mr. Godia asked the Minister for Education if he would tell the House what steps the Government had taken to establish a university college at Siriba, as His Excellency the President had indicated during his recent visit to Nyanza.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, this question has already received a full reply from these benches in answer to an identical question by the hon. Member for Winam,

Mr. Nyalick, on the 21st September 1965, and I would refer the hon. Member to the record in HANSARD of what was said on that occasion. He will find it on page 286. What was said on that occasion is still true today.

Question No. 83

K.P.E. INTAKE INTO SECONDARY SCHOOLS

Mr. Godia asked the Minister for Education if he would assure the House that this year's intake into secondary schools had been 53 per cent of all the pupils who sat for K.P.E. as he announced in the House last year.

CONSIDERED RULING

REPETITION OF QUESTIONS

The Speaker (Mr. Slade): Perhaps, before this question is answered, I should explain to the hon. Members that we have a Standing Order which prohibits the repetition of a question during the same Session. I cannot prevent an hon. Member asking the same question in a subsequent Session. Where, however, it has been asked in a previous Session not very long ago and received a full answer, he can hardly expect to be allowed a whole lot of supplementary questions all over again.

(Resumption of discussion on Question No. 83)

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The hon. Member appears to be misinformed. My Ministry has never claimed that 53 per cent of these who sat K.P.E. in 1965 would gain admission to a secondary school in 1966 and any claim of that order would be entirely irresponsible. Perhaps the hon. Member is thinking of the proportion of children of primary school age who are at present receiving primary education, for which his figures of 53 per cent would be approximately correct. The children who obtained admission to maintained and assisted secondary schools in 1966 were, in fact, about 8.7 per cent of the children who sat K.P.E. in 1965. As a result of the Government's Development Plan, some increase over that figure is expected in the next few years.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply, that the figure of 53 per cent is too big, and arising also from the reply that last year's figure was 8.7 per cent, which is a drop from the previous year's figure, would the Minister tell us what he intends to do so that this 8.7 per cent intake in Form I is raised not only to the previous year's figure but much higher than what it is now?

Mr. Nyagah: Mr. Speaker, I think the hon. questioner has understood me wrong. I never said anything of what he has just mentioned. I said 53 per cent relates to the primary children's school age, and 8.7 per cent is of the children who sat K.P.E. in 1965 and were admitted into Form I.

Mr. Omweri: Mr. Speaker, Sir, arising from that last point, that 8.7 per cent were the K.P.E. candidates who were admitted into Form I, what is the Ministry doing to see that the percentage is raised to a much higher percentage, so that more children can go into Form I?

Mr. Nyagah: Mr. Speaker, Sir, the Revised Development Plan reveals what the Minister is proposing to do in order to increase the percentage of children going into secondary schools.

The Speaker (Mr. Slade): I would suggest that further questions on this await the debate on the Estimates.

Question No. 103

LABOUR EXCHANGE FOR KAKAMEGA

Mr. Muliro, on behalf of Mr. Shikuku, asked the Minister for Labour if he would tell the House, since Kakamega was the provincial headquarters of the Western Province, when a labour exchange office was going to be established there to deal with the large number of unemployed people in the province.

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, on behalf of the Minister for Labour, I beg to reply. There is a labour exchange at Bungoma serving the whole of Western Province. For the purposes of labour administration, Bungoma has been considered to be more central in the province and we are satisfied with the present arrangement. But I am in full agreement with the aspiration of the Member for Butere that a labour exchange should be established in Kakamega, and I do not rule out the establishment of a labour exchange office in Kakamega, although, at present, my Vote does not include the necessary expenditure for this.

Mr. Muliro: Arising from the Assistant Minister's reply, bearing in mind that there is a larger population around Kakamega, could the Minister consider taking immediate steps to establish a labour exchange office at Kakamega?

Mr. Mohamed: Mr. Speaker, Sir, I have said this in my original reply, that as soon as finance is available for this purpose and also accommodation in Kakamega is available, the Ministry will try to establish a labour exchange in Kakamega.

Question No. 114

KEROKA AND NYAMIRA POLICE STATIONS

Mr. Makone, on behalf of Mr. Nyaberi, asked the Minister for Home Affairs if he was aware that the police stations at Keroka and Nyamira were very far away from the Kisii/Kericho border and were, therefore, not giving satisfactory service to the people on the Sotik Settlement Schemes.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. No, Sir. I am quite satisfied that the various police stations and posts around the Sotik Settlement Scheme are affording adequate protection to the people and I cannot accept the hon. Member's allegation. Keroka, Manga, Nyamira and Sotik Police Stations are situated within a few miles of the scheme and are all equipped to deal with any law and order problem in the area. I have not previously received any complaint or report from the hon. Member that any of the stations is giving unsatisfactory service.

Mr. Makone: Mr. Speaker, Sir, I have two questions to ask. The first one is this: Do I understand from the Assistant Minister that the settlement schemes are served by the Keroka and Nyamira Sub-police Stations?

Mr. Wamuthenya: Not quite, Sir.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that Nyamira and Keroka Sub-stations were originally intended to cater for the boundary between Kisii and Kipsigis border clashes, and in view of the fact that the boundary has been extended further by the settlement schemes, will the Assistant Minister agree with me now that these two sub-stations in question do not serve the originally intended purpose?

Mr. Wamuthenya: Mr. Speaker, Sir, I have said that all the police stations are nearby to each other. So, operation in the settlement schemes can be well secured by radio or by 999 which are around the police stations.

Mr. Omweri: Mr. Speaker, Sir, I think the Assistant Minister is missing the point, his geography does not seem accurate. The point is, Nyamira is twenty miles from the border and Keroka is about nine miles from the border. He refers to Manga Police Station which is a small station of about six people.

The question is, would the Assistant Minister suggest to the Ministry that more police stations are established, which will be more effective to deal with border clashes, at the new boundary

[Mr. Omweri]

which has been recently established, and distinct from the old one, so that these clashes are effectively dealt with from a station near the border and not from one which is inside the district?

Mr. Wamuthenya: Mr. Speaker, Sir, I have already answered that all the police stations are very near to each other. We have communications which are working very adequately between the various stations, and there is no crime which cannot be dealt with by the police in question.

Mr. arap Soi: Mr. Speaker, Sir, in view of the fact that the members of the settlement schemes are now frequently stealing cattle, is the Assistant Minister aware that his former answer is very unsatisfactory?

Mr. Wamuthenya: Mr. Speaker, Sir, I have answered adequately.

NOTICE OF MOTION FOR THE
ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 114:
POLICE STATIONS, KEROKA AND NYAMIRA

Mr. Makone: Mr. Speaker, Sir, in view of the very unsatisfactory replies from the Assistant Minister, I wish to raise this matter on the adjournment.

The Speaker (Mr. Slade): Yes, all right.

ORAL ANSWERS TO QUESTIONS

Question No. 102

LAND SETTLEMENT IN WESTERN PROVINCE

Mr. Shikuku asked the Minister for Lands and Settlement if he was aware that some of the people who had been settled in Western Province were finding it difficult to pay back their instalments after the six-month period, and that they were now selling their plots to those with money and were running away.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Minister is aware that some of the people settled in Western Province are finding it difficult to pay their instalments after the initial six-month period. He is not aware, however, that they are selling their plots to those with money and running away.

The production of butterfat forms a major part of the schemes' budgets. There has been difficulty in obtaining sufficient quantities of high-grade cows to stock the schemes to capacity and, for this reason, settlers have found it difficult to pay

their instalments. The Director of Settlement and his settlement staff are making every effort to purchase cows as they become available and stock the schemes in the Western Province to capacity.

The hon. Member is no doubt aware that the production of maize forms an important part of the economy of settlement schemes in Western Province. Large quantities of the maize which has been produced has been sold on the black market by the settlers instead of through the co-operative societies established on the schemes, where deductions in respect of loan repayments can be made at source to facilitate payment of loans. Once the cash proceeds of produce have been received by the settlers, it is always more difficult to extract repayments since domestic expenses tend to be given preference.

The scheme budgets for schemes in Western Province allow for a net annual income of £25-£40 after meeting subsistence requirements of the family and loan repayments. It is acknowledged that during the first few years of settlement, settlers will have a difficult time raising their incomes as they build up their livestock production and establish themselves. Careful consideration is, however, given to deserving cases where, for climatic or health reasons, settlers have experienced exceptional hardships and, in such cases, deferment of repayments are authorized.

The selling of plots is permitted when prior authority has been given by the Settlement Fund Trustees. No applications to sell have been submitted to the Settlement Fund Trustees so far and the cases referred to by the hon. Member are, therefore, unauthorized and break a condition of the terms of sale and render those concerned liable to forfeiture of their plots.

In the meantime, the Director of Settlement is watching the economic position of the settlement schemes in Western Province very carefully, and every assistance is being given by way of technical advice and deferment of loan repayments where necessary.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would he not agree that since it takes twelve months to plant maize and harvest it, these settlers should be given at least twelve months' moratorium before they are asked to pay the initial instalment?

Mr. Gachago: Mr. Speaker, Sir, the terms of repayments of loans were not formulated for the people who have been settled in the Western Province alone. They were formulated for people settled in the various climatic conditions and if the hardship of the people settled in any part of

[Mr. Gachago]

the Western Province is explained to my Ministry, consideration, as I have said, is always given to extension of the moratorium period or deferment of loan repayment.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, to the effect that the forfeiture of land of those people who do not sell it legally will take place, could he assure this House that all those cases where people were confronted with hardship or who had to sell their land to other people privately and go back to their various locations will be brought to book and also, Mr. Speaker, if I may ask—

The Speaker (Mr. Slade): One at a time, Mr. Shikuku.

Mr. Gachago: Mr. Speaker, Sir, I can assure this House that any case of unauthorized sale of a plot will be dealt with very firmly.

Mr. Shikuku: Arising from that, Mr. Speaker, will he agree with me, if he has ever been a farmer at all, following up the hon. Mr. Muliro's question, that it is physically impossible and, in most cases, settlers in these schemes do not get tractors to plough their land on time, they do not get tractors to plant on time and, therefore, there is no harvest within six months, and this is due to this Government. Should they not be brought to book?

Mr. Gachago: Mr. Speaker, Sir, I am glad that the hon. Member in his long, windy expression has referred to some time and some cases. But, Mr. Speaker, the Government refuses to accept a generalization of a case like this or an exaggeration of a situation which confronts our people, and we refuse to accept a generalization and an exaggeration for political reasons. But, as I have said in my reply, the Government is more than willing to consider any genuine case of hardship which has come about as a result of bad weather or bad health.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 102:
LAND SETTLEMENT IN WESTERN PROVINCE

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Assistant Minister has tried to insinuate that I am generalizing for political purposes and this case being a vital one, I wish to raise this matter immediately on an adjournment, if it could be allowed under section 14 of the Standing Orders.

The Speaker (Mr. Slade): No, not Standing Order 14, I am afraid, Mr. Shikuku.

Mr. Shikuku: On a point of order, Mr. Speaker, since you have rejected my raising this matter under section 14, am I in order to raise it as a Motion on adjournment?

The Speaker (Mr. Slade): Oh, yes. You give me written notice in the ordinary way.

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): Is any hon. Member authorized by Mr. Wariithi to ask his question?

Question No. 115

LAND PURCHASES FOR SETTLEMENT IN NYERI

Mr. Omweri, on behalf of Mr. Wariithi, asked the Minister for Lands and Settlement if he would tell the House how much land the Government was proposing to buy in Nyeri District, for the purposes of settlement schemes, from the £18 million loan granted to Kenya by Great Britain.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The matter on where to purchase land for the next phase of settlement is still under negotiation and it cannot be announced until we have had confirmation from Her Majesty's Government that they agree with the Settlement Fund Trustees' proposals. After then, and only after then, my Ministry's buying proposals will be made public.

Mr. Omweri: Mr. Speaker, Sir, since the Nyeri people are waiting for this negotiation to end, will the Assistant Minister tell us when the Government foresees this negotiation coming to an end and money then coming?

Mr. Gachago: Mr. Speaker, Sir, the Government is not doing this only for the people of Nyeri, it is doing this for the people of Mugirango, for the people of Kiharu, and perhaps for the people of Limuru, and the Government is aware that people need to be settled and the machinery is progressing every day.

Mr. Seroney: Mr. Speaker, Sir, does the Assistant Minister suggest that this settlement scheme is only confined to the Central Province?

Mr. Gachago: Mr. Speaker, Sir, it is not my fault, again, if the hon. Member was sleeping. All those places I have mentioned are not in Central Province, and if this is what he understands by his geography, Mr. Speaker, I am afraid I cannot understand that type of geography.

NOTICE OF MOTION FOR THE
ADJOURNMENT

SETTLEMENT FOR KARURA FOREST WORKERS

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today, Dr. De Souza is to raise the matter noted on the Order Paper.

BILLS

First Readings

THE GENERAL LOCAL LOANS (AMENDMENT)
BILL

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

THE SUPPLEMENTARY APPROPRIATION (No. 2)
BILL

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

Second Reading

THE SUPPLEMENTARY APPROPRIATION (No. 2)
BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 2) Bill, 1966, be now read a Second Time.

This is a formal Bill which gives statutory approval to the financial provision made in Supplementary Estimates No. 2 of 1965/66 (Recurrent) and No. 2 of 1965/66 (Development) which have already been approved by the House.

I beg to move.

The Minister for Health (Mr. Otiende) seconded.

(*Question proposed*)

(*Question put and agreed to*)

(*The Bill was read a Second Time and committed to a Committee of the whole House today*)

COMMITTEE OF THE WHOLE HOUSE
(*Order for Committee read*)

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

IN THE COMMITTEE

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

THE SUPPLEMENTARY APPROPRIATION (No. 2)
BILL

(*Clauses 2, 3 and 4 agreed to*)

(*Schedule agreed to*)

(*Title agreed to*)

(*Clause 1 agreed to*)

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation (No. 2) Bill, 1966, and its approval of the same without amendment.

(*Question proposed*)

(*Question put and agreed to*)

(*The House resumed*)

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

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION (No. 2)
BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Supplementary Appropriation (No. 2) Bill and its approval thereof without amendment.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Health (Mr. Otiende) seconded.

(*Question proposed*)

(*Question put and agreed to*)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 2) Bill be now read the Third Time.

The Minister for Health (Mr. Otiende) seconded.

(*Question proposed*)

(*Question put and agreed to*)

(*The Bill was accordingly read the Third Time and passed*)

(*Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence*)

POINT OF ORDER

DELAYED ANSWERS TO QUESTIONS

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, this does not concern the Motion, but I would like to seek your guidance with regard to the order on how we should conduct the question issue. Some questions are supposed to be answered orally in the House and some in writing. Now, Sir, what would happen if a Member had been notified that his question would be replied to in writing and that seven months pass before he gets that question in writing. Would it be in order for that Member, at a given stage, to demand that reply by giving a similar question and demanding that it be replied orally in the House?

The Speaker (Mr. Slade): No, the best way is to bring it to the notice of the Speaker, and we shall follow it up. Questions should be answered in writing just as quickly as they are answered orally on the Floor of the House.

MOTION

THE PRESIDENT'S *Madaraka* DAY SPEECH

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move—

THAT in view of the national importance of the *Madaraka* Day Speech of His Excellency the President, Mzee Jomo Kenyatta, this House warmly endorses the declaration of His Excellency and pledges itself to impress upon the nation the absolute necessity of carrying out His Excellency's directions as expounded in His Excellency's Speech.

Mr. Speaker, Sir, and hon. Members of the House, in moving this Motion this afternoon I do not wish to dwell on the significance of *Madaraka* Day, which has become one of the notable events in the calendar year of this country. I need hardly stress, also, that this is the occasion when Kenya, as a nation, remembers how she first cast off the chains of colonialism in our struggle for complete sovereignty. My task, in moving the Motion, in the House, is to remind the hon. Members that this year His Excellency the President, Mzee Jomo Kenyatta, used this event to deliver one of the very able and inspiring speeches in the political history of Kenya.

The occasion was not only used to review the major achievements of the Government since the internal self-government in 1963, but Mzee also took the opportunity to signify some of the immediate targets which the country expects to reach in the development programme during the coming year.

Now, Mr. Speaker, Sir, that speech was significant in many respects, especially considered in the light of the political campaign which is, at the present, being waged in the country. There is no pretence about it. As the Government, and party, we are engaged in a little general election and without dwelling on the reasons which led to the present state of affair, since the House has already debated the issue, I can only state that some of our critics have been most unfair to this country. They are abusing the political freedom and protection allowed by the Government to denigrate our achievement and to mislead the masses with a false allegation that the Government has done nothing for them since we came to power.

Mr. Seroney: On a point of order, Mr. Speaker, Sir, this Motion refers to His Excellency's speech. Now, Sir, have the Members of this House received the full text of this speech, or are we relying on what appeared in the papers?

The Speaker (Mr. Slade): We are relying on a paper which was laid on the Table last week, and every hon. Member should have a copy.

Mr. Seroney: Mr. Speaker, Sir, I am getting a bit fed up with this. I always come to my pigeon-hole and there are no papers there and I just do not know what happens to them. I hope I am not the only one.

The Speaker (Mr. Slade): You will have to take it up with the Clerk outside the House, Mr. Seroney.

The Minister for Housing (Mr. Ngei): Considering this context, Mr. Speaker, Sir, the President's speech on *Madaraka* Day was the most termly rebattle of these false and so selfish charges. The record of the Government during the past three years speaks for itself. I have no doubt whatsoever that any reasonable person not blinded by jealousy or sheer hypocrisy cannot fail to appreciate the dynamic leadership with which this Government, Mr. Speaker, under the Mzee. Mzee Kenyatta, has given to this country since we were first elected to the office.

Mr. Speaker, Sir, let there be no misunderstanding. It is not absolutely necessary to mince words during an election campaign. When Kenya became independent, only three years ago, this Government inherited what I call an almost bankrupt economy. We were confronted at the time with an enormous deficit in our budget and all over the world many were anxious to see if an African government, especially the new one of Kenya, would be able to plan and manage a modern successful economy. Not only that, our people yearned for education. They wanted more and better health services, more employment opportunities as well and, above all, they were keen that this country should become truly African and that the dignity of the African personality, which had been underrated and maligned in the colonial era, should be rebuilt and recognized.

Mr. Speaker, Sir, during these past three years, the President and his Government have worked relentlessly to fulfil the desire of the people and promises which were made in the last election. Not only, Sir, have we succeeded in restoring the African image in this country but we have also been successful in nursing a young economy in the face of the unpredictable fluctuations in world

[The Minister for Housing]

prices, and, Sir, far more important in my view, we have been able to maintain the value and strength of our economy and currency as well. Hasty and unwise planning might have led Kenya into financial chaos, and instead of being the centre of stability of which we all admire, this country might have degenerated into a mere laughing stock.

Our critics, Sir, should be big enough to concede these important arguments. They should be grateful that through the Mzee's wise leadership many commercial organizations have been made to continue their business activities in Kenya, thereby providing continued employment for our citizens. I cannot imagine, Sir, what might have happened, if, through ill-advice, these large-scale labour-employing organizations had been compelled to fold up and leave the country. Unemployment would have been far more grave than it is today. I am glad, Mr. Speaker, Sir, that instead of such rash and unwise leadership, or decision, this Government has pursued a policy of progress tempered with prudence. We have done this undeterred by emotional agitation from our critics, and because of this resolute leadership of the Mzee we have succeeded in laying foundation stones for which we shall be thankful for in the future generations. Our foundation is for promising economy, not falling economy based on the principle of African Socialism. With these foundations laid, the emphasis is now turned to giving our people an increased share in the commercial and industrial life of the nation. Our plans for increased Africanization of the economy have already been announced.

Mr. Speaker, Sir, training for our people is being intensified and assistance is being given in the form of loans and technical guidance. At the same time, Mr. Speaker, Sir, we do not want to hinder investment of non-citizens, because, let us face it, many of us are not ready yet. We therefore welcome non-Africans who live and work in our midst and bring investment to our country. We are also grateful, Mr. Speaker, for the contribution of prosperity of Kenya and we also recognize that no part of the globe can be shut off from the rest of mankind.

However, Sir, there is only one thing which we must request from our own friends who happen to be non-citizens of Kenya. They should recognize that Kenya is an African country and that we are the masters in our own house. We cannot tolerate dictation or interference from any foreign quarter or nation, however big, which wishes to dictate our policy to this country: this will be,

of course, unwelcomed. This, Mr. Speaker, is the essence of our policy of the Government of non-alignment.

Having said that, Mr. Speaker, Sir, I would now like to mention, briefly, some of the most important and notable achievements which were announced by His Excellency the President on *Madaraka Day* in order to help to refresh the memory of the hon. Members of this important debate.

Having promised to uphold and defend the national integrity of Kenya with all his strength, and I would like to repeat, with all his strength, the President reiterated that he had no intention whatsoever of relinquishing the pledge, and that he will continue to serve our people to the best of his ability. We support him in this. With regard to education, Sir, the Mzee made it quite clear that in the three years since Kenya attained internal self-government the number of the children attending the schools has risen to approximately 300,000. 195 new secondary schools have also been built by this Government since it came to power. In the same period, Sir, we have introduced free medical care for all adults and children attending Government and county council clinics, and for all the children admitted into Government hospitals. We have gone a stage further. We have announced that the National Hospital Insurance Scheme will be introduced for the people of all races on the 1st July of this year.

As regards the security of the State, we are proud that a large section of our armed forces has been built by this Government almost from scratch. Today, Kenya has its own Navy, Air Force and Army which is a strengthened force. We are proud of the part played by our Armed Forces in the defence of the nation and in the fight against the menacing *Shifta*. This notable achievement has been recorded side by side with that of agricultural progress. This year, Sir, will see at least a modest beginning to an ambitious mechanization programme in support of agriculture.

In brief, Sir, the country must be told that it is now geared for rapid advance under the leadership of the Kanu Government. We are determined that agricultural progress will be pursued alongside plans for industrial development and for the promotion of tourism. The provision of more housing is being intensified and I am glad to be able to state that the Government plans to build more than 1,000 new houses throughout this year will shortly be announced. A substantial investment

[The Minister for Housing]

in rental housing will also take place in Nairobi elsewhere and steps will be taken towards slum clearance in Pumwani.

Mr. Speaker, Sir, in implementing this programme, we do not want the country to misconstrue our intentions as a Government or party. We do not believe in giving things free to anybody because if we did that we would be encouraging laziness in Kenya. As the Swahili say "*Cha Bure Chau*". We believe that this nation can only survive and prosper in this harsh and highly competitive world if our people are prepared to work hard. As the President has indicated in his speech, we believe in safeguarding the personal and property rights of all our people of Kenya and we also believe that it is a vital element that our independence was hard won. Let the people of Kenya beware of those who want to turn into beggars, because this is a sure way of inhibiting personal pride and sense of initiative. Our aim is to build a nation of a proud and hard-working people, a nation founded on good principles and independent in outlook. Such a nation cannot be created by promising free things, Mr. Speaker, Sir, and therefore by encouraging laziness. I sincerely trust that the good sense and judgement of the Kenya people will uphold Kanu's policy on this important matter.

Mr. Speaker, Sir, we promise that there will be opportunity for everybody to play his full part and to develop his talents and capabilities to the utmost.

Now, Mr. Speaker, Sir, nation building comprises the ability of a country and its people to sustain their independence and national integrity. As the President has said, in our case it is a matter of keeping face with the Kenya nationalism and its social commitment through which independence was won. Today we are in a strong position to give the required lead to Kenya, whether our critics like it or not. This force is expressed in the words of the President, through the Government's increased command over the economy. Our plans and achievements show determination and drive on the part of the Government which is alive to the wishes and aspirations of the common man. The record really speaks for itself, and for this reason, Mr. Speaker, we sincerely appeal to each one of the hon. Members of this House, who form the bastion of the Government, to study carefully the achievements listed in this speech and in the pamphlet which has been issued to the hon. Members, and to do his utmost to educate his constituency fully in the principles and actions in which our party, Kanu, believes. I am sure that by doing that we shall build a strong and more prosperous Kenya.

Mr. Speaker, I, therefore, request this House, which constitutes the corporate will of the country, to endorse the *Madaraka* Day declaration of His Excellency and to pledge itself to impress upon the nation the necessity of carrying out the directions of His Excellency.

Mr. Speaker, without tiring the House, which has already read the speech, I beg to move.

POINT OF ORDER**READING OF SPEECHES: COMPLAINTS**

Mr. Seroney: On a point of order, Mr. Speaker, with regard to this ruling about reading speeches, what does constitute reading speeches, apart from the fact that we received the *Madaraka* Day speech one minute ago?

The Speaker (Mr. Slade): Hon. Members are aware that we have a Standing Order which prohibits the reading of speeches, but it is a custom of our House, and some other Parliaments, that the Speaker does not take action to enforce that Standing Order unless some hon. Member draws his attention to the breach. If any hon. Member had interrupted Mr. Ngei during his speech, to point out that he was reading it, I would have supported that hon. Member and asked Mr. Ngei to be a little more spontaneous. It is too late to complain now.

(Resumption of debate)

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I do not think there is much more meat I can add to the most eloquent speech that has been made by the hon. Minister in moving this Motion.

In seconding this Motion, Sir, I am merely going to stress on some of the most important points that are embodied in the speech delivered by our hon. President on that most important day.

The people of Kenya attach great significance to this day because it was a day which ended the struggle of many people, and we all appreciate the fact that the President has selected this occasion for making some of his major speeches to the nation. I think the world has heard a country which has not committed itself to anything but to Kenya nationalism through our own President.

Mr. Speaker, Sir, the theme of the politics of those people who have been opposing Government, as was mentioned in the President's Speech, was that this Government has done nothing for the people, and this Government should do more for the people. However, Sir, the only thing is that these people who preach this gospel that the Government is doing nothing, have failed to realize that the public of Kenya is educated enough to know when somebody is selling to them cheap

[The Assistant Minister for Lands and Settlement]

goods and when somebody is selling to them valuable goods. This is nothing but cheap politics. To say that the Government has done nothing is another way of saying that the people of Kenya have no eyes to see what Government has been doing since it first secured independence from colonialism. Sir, we know that these people have the goods they have been hiding in order to sell to our people, and we know what these goods are. I think, therefore, it is time that we mentioned what these goods are. These people have been trying to discredit our Government because they want to sell some goods called communism, but because they know our people will never accept communism, they decided to hide this communism under the smoke-screen that the Government has done nothing. Mr. Speaker, this country has leaders who have skinned eyes and who watch these people day and night and, as these people know very well, our country cannot accept communism because our country's tradition and formation are made up of the realization of individual rights and respect for individual property. Therefore, these people, realizing that, have been trying to bring into this country the ideology they have imported from foreign countries. However, instead of coming into this House, instead of standing at public meetings and telling us that they want to bring communism here, they have been bringing it through the back door. We have challenged them at public meetings to bring it in through the front door, even if it means bringing this into Parliament, so that we can have the opportunity of debating this. However, they know that this is an acceptable borrowed ideology which has been rejected by our President, that it has been rejected by the people of Kenya, and so these people have decided for a long time to conceal what they want and they have decided to go all over the country trying to discredit our Government, that the Government has done nothing. They want the people to suspect the Government, they want the Kenya people to disbelieve the Government, so that the people's confidence in the Government can be shaken.

Mr. Speaker, I am glad to say that today we stand in a country where these dissident people have been doomed to failure and they have failed so miserably that nearly all of them have now lost their seats. I am also glad to say that all of them will struggle to return to this House, and to realize that what goods they have been trying to sell in this country are too cheap for the people of Kenya to buy.

Now, Mr. Speaker, one of the most important aspects of our President's speech was the security of our own country. Mr. Speaker, these people

who have been trying to discredit the Government and to say that the Government has done nothing, have for some time tried to threaten the security of our people. They are like people who know that they are sinful, and because sinful people do not want other people to accept God, because God is only a threat to sinful people, they go on preaching that there is no God. They know that if people believe there is God, then God does not believe in sin. These people know that the people do not believe in borrowed ideology, so they try to discredit the Government. Mr. Speaker, I say that this Government, since it was formed, has struggled to make sure that there is an army force, that there is a police force and that there is a navy that are not interested in politics, like we have heard in other countries; that we have in this country forces that have no other intention because they have pledged themselves to be loyal to the President, loyal to the Government and loyal to the country and the people of this country in order to protect this country and to make sure that the people of Kenya will be fully free. This is because of the confidence that our police force, our army and our navy have been given by the Government and the great leadership of our President, and it is because of this that they have remained and will continue to remain loyal to Government.

This is a great aspect that those people who have been trying to discredit the Government should realize. Instead of discrediting the Government they should go out, trying to tell the truth to our people, trying to educate our people. They should know that it is good to have security in this country and that in order to have a good security in this country we must have a good police force, a loyal army, a loyal navy. All this is the source of any country's stability. If this country is not stable, Mr. Speaker, if people keep suspecting that this and that may happen at any time, if they suspect that there may be war, if foreign people feel that we can be invaded at any time by the *Shifita*—and they do so successfully—then people will have no confidence in this country. However, I would like to say that the whole world has confidence in Kenya because they know this country is well protected.

This is why we say that investment in this country can come without fear, without fear of political or military insecurity, because we have a President who has guided this country along the right path and he will see to it that we remain on that path for the good of the country and the good of our people.

[The Assistant Minister for Lands and Settlement]

Mr. Speaker, Sir, another point of our President's Speech on *Madaraka* Day was based on our policy of positive neutrality and non-alignment. In today's world and in today's politics the backbone of the stability of every country, particularly in Africa today, is based on whether the country will be aligned to one or the other of the world forces that are pulling hard to each force trying to win the whole world. There is the force of Imperialism and there is the force of Communism; these are based on the western and the eastern hemispheres of the globe. Some countries have made foolish mistakes. Some emergent countries in Africa have, without knowing, managed to get themselves involved into the cold war, where the great powers are struggling to rule the world. Mr. Speaker, it is because of the wisdom of our President that we have realized that we do not want to rule the world, we do not want to rule anybody, we do not want to be ruled; but, at least, there is one thing we want to rule, we want to rule ourselves. If any country indulges in East and West politics, a small country like, say, Kenya, would be crushed in between and would be nothing but a piece of grass which grows in a field where elephants come and fight. It is not the wish of the Government of this country to make Kenya a battlefield. This is why the Government has laid down as its policy that Kenya must remain completely neutral and must remain completely non-aligned. We owe it to the wisdom of the President that up to now we have been able to remain completely aloof from East and West politics. We have stated, through the leadership of our President, that no foreign policy will dictate our policies, and no foreign policy will select friends or enemies for us. We shall have to determine our own friends and enemies. Kenya has remained a stable country because of this policy.

Mr. Speaker, Sir, it is most important that some of these factors of our development should be realized by our people. The most important thing is that it should be realized that we owe all this to the very, very wise leadership of the President. This is why we have been able to remain non-aligned and as stable as we have been.

Service to our people by this Government cannot be over-emphasized. In education, in health, in commerce and in agriculture we have given service to the people. However, Mr. Speaker, I want to stress on one aspect of development with which I am personally closely associated. That, Sir, is the land reform that has taken place in this country. In no country in the whole of Africa, and in the whole world, has a

Government as young as Kenya achieved as much as we have achieved in land reform. Acres and acres, in fact, to the tune of millions, have been converted into the settlement schemes which have accommodated our people who were otherwise landless, unemployed and absolutely poor. I am speaking, Mr. Speaker, with personal experience, having seen people who emerged from villages with absolutely nothing, who can be called truly poor, and they have been settled in our settlement schemes, they have been given plots, they have been given loans by the Government, and today, Sir, they own cows, today they sell produce every season, and today, those people who looked desperate and poor have now been settled. This does not apply only to themselves but to their families. Also, not only the land on which they have been settled has been reformed, Mr. Speaker, but their lives also have been completely reformed for the better.

So, Mr. Speaker, it is childish, it is an abuse to the people of Kenya, for anybody to stand and say that the Government has done nothing. I would have listened to a person saying that the Government has done nothing, if, say, the Government has settled two million people, or the Government has settled people on two million acres of land, he can say that the Government has done nothing compared with what he himself has done, if he can prove to the people of Kenya that he, himself, in his personal capacity, has settled some people of Kenya in, say, one million acres. However, it is useless to start talking of the Government having done nothing when what the Government has done can be seen and examined, can be inspected in broad daylight.

Mr. Speaker, with regard to the echo of some selfish politician that the Government should issue free things, the biggest question is, Mr. Speaker, where will these free things come from?

As, Mr. Speaker, it is written in the Bible, God closed the Heaven, since he released manna from heaven to feed the children of Israel. If God said that there are no more free things, no more manna from heaven, then what are these free things that we are told about? These free things are non-existent and we know it. We know it is a theory of communism where people are taxed more than five times than they are taxed here today, and people are given back a little fraction of the heavy taxation, and then this is what they call free things. I would rather my people remained as they are, progressing gradually as they are progressing now, progressing on the true path based on Kenya nationalism rather than dwell or cheat my people on a theory that will never benefit my people. In fact, if it is practised here it would oppress the people.

[The Assistant Minister for Lands and Settlement]

We have been elected by the people so that when they are right, we tell them they are right, and when they are wrong, we tell them they are wrong. We must tell the people where we are going, we must tell the people where the country is going. If we turn back and start giving our people these promises, the question is, where will the free things come from? If we have ten yards of cloth we cannot make a dress worth fifty yards—

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, can the Assistant Minister lower his voice so that we can hear him properly? He is shouting as though he is addressing a public meeting.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I am glad that the hon. Member wants to hear what I am saying, and this was the purpose of my speech, so that he can hear me.

Mr. Speaker, Sir, what we should ask ourselves is, where will the free things come from? Because if we must give free things we must know where they will come from. Are we going to borrow these free things or are we going to take one thing from Paul and give it to James. Is that free things? Does it mean a free thing at the expense of Paul to the benefit of James, or what does that mean? This theory, Mr. Speaker, has been formulated merely to deceive our people but our people are educated enough, and this Government is going to continue educating our people so that they may not fall into the temptation of reducing themselves to beggars instead of working hard and producing wealth for themselves and for the country.

Mr. Speaker, Sir, it is not possible for any politician in this country today to make any speech or to impress upon the people of Kenya as much as our President Mzee Jomo Kenyatta has done, and we are fortunate in this country because we have, at our disposal, the wisdom and the long experience of Mzee Kenyatta, and this is why, Mr. Speaker, we should make very good use of his advice, we should make very good use of his directions not only to the benefit of ourselves, so that we can also become an example to the rest of Africa, we can become an example to the rest of the world, we can show to the world that a country in Africa can succeed with policies of its own, without borrowed policies, without borrowed theories, without ill-conceived theories; and this is the example that our President has given to us.

Mr. Speaker, we should not only take it to ourselves, we have the duty, Mr. Speaker, of selling this example to the people of Kenya so that the

people of Kenya can benefit for the very wisdom that is directing this Government and this country.

Mr. Speaker, Sir, in my conclusion, I would say this: many countries in Africa, many countries in the world admire the leadership of our President; and it is childish, and it is foolish for us, when the whole world appreciates and admires the wisdom and the leadership of our President, to be heard talking ill of the Government of that President, and therefore, Mr. Speaker, we should learn more, we should know that we are more fortunate than many parts of the world, we are more fortunate than many parts of Africa to have this kind of President who is so wise and who is so learned and who is dedicated to the service of the people of Kenya, and to the service of his country.

I would, therefore, Mr. Speaker, in conclusion, suggest that during this day or some other day we think of a day when we can organize prayers throughout the world so that our great President can live long, and so that, for a long time, we can benefit from his wisdom and from the directions that he has given this country, that has formed an example, not only in Africa but in the whole world. I would appeal, Mr. Speaker, to the Government to set aside a day of prayer for the whole of Kenya to pray so that our President may live long and direct us even much better through the true path, through the spirit of African Socialism. With this, Mr. Speaker, I beg to support.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I rise to say a word or two on the Motion which I support. I must, first of all, congratulate the Minister who has moved this Motion, and also congratulate the President of the Republic of Kenya for his speech on the *Madaraka Day*.

To me, Mr. Speaker, "*Madaraka Day*" are very meaningful words because—for those who have been in the struggle against the imperialists know much more that this day is the greatest of all—some of us who joined the struggle were subjected to a lot of suppression, a lot of intimidation, and so forth by the imperialists; but thank God we went through it, and therefore *Madaraka Day* in itself means a great deal to us who were in the struggle.

But, of course, this *Madaraka Day* is not something we were given because the imperialists who came to this country, came at nobody's invitation, and even in the very Bible they brought to this country, which I am very grateful for, I am a Christian, it is not written anywhere in the Old or New Testament that the black shall

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be governed by the white, and that is why, Mr. Speaker, the white man, or the imperialists, had to agree that we have to govern ourselves, and that is why the word *madaraka* came. Of course, *madaraka* itself, in Swahili, means responsibility. We are responsible people, were responsible people from time immemorial, and only the white man, at nobody's invitation came down here and went against the laws of God, which is in the Bible, which he also carried with him to Africa, and Kenya, and also against the law of nature of one to be subjected to a rule by another person, in his own land. Mr. Speaker, it will be recalled that when the Europeans came here we welcomed them as friends. We even carried them on our backs, across rivers, we even carried luggage for them, and housed them, but, as you well know, they became funny. They went too far and now, as a result, we have managed to get the word *madaraka*. We kicked them out and now we are responsible people again after having been irresponsible. I remember, Mr. Speaker, during that time nothing an African could say would be considered responsible. Everything we said was "irresponsible", "untimely" and "unfortunate", all these adjectives were used. Today we are *madaraka* men, and we speak as *madaraka* men, and I am going to speak as a *madaraka* man as usual from Butere.

Now, Mr. Speaker, if I can come back to the Minister's speech where he referred to African Socialism. Here, Mr. Speaker, before I go on, may I declare that I am contributing to this Motion in the interest of the nation—

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

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

and, therefore, I would like the House to understand me right from the very beginning, that I support the Motion and that I am going to contribute and not to say, "yes". This is the problem we get with our brothers, we are all *madaraka* men, and let us accept one fact that once you are responsible you should respect that other people are also responsible. When they become irresponsible, then you can point out to them responsibly that they are irresponsible. That is what I am going to do now.

It has been published in the newspapers by some people who were supposed to be *madaraka* men, or who are supposed to be responsible, that the Member for Butere is not with the Government, and even K.P.U. boys had the guts to say I am with them. Now, Mr. Deputy Speaker, let me make my point clear before I go on to the *madaraka*. On this, Mr. Deputy

Speaker, I am—if the hon. Member, Mr. Mbogoh, who is a friend of mine would only keep quiet he will hear what I am going to say—Mr. Deputy Speaker, I am a responsible man and I look at things responsibly, but I am a Kanu member, a wedded member, not an eloped member. The question is this, if the hon. arap Biy would like to know it will be recalled, and it is history, that some of us here were elected on Kadu tickets, and crossed the Floor before they consulted their people, so they eloped. That is one case, and there is this one, from Butere, who had the full mandate of the people, who went to the President with a full delegation of Butere people, and was wedded to Kanu, and, therefore, this Member is quite different. Very different from the other chaps who eloped and went across the Floor without the mandate of their people. Therefore, Mr. Deputy Speaker, we say in our language, "*omukhana omubayira shalungungwa omukhaye ta*". Mr. Deputy Speaker, that means, "Any girl that has eloped can never be called lady". I am a lady because I was wedded to Kanu. The others are not ladies. Those who have gone to the election if they come back they will be called ladies, but they will not now be wedded to you they will be wedded to KPU.

Now, Mr. Deputy Speaker, having said that I must warn the House that I am not all that cheap to run about, I will never move from Kanu unless the Butere people say so. Therefore, there should be no doubt at all, and I know, Mr. Deputy Speaker, the President of the Republic of Kenya knows that this is a man of his word. If I say, "yes", it is "yes", and never "no". If it is no it is definitely no, and those who eloped could run away any time. We say if you elope, or if you get married to a divorced woman you do not go into the beer party and boast of your marriage. Our people will tell you to shut up, because if she has left the other husband she will leave you also. So I am quite steady and I am in Kanu—

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, is it in order for the hon. speaker to refer to this question of ladies and the rest, is it relevant to the speech of the Mzee?

The Deputy Speaker (Dr. De Souza): I think he is speaking figuratively about ladies, I do not think he is referring to ladies generally, and I think he is trying to refer to his own personal sincerity. I think it is time you came to the contents of the speech, I think your introduction has been long enough, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, for your ruling. The hon. Member should know that we are Africans and that we are talking of

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African Socialism, and it is very important that you take the traditions along with us, if the word African is going to mean anything to anybody with a sensible head on his shoulders.

Now, Mr. Deputy Speaker, may I come to the question which has been referred to as African Socialism? Mr. Deputy Speaker, I supported it, I still support African Socialism, but whatever African Socialism has done so far, it should be considered so good but not enough. We have got to go further than the words African Socialism. Speaking is one, and doing is the other. The two things are quite different. What do ordinary women in Machakos, in Bondo, Gatundu, Butere, Kilifi South and all the rest of the places, what do they understand by the words African Socialism? Mr. Deputy Speaker, the best teacher is not he who theorizes, but he who goes out to practise what he preaches. It has been quoted several times in the Bible here, this was said in the Bible by God, and the other was said by God, even I am a Catholic, Mr. Deputy Speaker, I was in a seminary for six years, and I do not wish to preach the Bible here, but I know that Christ himself preached and practised what he preached. Therefore, we should also practise African Socialism, can anyone tell me now that we have practised it. To me, Mr. Deputy Speaker, I say no, and I am included, because if it is African Socialism it must be practised and taught to the people in the practical way. How will the people understand that we are practising African Socialism? Mr. Deputy Speaker, I recall that I said in this House, that African Socialism means that you share with other people what you have, as we used to do before the Europeans came to Kenya. In those days, a man never died because he had nothing, but if he had nothing through hard luck, he was supported by others, and he came up. Today do we do that, Mr. Deputy Speaker? The answer, though the hon. Member says, "yes", the answer is "no." Why is there this great unemployment in this country? This is the question every hon. Member who thinks further than his nose, and sees further than his nose should ask himself. It is because, Mr. Deputy Speaker, it is important, to be noted, though the hon. Members are shouting, I will fix them up, it is important to note that many Europeans as a result of our having *madaraka*, felt it was so bad that they could never be under the leadership or the rule of a black man. As a result they left this country. Now what has happened? The black men came in. Of course, my friends in the Civil Service should excuse me when I talk like this, but it is fact, it is no use skating round the

truth. I'll tell them the truth. Mr. Deputy Speaker, we had provincial commissioners, we had district officers, the district commissioners and all these imperialists held the positions in this country, but every district officer, every district commissioner, even *karanis* employed not less than six boys. The hon. Member is asking what about hon. Shikuku. Mr. Deputy Speaker, I am a straightforward man, and my political record is very clean, and I invite the Member for North Mugirango, at my expense, to visit my home and find out how many people I have employed. I will teach him a lesson. If I tell him I have employed so many, I will give any figure, but let him come and see for himself, count for himself and report to the House. I hope the hon. Member for North Mugirango will accept the challenge and report to the House how many people I have employed. Mr. Deputy Speaker, I would like to point out—

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, as the hon. Member for Butere has given an undertaking to take somebody to his house at his own expense, do we take that as a genuine promise, or do we just treat it as a political speech?

The Deputy Speaker (Dr. De Souza): I suppose one can take it as a genuine promise or as a political speech, but I do not think he is legally bound by what he offers to do here. I do not think one can sue him for breach of contract.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, but I am a man of my word, I would not even mind giving the date, which should be next Tuesday, I would like to have him for a week-end, take him home and let him report to the House on Tuesday.

Mr. Deputy Speaker, if I may continue with my speech, you will find these people now, the Africans who have taken up these very, very posts, earning the very same salary, do they employ people? They do not. All they do is boast. They look big, drink much, and do not employ anybody, and are always at parties. Today it is this party, given by this embassy, tomorrow it is the next party, the next day the other party, and if you go to the residential area, Mr. Deputy Speaker, where the imperialists used to live, they employed even *shamba* boys. Today there are no *shamba* boys. The lawn has grown wild, it is ever at party, and heaping money round himself, and all he does if he wants an *ayah* is to take a child from an unfortunate family, makes her an *ayah* and a cook at the same time, and pays her about Sh. 40, all the money is kept in his pocket. His

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wife is also working in another department earning two thousand or one thousand something. All that money is used for doing nothing, straightening the hair, painting the nails, and buying high heel shoes. Is that African Socialism? I say "No".

This is where we have to be realistic, and there is no need for us to pretend here that we are all that good. We would like these people to employ some boys to clean their villages, some boys to cook for them, some boys to put food on the table, so that we can provide employment for our own people because there are no more *wazungus*, we are the *wazungus* now. I am a very fair man, Mr. Deputy Speaker, but I have had some trouble with these fellows. If we employ them from eight to two every day, some of the very poor people I represent are not prepared to do the work we give them; they come in their own time, and you find it very difficult. I do not know why they should not serve us as they served the Europeans. I would like to appeal to the poor people and say that once you are offered a job, you must do the job to earn your living. This is the thing we have to understand. The big men have to do their part, the small men have to do their part, and the two coming together create a nation.

Mr. Deputy Speaker, one of the new Members—hon. Khayao—says I am sensible. I was sensible even before he came to this House.

Mr. Deputy Speaker, Sir, I would like also to go further and say that if we have to build a nation, we do not build it through the radio, the newspapers, public meetings, and so forth. We have to go further. We have done something but we have to go further and do something, and we shall continue doing something more, so that our people can understand what we are trying to do for them.

Among them, Mr. Deputy Speaker, we have people who have no land—that question has been touched on—who have no job, but these people, Mr. Deputy Speaker, Sir, when they come to Nairobi to look for employment, are asked by this city council, this extravagant city council, to pay taxes before they are employed, to produce tax cards. This, Mr. Deputy Speaker, is, in itself, forcing the people to steal. Mr. Deputy Speaker, I feel any person who has no job, who has no land, should be let alone and we will look for a job for him. If we do not find a job, we will tell him, "Boy, rest, but don't steal. Eat at your brother's and sleep at your sister's, or something, but don't steal." But asking him for tax is very unfair and I think, Mr. Deputy Speaker, in our endeavour to help our people and to build a

nation, we must try and get some industries, so that people of this type could get something to do, in order that they can also work and contribute to nation building.

An hon. Member: They should go back to the land.

Mr. Shikuku: Mr. Deputy Speaker, the hon. Member says that they should go back to the land. I am coming to that point. I am the president of the poor people. Mr. Deputy Speaker—

Mr. Omar: On a point of order, Mr. Deputy Speaker, I am wondering whether the hon. Member is supporting the Motion or opposing it, and if he is supporting it, why is he making such criticisms?

The Deputy Speaker (Dr. De Souza): The hon. Member has said that he is supporting the Motion, and he is entitled to speak as he wishes, I am afraid.

Mr. Shikuku: Thank you for your ruling, Mr. Deputy Speaker. The hon. Member is old enough to know that on such Motions you are allowed to speak your mind.

QUORUM

Mr. Omar: On a point of order, Mr. Deputy Speaker, there is no quorum in the House.

The Deputy Speaker (Dr. De Souza): Yes, you are right. Please ring the Division Bell.

(The Division Bell was rung)

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

Mr. Shikuku: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I was coming to the question of land. My papers are falling, and they are interrupting me; I will go to the Table.

Mr. Deputy Speaker, Sir, I was coming to the question of going back to the land. I have outlined the type of—

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, there is no reason why the hon. Member should be moving to the place we have reserved for Ministers only.

The Deputy Speaker (Dr. De Souza): No, I think the Speaker has not refused to allow people to come forward to speak from the Dispatch Box. I will not refuse.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. If the hon. Member is afraid of coming to the Table, that is his business. Mr. Deputy Speaker, Sir, the Member for Butere is at the Table.

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Now, having outlined the type of people who have no job and who have no *shamba*, are the people to be left alone? I am coming to the lazy type. Among the people who say they have no job—Mr. Deputy Speaker, we must be realistic—are those who have land, but they do not want to go back to the land.

An hon. Member: Where are they?

Mr. Shikuku: They are in your constituency and you should take pains to know who they are. They are in everybody's constituency, Mr. Deputy Speaker. Of those lazy ones some have ten acres, some have five acres, some have twelve acres, but they prefer to go and drink from morning to evening, and they only let their wives go to the *shamba*, and in the evening, coming back drunk, they demand meat; they do not want to eat *ugali* with *mboga*—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to say that I have some lazy people in my constituency and they refuse to go back to their land? Can he substantiate that one?

The Deputy Speaker (Dr. De Souza): Order! Order! I am afraid this is not the type of allegation that needs substantiation.

Mr. Shikuku: Mr. Deputy Speaker, it appears the hon. Members are interested in interrupting my speech, but the more they interrupt, the more I will speak; I will take two hours and they will get tired.

Mr. Deputy Speaker, these people only drink and they go back and harass the women in this country and ask for meat to eat. I feel, Mr. Deputy Speaker, this Government, if we have to build the nation, should not be too soft. He who has land and does not work on the land, who prefers to go and drink and in the evening demand *ugali* and *nyama*, and who, on top of it, produces, Mr. Deputy Speaker—the Attorney-General is not here, but I think the time has come to legislate to the effect that those lazy ones— Mr. Deputy Speaker, the National Member, Mr. Ochwada, says it will affect me. I would like it to affect me. Whether the principle is for me or against me, I am always for it, and if he is the lazy one who stays in Nairobi most of the time, he will have it, too.

We should legislate to the effect, Mr. Deputy Speaker, that the lazy boys shall be caned and be sent back to work on their land, because these are a menace to the country, these are the parasites. If everybody who had a piece of land

worked on it in this country, surely we would not have this famine, we would not have people running around like this, because if our people are going to be told—as they are now being told—that they are going to get free things, then it is easy for them to do nothing later on. But we must teach them that they must also work: *Kama hapana fanya kazi, tia kiboko!* I hope, Mr. Deputy Speaker, the Attorney-General will read the HANSARD and look into this question of legislating to the effect that he who has land and does not work on the land, instead drinks or just sits round the shops and goes on gossiping, when he is producing children, must be made to work to feed his children, because if he does not work, he wants somebody else to feed the children, and if the children are not well fed, they will be thieves and we shall have a hell of a time to worry about these vagabonds and thieves harassing everybody.

Mr. Deputy Speaker, Sir, one of the Members is saying, like me. I am not a vagabond, he is a vagabond.

Mr. Deputy Speaker, may I come to another point. I have also said that we have done something and we still have to do something. Mr. Deputy Speaker, I feel that some parts of Kenya require attention. We have done something and we want to do something to the places where very little has been done, in order to have the support of this Government. Mr. Deputy Speaker, I believe there are some sections of this country like that. Let us say, for example, the Turkana down there, the Samburu from the other end, the Masai at the other end, the people in—

An hon. Member: In Western Province.

Mr. Shikuku: Of course, the people in Western Province, for example, require a bit of attention. For instance, in Turkana we should build more hospitals for those people; we should build roads there though there is nothing to see. But we will go there and make roads for the Turkana people and build hospitals and schools for them; we should try and do something. Kakamega, for example, is called the provincial headquarters of Western Province, but what do you find, Mr. Deputy Speaker? I do not know whether you have been to Kakamega. I have never seen any town where grass grows like it does there, wild grass, not lawns, wild grass. Mr. Deputy Speaker says he has been there and I do not think you were very much impressed. This is a shame, that it should be referred to as the headquarters of a province when that place is not even worth being referred to as such, because if you go there, there is only about 100 yards of tarmac road, just 100

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yards; the rest is dust. Mr. Deputy Speaker, we feel the Government has to do something. Look at the hospital itself. I have never seen a dirtier hospital than the provincial hospital of Western Province. I do not think I will ever see anything worse, and I am of the opinion that the people of Kakamega District and Western Province are dying because of dirt in Kakamega Provincial Hospital. It is the dirtiest of all.

I hope the Minister for Health—he has just been here and he has gone out—will read the HANSARD. He is the Minister and he happens to come from that area. He should be ashamed of it. It is the dirtiest hospital and stinking hospital—

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Deputy Speaker, are those remarks really fit to be made in the House by an hon. Member against particularly a person who is not present?

The Deputy Speaker (Dr. De Souza): Well, they are perhaps unfortunate. I would not say it is unparliamentary language; it is a bit strong, I know, but if he says that a certain Minister comes from the same area and he should be ashamed of the hospital, I do not know whether I could say that he should withdraw it. I think it is just about the borderline, but I do not think it is unparliamentary.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. It is very strong, but that hospital is in a horrible state. You would find cobwebs on the walls and even the cement in my kitchen is better; the floor, the whole situation, the area there stinks, but I am of the opinion that a sick man can get well psychologically. If you are so dirty and you are sent to a clean place and you see clean people there, you will get better, but in Kakamega you cannot get better because it is so dirty. I feel that we must do something for Kakamega provincial headquarters. I do not believe in just saying, "Alleluia" or "Amen" when things are going wrong in my own area.

Mr. Deputy Speaker, we also have to go further and do something to meet the feelings of the people, people who wish to stay together, be allowed to do so. We have also to go further and look into the boundaries, and I congratulate the Government for having tabled a Motion the other day to the effect that Central Nyanza District should be divided into two. Of course, I congratulate them; they have met the feelings of the people in Central Nyanza, but they should also know there are people who are suffering

from the same thing they have cured in Central Nyanza and who would also like to be cured, and those are—

An hon. Member: Address the Chair.

Mr. Shikuku: Mr. Deputy Speaker, I am addressing the Chair. The fact that I am looking at the Minister for Finance does not make any difference, and the hon. Members who have been here long enough should know that.

Mr. Deputy Speaker, Sir, my voice is hoarse because I was addressing a meeting yesterday and on Saturday, and I am addressing the Members today; it is quite a job.

Mr. Deputy Speaker, Sir, there are Abaluhya people in Central Nyanza who would like to join their brothers in Kakamega District: like for example, those in Tingare, Murumba, Gem, Maseno. All these people want to see their brothers and I think the Government, having done it for Central Nyanza people, I am sure, will not—

The Deputy Speaker (Dr. De Souza): Order, Mr. Shikuku! You are aware that one cannot bring again in debate a point that has been decided very recently. You, in fact, took part in that debate and you cannot speak on the same Motion again.

Mr. Shikuku: Mr. Deputy Speaker, I take your ruling, but I was not trying to speak on the same Motion, I was only wondering if the wishes of the Baluhya people would also be met in the same way as those of the Central Nyanza people were met.

Leaving that point aside, there is this problem of the distribution of taxes which is going on. We have done something and I feel the Government should do something more. I do not see any reason why my chiefs or the chiefs in hon. Wariithi's constituency, or in any hon. Member's here, should have their taxes deducted in Nairobi. The chief has his wife, his *kukus*, his children, his *ngombe*, everything, in his home. If it is in the hon. Minister for Finance's home, he has everything there and not in Nairobi.

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

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

Therefore, I feel, Mr. Speaker, it is unfair for the Central Government to allow the city council here, because the tax of that particular chief or sub-chief or teacher, for that matter, who are at home in their local county, should be deducted here—

QUORUM

Mr. Khaoya: On a point of order, Mr. Speaker, I wonder whether we have a quorum.

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum.

Mr. Shikuku: Mr. Speaker, Sir, thank you very much. Sir, I was trying to raise a question with regard to Graduated Personal Tax.

Mr. Wariithi: On a point of order, Mr. Speaker, Sir, before we continue, may we know, when a Member who is speaking becomes very boring and irritating and therefore tends to send Members out of the Chamber, if there is any way in which we can deal with such a situation?

The Speaker (Mr. Slade): It has always been one way of the House to show a measure of boredom by Members disappearing from the scene. At the same time, I think we must be thankful for their responding to the Division Bell to make a quorum. The only other remedy that the Members have, if they are bored, is to move the closure, which, of course, puts an end to other speeches as well if it is successful. I do not think I can advise you any further.

Mr. Shikuku: Thank you, Mr. Speaker, Sir, for your ruling. However, Sir, I think there was an inkling of an insinuation in the hon. Member's point of order that the Members have been leaving the Chamber because of the boredom of my speech. But, Sir, I recall that during the time when the Assistant Minister was speaking there was also no quorum and the bell was rung. I think the Members are only just tired and not responsible enough to stay here, because, Sir, after all, they are paid to stay here. Therefore, Sir, I would not mind speaking until they all leave, and leave me here. I will still continue again tomorrow.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, Sir, would the hon. Member speaking now like some information with regard to Graduated Personal Tax so to save him time?

Mr. Shikuku: No, thank you, Sir. I know what I am talking about. Mr. Speaker, Sir, I think it is very unfortunate that the Graduated Personal Tax is collected here, because I think that all the money should be sent back home. Mr. Speaker, Sir, this money is not being sent back, because my very own salary is not being sent back.

Sh. 25 out of my Sh. 50 which I pay remains in Nairobi, when my wife, my *kuku* are in Butere. I think the Government has to do something about that.

Now, Sir, I would like to come to the question with regard to foreign money. Mr. Speaker, Sir, until my money is sent to Kakamega I will not believe what the Minister for Finance is telling me. Mr. Speaker, Sir, with regard to the question of foreign money, which was also touched upon by the President of Kenya, in his speech and even at rallies it is said that there are those people who are receiving foreign money in order to come and confuse the people in Kenya. I think the people in Kenya must be warned that if they have to get money in order to support and follow anybody, then they are also encouraging corruption. If we do not preach to our people to make them understand that everything you get you have to pay for, then we are heading for trouble, because it should be made known to the people that there is nothing free in this world, nor is it free in heaven. If you went to heaven, Mr. Speaker, Sir, you are supposed to sing "halleluja" to God and if you do not, then you are kicked out. So it is not free to go to heaven. In Kenya or any part of the world you do not expect anything free, because if you do you will become frustrated. Therefore, Sir, this foreign money which it is alleged comes from here and there, I feel the Government has to be stubborn over it.

Mr. Speaker, Sir, whether this money comes from the East or the West, money is still money, because when it comes here it is always changed into East African currency. Therefore, Sir, so long as we, the Government, denounce the Eastern money, we must equally denounce the Western money which is so free in this country, because there are people who, if they have to look for leadership, and have to buy the people here, will bring about a stage where those who speak the truth and do not have the money will never be elected to Parliament. Only those who can buy things will come here and make a profit and bring wealth unto themselves, then the people will be in the soup. Therefore, Sir, the people must be taught not to accept any money, and if they do then not to do what they have been asked to do because they have been given the money. So, that in the end we can get the right leaders instead of those who have become slaves of the foreign powers to buy Africans to support them and bring them into power.

Of course, Mr. Speaker, Sir, I do not think that any of these two are any better, because with East or West, in my opinion, I have said it time

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and again, there is no difference. The pigmentation is the same. The intentions are the same. There is no historical background to show that my forefathers had any connexion with those people. Whatever money they give to me is not free, it means that they want something from me. Be it East or West they are all the same. Mr. Speaker, Sir, one devil is no better than the other devil.

Mr. Speaker, Sir, we say that if one has to grow up, or if one wants their child to grow up a good child, never give it ten cents whenever it wants ten cents, make it work in order to get the ten cents, because if one feeds his child on ten cents whenever it wants a ten cents, when you die, they will have to steal the ten cents from someone else and they will end up in jail. We do not want free things here as it has been stated by some people. We have to work for ourselves and our people must be made to understand that any money they are given by any leader; any leader who buys them drinks, including people in this House, who go around the bars throwing round bottles of drink, from where do they get this money, when I cannot get it? Why do they give this money to buy drinks for the poor people, and from where do they get this money? Mr. Speaker, Sir, I feel this is very unfair. If a leader is to lead he should lead because he has some grey matter in his head and not—

Mr. Makone: On a point of order, Mr. Speaker, Sir, would the hon. Member speaking now substantiate that there are some hon. Members of this House who go to a bar and buy drinks for all, because this is a very serious allegation by the hon. Member?

The Speaker (Mr. Slade): No, I do not think these statements that, some Members do this, and some Members do that, are really very serious. They become much more serious if a Member is asked to name individuals and I think we want to avoid that.

Mr. Shikuku: Thank you very much, Mr. Speaker. I think you will agree with me that this happens and therefore we should educate our people that this type of leader is the dangerous one and that once they get somebody behaving like that they should know that there is something wrong with that particular man, because if he is a straightforward man he would not indulge in things like that.

My last point, Mr. Speaker, Sir, is this. We have this question of the new party in the country. Personally, Mr. Speaker, Sir, I do not

worry and do not care a hoot about the KPU. I do not think a Government of this majority should waste any time worrying about the KPU, because they are people who are day-dreaming. If we analyse their policy of free land we will find that, if they came to power, they would not be able to give everybody free land, and even if it is free, whose land will it be? Mr. Speaker, Sir, I asked one of these people whose land will it be, and he told me the White Highlands. There is no more White Highlands now, and the public in this country must know that there is no White Highlands here and if there were any at all it still belongs to somebody or other. History tells us Mr. Speaker, Sir, that the land in Kenya is owned on a tribal basis and those people who own the land fought for it. I will not let anybody set foot on my land which my forefathers died for, and let him go away with his head. When they talk of this free land we must ask them where this free land is.

Mr. Speaker, Sir, if it is the White Highlands I would like to diagnose to you exactly what the White Highlands consists of, this free land. This area, land, belongs to the Kalenjin, Masai, Luhya and the Kikuyu a very little on the Aberdares. Now, Sir, which land are they going to divide? Are they going to come to the Luhya land and settle there? My foot, they will have had it if they try. Therefore, Sir, these people are talking about things which they cannot possibly do. I do not think the Kikuyu, Kalenjin, Masai or the Luhya are going to allow anybody, even if it is in the spirit of *Harambee* and *Umoja*, to come and settle on their land. No, Sir, the Luhya have to have their land. However, if the tribes have been given their land and there is some left, then we will give it to our brothers; "*Na kama Napati*" Matua or whoever, but not to come and settle there because it is *Harambee*. That, Sir, is what we resent.

Therefore, Sir, these KPU chaps, and the President of the KPU, must tell us how many acres of land are lying fallow. If he intends to turn water into land from Lake Victoria, that is a different story, but, Sir, so far there is no land in Bondo. If one goes to Bondo they will see that there is no land in Bondo. If the Vice-President of the KPU, Mr. Kaggia, has been around this country, Sir, he will see that there is no free land either in Kandara. If he is talking about dividing and giving free land to these people taken off the other people, then the hon. Member for Kandara must be careful, because we still exist. But, Sir, if we were all dead and it were lying fallow, then he could go ahead, but not now when we are still breathing.

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Mr. Speaker, Sir, if they are talking about free education, which we also support. I support the idea of having free education. I want free education for the people of Butere, but I must also be realistic and that is why I have been thinking in terms of helping everybody to work, both the poor and the rich working together to build the nation, get more money, more taxes and then free education will follow. This, Sir, is a realistic view rather than telling people, we are going to give free education, but wait. Let us be realistic and tell the people that we have to make full use of every inch of land of Kenya so that we shall have more income from the land and then from that income we can get more people to pay taxes which will eventually result in free education. We cannot tell them to wait. If we tell these people to wait, they will sit back, flock into the towns and demand jobs and will not be contributing. Therefore, Sir, the Government must also tell the people that they also have to do their part. If everybody worked, and those who owned land from Nairobi went back to the land, if it is barren give them manure, and lend them the tractors and they will get more income and from that we will get free education and free everything.

Mr. Speaker, Sir, if I may end by saying this. The Bill which is being brought to the House with regard to health, I am of the opinion that the questions of paying Sh. 20 from those people who are in a higher income bracket, I feel this money should be encouraged so that we get more people paying this money and therefore enable us to employ more staff, because today we have this free out-patient treatment and we are working these people to the ground. For example, Mr. Speaker, Sir, in Butere you will find on Monday that there are queues and queues of people and some of the women waiting faint before they have a chance to be treated and this is because they are short-staffed at Butere Health Centre. I feel this should be used to employ more people to help our people by treating them in these health centres. Of course, Mr. Speaker, Sir, if those people in the higher income bracket want more comfort they can pay an extra sum of money besides the Sh. 20, and that is a suggestion by the president of the poor people.

Now, Sir, in conclusion I want to tell everybody not to live in fear. Personally, Sir, I am not a coward and I do not believe in this whispering which some of us believe in now. We passed a law recently in this House which takes care of any eventuality. We should be steady and tell our people what to do and when to do it.

I do not believe that if anybody says something that is not agreeable to a certain group, then that man is not a good man. Mr. Speaker, Sir, there is a lot of whispering which is not good. Mr. Speaker, Sir, somebody was telling me today, "How is it that the KPU is pressing you?" If the KPU sees something right in me, then why do they not say so? If I see something right in the KPU, then I will say so, but it does not mean that I am for the KPU. This sort of fear is useless. Let us be grown up and ourselves. Mr. Speaker, Sir, now we are *madaraka* men. If there is something right with the KPU, then for goodness' sake, say that it is right. Do not have any fear that if you say something for the KPU you will be thought to be on that side. This is a cowardly attitude.

I understand, Sir, that a coward dies 20,000 times before he really dies, and we do not want us to die about 10,000 times before we really die. I feel we must be brave and tell our people not to abuse the KPU, but speak logically about these things. In my opinion we can kill the KPU without even fighting them. We can kill the KPU on facts alone without even calling them names. I, Sir, believe in doing things straight. I would like any day, any time in Kenya to share a platform even with their President and tell me where that land is. This, Sir, will finish him. The people want free things but those free things are not there. Mr. Speaker, Sir, let us not worry about a small group of people whose maximum is going to be about ten people. What is ten people out of about 109 people? What can they do? Why should we go around singing about KPU? If we spoke an awful lot on the KPU, then the more the KPU grows, because even the old women at home will want to know what the KPU is and she will become interested. I feel, Sir, that if we continue to denounce them over the radio it will not help us at all. Most of the people, in fact, do not listen to the radio and we should not use the radio, we should go to the fields and fix them in the fields not physically but logically.

That, Mr. Speaker, is my feeling. I feel very strongly about it. Let us be gentlemen and talk to each other. Let us not be enemies. Anybody who differs from us should not be our enemy because he is really our brother. After all, where are you going to send him? If you differ from me, well, I am in Kenya, I was born in Kenya and will die in Kenya. So, let us talk like grown-ups and see logic rather than be emotional and cowardly.

With those few remarks, Mr. Speaker, I wish to congratulate again the Mover of the Motion and also the President of the Republic of Kenya. Let

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us not make him live on flattery. He is a man and he knows who is flattering him. Let us go by logic rather than by flattery.

With these remarks, Sir, I beg to support.

Mr. Jahazi: Mr. Speaker, Sir, I must congratulate the Minister who moved this Motion and at the same time welcome him back to this House in his capacity as Minister for Housing.

Mr. Speaker, Sir, the Kenya Government's record is so clear that only a man who is mentally sick will come and try to place a blanket blame on the whole Government and say that the Kanu Government has not done anything. I think this is abusing the mentality of our people.

In a very short time we have seen great changes. Most of us did not believe that in 1966 Kenya would be as it is today. There have been great strides, first of all in human relations in this country, because we do not have to look a long way back to realize what positions the Africans were in 1955, 1956 or even 1958. What position was the African regarded to be in by the white man and all other non-Africans? The African was down-trodden, he was regarded as being half human, and nobody paid any respect to him, whether he was an intellectual, whether he was a doctor, whether he was a philosopher, anything. Nobody regarded him as a human being. Now, barely six years later we see that not only do we command this House but we command the respect of the people. In fact, if it is a question of dividing the classes, we are the first-class citizens of this country, and the rest come second to us. This has been a great achievement, especially in Nairobi where, formerly, an African was not allowed in an hotel or a restaurant, not even in a cheap restaurant. In those days an African was not even allowed to drink a bottle of beer in a cheap restaurant; he was considered unfit to drink even in the backyard.

Today we see we have made such fantastic strides and this should not make these people say that the Kanu Government has done nothing. Those who say this must be just mad people because in saying so they do not deserve the respect given to the mentally healthy people.

So, Mr. Speaker, I would like to stress this point so that people can have a true picture in order to see what strides the country has made. I know that we have not been 100 per cent successful, but I would like any one person to show me where any country that has been self-governing for 1,000 or 2,000 years has enjoyed as much freedom as we have here today. I would like to be told of any country that has solved all

its problems and the people are now enjoying themselves, enjoying the fruits of their freedom. I am sure that not even the KPU can point out that there is such a country. Therefore, I speak here with all the confidence and gratitude that our Government deserves, because in two years it has achieved such wonderful things which the imperialists with their meanness and their bluffing had failed to do in seventy years. It is not even five years, Mr. Speaker, since we came into power; the Kanu Government has been elected for a term of five years. We have only been in power for two-and-half years and we have another two-and-half-year term to go. The record for the past two years is so bright that only any person who has only his own personal ambitions at heart, would come and say that the Government has not done anything. If it was the end of our five-year term and we went to the people to ask for further mandate for another five-year term, then they would have opportunity to stand up and say, "What have they done?" I do not know if these people expect the Government to be like a bar where you go and order drinks and do not drink them when they are served to you, or a playing field where you play with a ball without knowing any games. Even if you want to go to a football field you must be groomed in the rules of the game, you have to put in a lot of practice, and be told what combination you must play. You must plan everything in order to do it successfully. So here, in the process of planning, the KPU spring up and say the Government has not done anything, the Government has not given any free things, the Government is this and the Government is that. Now, any respectable gentleman, any mentally healthy men, would like to be regarded as nationalists, as clear thinkers. How can I respect the man who thinks like half a human being and half a Kamba carving?

Mr. Speaker, these people who are blaming the Government had all the opportunities to plan with the Government and to make suggestions and give ideas to the Government because most of them were in the Cabinet and were occupying big places there. They were not like me who has to wait for a Bill to be brought to this House in order to discuss it before it is passed. They were there, formulating the policy of the Government. Yet these are the people who are now trying to misguide the whole country saying that the Kanu Government has not done anything.

Mr. Speaker, when I look around the countryside I see development taking place at a very rapid rate. When we came to this Parliament we found that we were sitting in the old, small Chamber there and the Senate had their meetings in the former County Hall. Now we have our

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own beautiful chamber. So we see that a lot of strides have been made. Let us take first of all the House of Parliament. We have the most beautiful building throughout Africa. This is development. When you go through the city, you see that there are new housing schemes, new roads, new sewerage systems, new schools. These are developments and if these are not developments, then what type of development do they want? When I read how these people are trying to mislead, the unemployed for instance—they say, “Oh, the Government does not give everybody employment.” Now, Sir, the British people were ruling us and they tried to tell us that they were cleverer than anybody. Yet in Britain today you find that there is a lot of unemployment in every sphere, everywhere, in shipbuilding, in other building, in every type of job. Everywhere there are people looking for jobs in a particular field, from the sweeper onwards. If there is anybody who feels that if he goes to London today, all he needs is to be a sweeper and he will get that particular job, he is completely mistaken. He will have to queue for years before he can get a broom to sweep the streets because there are so many people wanting to do the same job. Even in Russia the same thing applies. Many people think that the Russian streets are paved with gold. They are not. They suffer more than we do here despite all their socialism. In China there is the greatest poverty known. In India you cannot stay there for two days if you are on your own. Their standard is so low, the appearance of an ordinary person in the street is pitiful.

So, if you take all these things into account you realize that those people who say that this country is not being developed must be joking. If you want to see how people suffer you must travel a bit. Just go to India, do not go further, and see for yourself how people really suffer, how poor the people really are.

You hear that the Government, in two years, has not made every person the owner of a Mercedes-Benz, of a double-storey building, that the Government has not made it possible for every person to sleep on a dunlopillo, etc. This is nonsense. That will take a very, very long time to come. It will be years and years before every man, every sweeper will own a Mercedes-Benz. That is KPU philosophy. They say to you, “You do not worry. You will not need to work, you will not need to do anything. We will nationalize everything and then you will be very rich, you will be comfortable. If you want to marry you can go ahead and even have five wives. They will all be free of charge, well dressed. You will live in better quarters.” That

is all nonsense. People must be told of these things, people must be saved from these evils. It is only the Government that can save the innocent citizens who are bound to suffer because of this nonsense.

Mr. Speaker, I feel that if this thing continues, the ordinary citizen, the unemployed in every walk of life will come to hate this Government and think that if the KPU comes into power they will be the people to deliver the goods. When these people come into power and do not do anything, they will say, “Oh, Kanu was in power for three years, or five years, they did not do this and that. Give us time.” Then you give them ten years. By that time they will make sure that nobody will shout, nobody will ask where are the free things that were promised. Nobody will ask because they will realize they were told a lot of lies. They will realize that KPU promised all these things because they wanted to come into power and that now they have become the biggest dictator ever seen. Everybody will be asking themselves where are the free goods that were promised, where are the free suits. Will anybody take mine? Will KPU come and take my coat and give it to somebody else? I do not think so because the other person may not like to wear a second-hand coat; he will demand a new one.

Mr. Speaker, I would like the Government to save the country from these people because I know that it is not everyone who will suffer, it will only be the African Government that will suffer. In other African countries these things have been going on. When we see people getting killed, innocent people getting killed, people who did not know how the party was formed when it started, we know how lucky we are. When things go bad, then those who were leading go into hiding. For example, take Uganda where the Katikiro was in the forefront telling people to do this and that. When things went wrong, then he goes in hiding. Who suffers as a result? Who are those who were killed? They are not known. It was in thousands and thousands that they died.

So, I would like to appeal to the ordinary citizens in the street to realize where these prophets of doom are taking them. I would like to assure everybody in this country that no Government, nobody would like to be overthrown. From the county councillor to the provincial councillor, to myself here, a Specially Elected Member, nobody would like to be overthrown. I would not like to be removed from this House. I will do everything possible to see that I am not removed. No Government would

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allow itself to be removed by sheer propaganda. There are those people who do not know what they are saying, who think that these things are jokes, who think that by demonstrating and throwing stones they are amusing others. They are being led, as a result of excess beer and such things, to think that you can play with the Government, that you can write anything in the paper. If nothing happens to you, you can break somebody's window, overturn his car, burn it, and so on. I must say here that I see that every citizen of this country is being drawn towards a big hole full of snakes. He will fall into this hole and the hungry snakes will bite him. He will ask the man who lured him into that pit why it was done and he will not be told.

This Kanu Government, as I know it, will never allow anybody, whether it is Odinga, whether it is Kaggia or KPU to remove our President and allow anybody else to sit on that particular seat peacefully. Let them know this. If that is what they want, then that is what we do want. If they think they will get it by force, then we will fight them with greater force. We have seen that African governments are more ruthless with a fellow African than all the imperialists combined. Anybody who thinks that the Government is there to be played with, anybody who thinks that by indulging in acts that are contrary to law he will get what he wants, is mistaken. They are warned here and now that they are going to suffer.

All these *askaris* you see, they can parade on *Madaraka Day* but look at what they have. They look ruthless. They have guns, automatic guns, and you know what a gun does. They are not toys, they are guns, they are weapons. They are not there to frighten anybody when things are peaceful. The *askaris* just parade around when things are quiet, but that is not their business. These *askaris* use their guns in times of trouble; the guns can kill people, and the people who will be killed are not those leaders you now see leading people towards good things, but those who will lead people into a situation which is not good. Then the guns will be used to serve a purpose.

These people who blame the Government for everything have already dug their hiding places. They want to use the masses who attend the meetings at Makadara, at Jericho and all over the province, they want to tell them that this Government is bad. They will not give the Government any opportunity to do something. They will blind the people in order to make them hate the Government so much that they will be

prepared to attack the Government. Here I would like to say that the Government is not something to play with. The Government is the second God here in this world. You do not see God, but God's representative is the Government. Government can shoot and hang and it can do anything, and nobody will rise and protest. Nobody will do anything.

We see in the Congo, people were tried one day, no witnesses, nobody, just because Mobutu thought that these people were trying to undermine him. Therefore, they are guilty and they will be hanged in public. Where were all those supporters—

POINT OF ORDER

SCOPE OF DEBATE

Mr. Makone: On a point of order, Mr. Speaker, is the hon. gentleman's speech in keeping with the context of the President's speech?

The Speaker (Mr. Slade): The debate on a Motion approving a speech of this kind by the Head of State, is really the same, for all practical purposes, as a debate on a speech from the Throne in the House. It gives hon. Members scope to talk about almost anything, because they can speak in praise of what the Government is doing, and then can speak on what the Government has still failed to do, and that leaves room for almost anything. One might discuss the activities or lack of activities of Government. So the hon. Member is in order I think, except that it becomes dull to talk about what is happening in other countries too much. It is only when it is relevant as comparison that we want to hear that.

(Resumption of debate)

Mr. Jahazi: Mr. Speaker, Sir, I wanted to emphasize this point very much because the Members here, the destiny of this country is in the hands of the Members here, and, therefore, we cannot close our eyes to what is going on in other countries because that is what we are trying to prevent happening in this country. All our efforts are to see that Kenya is peaceful, so that Kenya becomes an example to all other countries who are failing to come and copy how we are running this country under our President. Therefore, Mr. Speaker, unless the Member has his own self interest, I do not see how he can get angry about such a serious thing as that.

Mr. Speaker, Sir, having warned the citizens and the people living in this country about the danger that we are facing if we continue to follow the propaganda that is being wielded unjustifiably against this Government, and having

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pointed out what lies in store if they are swayed to believe that by removing this Government forcibly, or by other means, they will be gaining something, and having told them what lies in store for them I hope they realize how serious things are.

Now, Mr. Speaker, Sir, I would like also to ask the Government that they should not have their attention distracted by all this opposition which is unjustified as I said, and forget their intentions and the projects and the problems facing this country, and devote all their time instead to suppressing or answering various accusations from the Opposition. They should carry on regardless of whatever other people say, and try to justify and add achievement after achievement every day, every month and every year, to show people practically what they have done, and what they are doing and what they are intending to do.

Mr. Speaker, Sir, I would not like harsh laws to be made, and then these laws apply to our own brothers, Africans, alone, and forget the enemies who are within and without. We have many enemies here, Mr. Speaker, I would hate an enemy who would like only to profit at the national hardship as the worse enemy than KPU. For instance, Mr. Speaker, when we have a shortage of food, I would like the man who would like to use that shortage to profit from that hardship of the people, to be punished with the severest law we have in this land. During the maize shortage, Mr. Speaker, we have seen a lot of *duka wallahs* who used to hide the maize meal under the counter, and then anyone who went there, very hungry, a mother with her kids, who did not know where the next meal was coming from, would go to a shop and then the shop-keeper would tell her that unless you buy soap and something I will not sell you maize meal. Many of these cases were brought to the police stations, and before the court, but I regret to say that these people were dealt with so mildly that they thought that it is so profitable to play with the national disaster like that. Most of these people were Asians, *duka wallahs*, and I regret even now it pains me to see that these people were treated as minor offenders, or something like that, and, at the same time, the shortage of maize was about to topple the Government off, because people were so hungry, they were so frustrated that whatever they were told that the Government was trying to do, because of their hunger they were not listening. They were demanding maize meal, and yet a few Asian *duka wallahs* were hiding this maize and trying to profit from people's hardship. Now, I want to see a law which would deal with such people, because in other countries

we have seen that such people are even hanged. They are imprisoned for life, or their licences are confiscated in mild cases. Whether they are Africans, Asians, Europeans, all *duka wallahs* we say, anyone found to profit, to be using the national hardship to profit himself, this man I do not see why, it does not require KPU or anybody or a communist to withdraw his licence, or to deport him for that matter, and I would like to see such harsh laws used for this category of offender, because those are the people who are trying to make the Government appear unpopular before the masses. Mr. Speaker, Sir, I do not think it requires any tougher Government than this to control rents, or prices. Here, Mr. Speaker, it is a heaven for landlords. They can charge anything they want. They can throw anybody out from their houses, at any time, whether it is raining or the middle of the night, and the poor tenant has nowhere to take his children. The Government just looks by as if it is natural. The landlord has been given so much power that this is his heaven, there will be no more heaven for landlords, and I would like the Government to get tough with such people and say we say this and we want to see it done. The Minister for Housing, unfortunately, is the one who moved this Motion, but on the part of landlords, Mr. Speaker, the Minister must turn his attention to these people and make the Government govern, and make the influence and power of the Government be felt by these people, because there are a lot of small, small things that when somebody says something against the Government, and mentions such a thing it draws attention. They are in the open, and prices, Mr. Speaker, you will find that in the shops, any shop will charge any price for the same particular item or commodity, whether it is made in Kenya here, you will find that on the same street there are a variety of prices, some fantastic.

The Government does not seem to care about these things. These people are just led—the Government does not seem to care, Mr. Speaker, though they may do internally. Who cares what one feels internally: but we want to see things practically. All we see is a warning in the Press. The Minister for this-and-that says that unless people do this, strong action will be taken against them, and that is all, nothing more happens. We want this law to apply to such people because under African Socialism there is no clause anywhere where the exploitation of man by man is allowed to exist and flourish without any interference at all. Therefore, Mr. Speaker, Sir, if the Government has failed or is trying to raise the standard of living of the people, trying to raise the salaries of the workers, they must protect these

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small salary increases to see that they go towards the general benefit of the improvement of the standard of living of the people they are intending to improve. However, now, whatever penny is raised does not go into the pocket of the worker. The landlord, the shopkeeper, various business people, are waiting to hear that such category of workers had increase in this, and then up goes the price, and the people, the workers do not see any benefit. That is why every day you hear, "Last year I was earning Sh. 200, I am now earning Sh. 350, but I do not see any difference, in fact I am worse off", because these different arbitrary increases in prices are robbing the worker of his small increment. The Government should step in with all its power to make laws. We can just turn out a law within a night. We have three Sittings in one night to make a law that will make someone be detained; and I do not see why under the existing laws we should not detain some of these people who are robbing, who are trying to wreck the economy of this country. They are as bad as those who want to wreck this Government politically, because when the Government is politically or economically bankrupt then that Government is of no use, however, strong it may be.

Therefore, Mr. Speaker, I appeal to the Government to see to it that the citizens do not suffer; they are not groaning under a very tight rope around the neck, tightened by landlords, by unscrupulous business people. They are crying to the Government to make the landlords go, otherwise the Government will have nobody to rule because landlords will have strangled them all.

Mr. Speaker, Sir, the other day we heard that one very rich Asian in Nairobi here, not even a citizen, was exporting money illegally. So much money was caught on him. He used to send envelopes to London, and this big man was taken to court and his sentence was so childish. If the Government is looking for an enemy, Mr. Speaker, is there any worse enemy than that who is sending all the fruits of this country overseas? I would have hanged that man, but thank God, I am not there. Even if such a man is not for hanging, is six months or two months the sentence he deserves?

Now people wonder whether this is a Government of the rich, or whether the rich people have influence in the Government. A man doing that is given two months, and the poor man who was found drunk is given six months' sentence. The man who had parked wrongly or a cyclist who was riding a bicycle without a light at night gets six months, and a very rich man with such a very serious case gets two months or a fine.

Now those are the small things that are irritating the citizens in this country. The Government appears to be so lenient to the rich and so harsh to its own people for nothing, instead of reversing the things. I appeal to the Government, through the Minister who is sitting here, to see to it that the citizens should not be harassed without cause or reason, and the sentences should justify the crimes committed both ways. Now, however, the police and other people seem to be very harsh to the citizens for very minor offences, while those people who create major offences go almost scot-free.

Now, Mr. Speaker, another thing is that we are loyal, we are behind it, and we are ready to defend this Government by all means—that includes our own lives—but then, for instance, Mr. Speaker, I would not like the people who are ready to do that to be antagonized.

I hear in the President's Speech there is a lot of development coming up, including broadcasting. We see that the Government is not controlling the Voice of Kenya. Things happen there that actually reflect the way the Government is ruling, but neither the Minister for Information nor even the Director of Broadcasting does know. For instance, Mr. Speaker, if I may give an example, the Voice of Kenya has what we call Mombasa station, and Mombasa station, as you know, caters for local people of all types. Now, there was a religious programme, Islamic religious programme, which was important, especially at this time, but because somebody, a minor official, in the Voice of Kenya thought—through his own thinking—that because of reasons known only to himself, not even the Minister knows, nor the Assistant Minister nor the Director. He cancelled all the Muslim programmes and he put other programmes instead. When we went to ask the director, he did not know, the Minister did not know, the Assistant Minister did not know anything about this. Now, the entire Muslim community, at the Coast are wondering, is this the freedom of worship? We are all with the Government, but how come that the programmes are just cancelled without any reason, just because somebody thinks the Muslims are so backward. They cancel that, but that has a very bad reflection on the Government, especially at this time.

I want the Government to investigate and see why this officer took unto himself the powers to eradicate such an important programme which has something to do with a religion and which was one of the best religious programmes. Now Muslims have been wiped out of the Voice of Kenya and what do we think about the Government? So I do not think it was worth provoking

[Mr. Jahazi]

people for nothing, loyal people, people who support the Government by all means, and then suddenly one officer just decides these fellows are useless and he provokes them and cuts the programme. Whether he is a KPU paid-up man, we do not know, because the KPU are the men who knew about it even before I knew, who are propagating, "This is your Government. This is freedom of religion. This is what they are doing to you."

I hope that the Minister has noted that item and outside this House I will give him more information about that.

Finally, Mr. Speaker, the President spoke about Rhodesia. I cannot find words to express my disappointment in Mr. Wilson's Government because he has shown that he is a cheat, and I have never found a politician among all the British Prime Ministers I have known who has cheated his own friends, the Africans, like Mr. Wilson did. Although we had nothing to do with the British elections, I personally favoured the Labour Government coming to power because the Conservative Government was so reactionary against the Africans that we thought if they win, we will be worse off. But now I think at least the Conservative Government were more respectable and they were people to be trusted, when they say something, more than the British Prime Minister, Mr. Wilson. The way he has handled the Rhodesia question is shameful—

CONSIDERED RULING**CRITICISM OF CONDUCT OF OTHER COUNTRIES**

The Speaker (Mr. Slade): Mr. Jahazi, I must remind you of a Standing Order we have, that there are some things that may not be made the subject of discussion, except by way of substantive Motion specially for the purpose, and criticism of a country with whom we still have friendly relations is one of those subjects. If you want to express your views—you are entitled to have these views—about the British Government and their conduct, you can only do it by way of substantive Motion for that purpose, and not incidentally in some other debate such as this.

POINT OF ORDER**LIMITATION AND CLOSURE OF DEBATE**

Mr. Makone: On a point of order, Mr. Speaker, I would like to have your ruling. If the closure of this Motion does not come today, shall we have time again to debate it another day or is today the end? If that is the case, can we not ask the hon. gentleman to cut his speech short, so as to give the rest of us a chance to speak?

The Speaker (Mr. Slade): No, no time limit has been fixed for this debate and there is nothing to stop it coming on tomorrow, as far as I know, or another day in any case. As hon. Members know, the actual arrangement of business of the House rests with Government and the Sessional Committee, but I have no reason to suppose that, if we do not reach the end of this debate by half past six, it will not appear again on the Order Paper another day.

POINT OF ORDER**SCOPE OF DEBATE**

Mr. Jahazi: On a point of order, Mr. Speaker, in view of the fact that I am discussing the President's Speech and there is a point here concerning the British Government's handling of the issue, how can we discuss the same thing in the President's Speech without infringing on our Standing Order?

The Speaker (Mr. Slade): You will appreciate that the speech which we are discussing was made outside this House and therefore was not subject to that restriction, which I have to apply to the debate on the speech. Still, it is open to hon. Members to discuss what the President said about Rhodesia. I do not think at any point he was actually rude about the British Government. You are even free to say that you are disappointed with the lengths to which the British Government have gone, but anything beyond that is not allowed in this debate.

(Resumption of debate)

Mr. Jahazi: Mr. Speaker, Sir, in that case I would like to support the President when he registered his disappointment with the manner in which the British Government handled the Rhodesia question, and also when he said, "I know that the great majority of my colleagues in the Commonwealth agree very strongly with my view, that the present situation in Rhodesia reduces the whole idea of the Commonwealth to a hollow mockery." As his friend in the Commonwealth, of course, I agree entirely with the President. By the British Government's behaviour on this question, I see that the Commonwealth is nothing but a mockery and unless the British Government tries to make us think otherwise, by solving the Rhodesia question and by solving it in what we agree is the only satisfactory way, that is by negotiating with the white Rhodesians and the African Rhodesians, especially with the African leaders who are now detained by the Smith régime—nothing else will satisfy us and all the friendship and brotherly feeling of the Commonwealth of nations will not flow any more

[Mr. Jahazi]

from Kenya to London. We hope that with this outright, blunt, clear and frank statement of how we feel about Mr. Wilson's handling of the Rhodesia question, he will take our criticism seriously and actually satisfy us in the way he should handle Rhodesia.

Mr. Speaker, I think I have covered a few points in the President's Speech and I know no Member can finish everything, but if we speak on one particular item and others speak on another, we can cover it. The Members here are very intelligent and they will not think that I have spoken on everything. The speech is so wide and open that any Member who is intelligent enough will find more room to manoeuvre and speak without repetition.

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

Mr. Kiprotich: Mr. Speaker, I am not here to say too much because I am not a person who always repeats what another person has said.

First, I support the Mover of the Motion on the President's Speech on *Madaraka* Day on the 1st June. When we got rid of Kadu and APP in Kenya, we thought this country was going to progress economically and socially, but recently we are unable to do so in this country. Mr. Speaker, Sir, the President did say something and all the people who were present on that big day—*Madaraka* Day on 1st June—applauded what the President said, whether they were supporting him or not; they were supporting him.

What I would say, Mr. Speaker, Sir, because I do not want to repeat what other people have said, is this. The so-called leaders of KPU have already committed treason in this country.

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

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

I would like the Attorney-General, Mr. Deputy Speaker, Sir, to look into this issue of treason and these people should be brought to trial and shot in public, and not just living in the country like this. They say the Government has been promising free things. These people have been in the Government for three years and I am very sorry to say that they have been propagating lies to the public, that the Government has been promising free things. Were these people not in the Kenya Government Cabinet? Where were they? If they knew there was something wrong in the Government, then they should have said so and I am sure I would say it. Why did they not

come to the House of Representatives here and the Senate? They had a right to bring a Motion here and to go to the Senate and move a Motion there, saying the Government is going wrong and we must do something—

Mr. Makone: (Inaudible.)
the KPU.

Mr. Kiprotich: I do not want to abuse you, *Bwana*, I will never be a KPU. Let me correct this man here. I do not want to use abusive words, when I use—

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Deputy Speaker, is the hon. speaker in order in calling an hon. Member this man here?

The Deputy Speaker (Dr. De Souza): Yes, I think you are out of order, Mr. Kiprotich. You should refer to Mr. Makone as the hon. Mr. Makone and please address your remarks to the Chair.

Mr. Kiprotich: Mr. Deputy Speaker, Sir, while all the Kalenjin—let me take this man here—

Mr. Makone: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): I think I understand your point of order. Mr. Makone.

Mr. Kiprotich, please apologize. This is the second time you have done it after my drawing your attention to it. Please apologize to Mr. Makone.

Mr. Kiprotich: But my colleagues, Sir, hon. Members, when I speak, if they want me to attack them, I can do it because I know their characters. But I, myself, have been Kanu and everybody in the Strangers' Gallery and the Speaker's Gallery knows that I never change. Nothing will change me, and I would like to be put in the middle of Kanu flag, which is now on; it is not speaking for nothing, as other people go to Makadara, or anywhere else, and speak lies. I know this Government has done a lot and I was attacking those people who have been in the Government themselves.

If they knew there was something wrong, why did they not say? This House is free for them. The public are there to listen to them; the Press are there to listen to them, what are they fearing? Is all they want a subversive and underground movement? I say this, Mr. Deputy Speaker. The time has come when the Kenya Government must take action and if anybody says there is no action, action must be taken against him straight-away.

[Mr. Kiprotich]

The speech of the President, was the speech of a man who has worked for Kenya for forty years. Was there anybody who worked free without being paid by East or Western countries? The President today, our present President, went both to the East and West. Why did they come here with something that was confused, some of the little leaders who were only having what I would not even call bread, a small sweet, to be given and then subdividing Kenya?

Mr. Deputy Speaker, there are some few chaps here—and, Mr. Deputy Speaker, there is an hon. Member here, one of my colleagues——

QUORUM

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, is there a quorum?

The Deputy Speaker (Dr. De Souza): There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Deputy Speaker (Dr. De Souza): Order! It is over five minutes since we called for a quorum and this being a very important debate and despite the fact that having rung the Division Bell for over five minutes we still have only twelve people in the House—in fact, eleven. I think, which is very much less than a quorum—I am afraid I am compelled to adjourn the House.

This House therefore stands adjourned until 2.30 tomorrow, the 8th June 1966.

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

Wednesday, 8th June 1966

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

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

PRAYERS

NOTICE OF MOTION

ASSISTANCE FOR SCHOOL-LEAVERS

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

THAT in view of the increase in the number of unemployed youths, most of whom who leave school at the age of thirteen due to the lack of places in the existing Government-aided secondary schools to absorb them; this House appeals to the Government to give consideration to the setting up of a commission to consider the possibility of devising some plan, in consultation with the Ministry of Labour, Ministry of Education and the Ministry of Economic Planning and Development, in order to provide for youths leaving school from Standard 7, Form II, Form IV, Form VI and, also graduates to provide them with some form of useful occupation, so that they, too, may take up their share in nation building.

ORAL ANSWERS TO QUESTIONS

Question No. 85

KENYA CIVIL SERVANTS IN OTHER COUNTRIES

Mr. Godia asked the Minister of State, President's Office, if he was considering sending some civil servants to other countries where they could take the opportunity of acquainting themselves with the ways in which government policies were carried out in other independent States other than Kenya.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. However desirable attachment of our civil servants to other independent States and countries maybe, the main problem that we have, and we are facing today, is the seriousness of the shortage of personnel and of the right qualified and experienced persons in the service to carry out the existing responsibilities; and also the fact that we need more experienced people for the processing of Africanization and training. We have considered secondment to organizations in association with the United Nations, the Economic Commission for Africa and the Organization for African Unity, but we have been forced to accept the reality of the existing shortage of manpower. Perhaps, as the position of qualified, high-level manpower improves, we might be able to meet these worthy objectives.

Regarding the question of training the personnel on various courses, we operate jointly with our sister countries in East Africa very worthy and successful East African courses for staff training and draw the participants from the whole East African area. We have a course starting and held in places like Uganda, Tanzania and Kenya, respectively. We have also an annual international seminar organized by countries outside East Africa in which our people take an active part.

This, of course, is also a two-way traffic. Many civil servants of other countries, Mr. Speaker, do come and participate in whatever we give, and we also participate during the seminars and they come to learn what our country is giving. Therefore, this question, Mr. Speaker, is always met.

Mr. Muliro: Mr. Speaker, arising from the Minister's reply, would the Minister not agree that, for instance, in Tanzania, the process of Africanization has made a better pace than in Kenya and, therefore, sending the Director of Personnel from Kenya to learn from Tanzania would give Kenya a better chance of Africanization?

Mr. Koinange: I do not agree, Sir.

Mr. arap Soi: Mr. Speaker, Sir, knowing that the terms of service of civil servants are different in different States, would it not be wrong for us to send our civil servants to a different State where the terms of service are completely different and the policy is different from ours?

Mr. Koinange: I have just said, Mr. Speaker, Sir, that when there are these international seminars open for all people to come from other countries, the people are not restricted to learn, but when we have courses run jointly by East Africa for our people, it is not the same as sending our people or exposing our civil servants to other countries' teaching.

Mr. Omweri: Mr. Speaker, would the Minister also agree with me that our civil service would be effective if they had a proper, guided policy from the head. I mean from the Ministers, not from going abroad and learning from other areas?

Mr. Koinange: I have just said that, apart from these staff colleges which we have, we have training in our own country.

Question No. 121

KWALE TRADITIONAL DANCES

Mr. Mwamzandi asked the Minister of State, President's Office, if he would tell the House why the District Commissioner, Kwale, had banned the traditional dance known as "*Ngoma za Kiwinyeji za Pepo*", when he found it possible to entertain His Excellency, the President, with the same dances when he visited the Coast.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply: The Kwale District Commissioner has never banned genuine traditional dancing in the district. The dancers are still performing and are usually invited, together with other Coast traditional dancers, to perform for the President at the State House, Mombasa.

However, the Administration banned a witch-doctor's practice known as "*Ngoma za Pepo*" in 1964. This was a form of witchcraft practised by witch-doctors, mainly in the Kwale East Constituency. The medical authorities have advised that the "*Ngomo za Pepo*" was prejudicial to good health.

Mr. Mwamzandi: Mr. Speaker, Sir, has the Minister been informed that these *ngoma* which we call "*Ngoma za Pepo*" are not in actual fact witch-doctors' *ngoma*, but they are *ngoma* of African customs, of African Socialism, which we have promised to preserve?

Mr. Koinange: Mr. Speaker, Sir, those who carry on traditional, good dances are always welcome, as I said in answering the question, but those that are proved to be permeated with witchcraft are not permitted.

Mr. Mwamzandi: Mr. Speaker, Sir, has the Minister made any plan to appoint a special commission to go round the country listing good African customs and bad customs, and if not, why has the District Commissioner, Kwale, found fit to ban "*Ngoma za Pepo*" when he is not in a position to understand what they mean?

Mr. Koinange: Mr. Speaker, the question of the appointment of a commission does not arise in this question, but the administrators in the area do understand these things. They have machinery for understanding them. They live with the people and they understand. They have chiefs and other people to help them understand good dances and witchcraft dances.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 121:
KWALE TRADITIONAL DANCES

Mr. Omar: On a point of order, Mr. Speaker, in view of the most unsatisfactory answer, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): Mr. Mwamzandi, do you wish to do it?

Mr. Mwamzandi: I wish to do it myself.

ORAL ANSWERS TO QUESTIONS

Question No. 122

FARMING LOANS: BUNGOMA FARMERS

Mr. Barasa asked the Minister for Agriculture and Animal Husbandry if he would tell the House how many small-scale farmers had been given farming loans apart from those in new settlement schemes, in Bungoma District.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. One hundred and twenty-four.

Mr. Barasa: Arising from the Minister's reply, Mr. Speaker, would he tell the House how many are still waiting for approval in his office, I mean applicants?

Mr. McKenzie: Mr. Speaker, Sir, I will need notice of that question.

Mr. Makone: Mr. Speaker, Sir, out of the 124 farmers, will the Minister tell the House, in the form of £s, how much money?

Mr. McKenzie: £34,372.

Mr. Mate: Mr. Speaker, Sir, arising from the original reply by the Minister, would he assure the Member for Elgon East that he will keep helping him so as to make progress?

Mr. McKenzie: Mr. Speaker, Sir, I will not only give the hon. Member that assurance, I will give it to all hon. Members who represent farming areas.

Mr. Shikuku: Arising from the answers so far given by the Minister for Agriculture, Mr. Speaker, would he tell the House how many people applied, to whom the amount so stated was given?

Mr. McKenzie: Sir, I am afraid that I cannot give that figure. All I can say is that of those people whose applications arrived at the Central Agricultural Board, the vast majority of them were accepted. It is impossible for me to say, without a great deal of work at provincial level and at district level, how many people have applied and how many have been sifted out on the way up before they get to the Central Agricultural Board.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Minister's replies, is he aware that these loans have been suspended?

Mr. McKenzie: Mr. Speaker, Sir, would the hon. Member explain to me what rules he is talking about?

Mr. Kibuga: Mr. Speaker, Sir, I am talking about the loans from the Agricultural Finance Corporation, large-scale loans, because I am aware that a circular has been sent to the district saying that until further notice no more loans will be issued. If this is not correct, I would like to know.

Mr. McKenzie: Mr. Chairman, Sir, if the hon. Member looks at the question he will see that the question has nothing whatsoever to do with—

Mr. Jahazi: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to address you as Mr. Chairman?

The Speaker (Mr. Slade): No, it was a little slip of the tongue.

Mr. McKenzie: Mr. Speaker, Sir, the hon. Member himself has mentioned that the aspect which he has quoted is large-scale farming loans, what has happened as far as the small-scale farming loans is concerned is that we have had applications at district level 2,000 times more than the amount of money which we have available, and I would like to ask the hon. Members who are asking these important questions that when we come to debate the Budget, they find ways and means of, within the Budget, getting extra finance for these loan purposes. The problem is not in finding people who want loans but getting enough money to meet the people who want loans, and perhaps the hon. Member who has just asked a question may like to know, Mr. Speaker, Sir, as I was saying at the level of a district agricultural officer would need something like £6 million to have met the applications for last year.

Question No. 104

GRADUATED PERSONAL TAX EXEMPTIONS

Mr. Shikuku asked the Minister for Local Government if he was aware that some of the old men who had been exempted from paying Graduated Personal Tax by the Colonial Government were being harassed by this Government.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Local Government.

Firstly, Mr. Speaker, Sir, it is wrong to suggest that the Government is harassing any citizens of Kenya. However, Sir, I would like to state that it is true that, under the old Government Personal Tax system, certain classes of people (e.g. *ex-askaris*) were granted life exemption as a kind of reward for their services to the former Colonial Government.

When the current system of Graduated Personal Tax was introduced, as the hon. Member will know, the position of these people was considered and it was decided that the automatic exemption, they had previously enjoyed, should not be provided for in the new law for the following two very good reasons.

Firstly, Sir, the Graduated Personal Tax replaced both the former Government Personal Tax and the former African district council rates; these people had never been exempted from the African district council rates.

Secondly, Sir, these *ex-askaris* were previously exempted from the Government Tax in recognition of their services to the Government. But, the hon. Member should note, the new Graduated Personal Tax is an entirely local authority tax. The burden of rewarding these people, therefore, by way of tax exemption could not, in fairness to other citizens, be passed on to the local authorities.

However, Mr. Speaker, Sir, I would like to point out to the hon. Member that such old people as referred to may, of course, apply for remission of their Graduated Personal Tax liability on the grounds of poverty where the imposition of tax is causing genuine hardship.

Mr. Shikuku: Arising from the Minister's reply, on behalf of the Minister for Local Government, could he tell this House why he has chosen to dwell on the rewards of the *ex-servicemen* when my question deals with the aged? I am not dealing with the aged people from the services in the Army, but all aged men even those who have never seen a gun. Could he tell us why?

Mr. Kibaki: Mr. Speaker, Sir, I have mentioned this one category by way of an example, not by way of saying that these were the only old people that were exempted. But, Sir, it is equally well known, by people in this country, that these *ex-askaris* were exempted. It is equally true that we have old men who would be exempted on the grounds of genuine poverty where it can be proved. Mr. Speaker, Sir, the only reason why the law, the Graduated Personal Tax law, is framed the way it is now, is in order to place the onus of proving genuine poverty on the taxpayer and not the Government.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Minister's supplementary reply, could he tell the House why the Government chose to recognize pensions in the case of old men who served the former Government, but refused to recognize the aged people who had been exempted from poll tax by the former Colonial Government?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member must distinguish the separate things. A pension is something that has been earned by a person during his working life and therefore it is a right. Now taxation is a duty to the country which every person, who has some income, has a duty to pay, to make a contribution to the country. In fact Sir, it should be something to be proud of, to be able to make a contribution to the nation. So, Mr. Speaker, Sir, the two issues are entirely separate.

Mr. Omweri: Mr. Speaker, Sir, the Minister says that remission will be given if people apply, is the Minister aware that the instructions from the Ministry of Local Government were that nobody should be given any remission after the assessment committee had agreed that they should pay, even if he had his tax remitted earlier, and therefore, Sir, in this case, there has not been any remission given even to the old people who were formerly exempted from personal tax and also from the African district council rates? They are paying both.

Mr. Kibaki: Mr. Speaker, Sir, as I explained, the new Graduated Personal Tax covers both the old Government tax and the old African district council rates. Now, Sir, if somebody has been previously exempted, and if now the assessment committee says that the man has an income from coffee, cattle and selling whatever he sells, then Mr. Speaker, Sir, I do not see why we should give him remission. We give remission only where genuine poverty, genuine inability to pay can be proved through the established machinery of the assessment committees.

Mr. Shikuku: Mr. Speaker, Sir, I was wondering if part (a) and (b) could be exempted from the rules. I have one question to ask the Minister. Is he aware that the former Colonial Government took into account the position and the age of a particular person before he was exempted and that position has not improved since we took over the Government, and therefore, Sir, it is completely unfair and unjust for the Ministry to try and mislead the House that these people are now in a better position?

Mr. Kibaki: Mr. Speaker, Sir, if someone is in a position described by the Member for Butere, that is, that he is still, on the grounds of poverty, unable to meet this tax liability, then surely it is up to him to make an application for remission through the normal machinery of his chief and district commissioner? It will then be examined and, on its own individual merit, it will be considered and he may get a remission. Mr. Speaker, Sir, what we do refuse to accept is that the

remission should be given once and for all and for a lifetime, because economic circumstances do change.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 104:
GRADUATED PERSONAL TAX EXEMPTIONS

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I feel the Minister has completely failed and he is completely ignorant of the problem—

The Speaker (Mr. Slade): Order! Are you wanting to raise the matter on adjournment, Mr. Shikuku?

Mr. Shikuku: Yes, Mr. Speaker, Sir, I am raising the matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 105

TELEPHONE COMMUNICATIONS IN WESTERN KENYA

Mr. Shikuku asked the Minister for Power and Communications if he could tell the House whether he was aware that telephone communications in Western Province, particularly in Kakamega District were hopeless and that it took hours, if not more than half a day, for a person to get a call through and that reception was also very poor. Would the Minister tell the House what immediate steps he was going to take to remedy this unfortunate situation.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. Telephone communications to Western Province and to Kakamega, in particular, are not at all hopeless. In the past, there has been heavy delay to telephone calls between Kisumu and Kakamega, because only two calls could be connected at a time, but now this delay has been cleared by the installation of more lines, so that seven calls can be connected at one time between Kisumu and Kakamega.

The only slight delay now being experienced between Nairobi and Kakamega is due to the Nairobi-Kisumu section which has a few lines, but this will soon be rectified when more lines are provided in readiness for the changeover to automatic working at Kisumu.

The poor reception to which the hon. Member refers is due to interruptions on the Kisumu-Kakamega lines while the route is being reconditioned by engineers to carry the added channels; and will soon disappear.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's maiden reply, is he aware that he, himself, has, on several occasions, complained of telephone communications to the area, and what makes him now, Mr. Speaker, Sir, think that it is any better after so few days?

Mr. Masinde: Mr. Speaker, Sir, it is true that I have complained here several times, but that was during the time when we only had two lines from Kisumu to Kakamega. We now have seven lines.

Mr. Omar: Mr. Speaker, Sir, arising from the original reply given by the Assistant Minister, that interference is still in existence because of the lines between Nairobi and Kisumu, can he tell the House as to when the improvement will be made to improve the lines between Nairobi and Kisumu because of the delay?

Mr. Masinde: Mr. Speaker, Sir, at the moment, the construction of an automatic station is being carried out and, when this is ready, the delay will be rectified.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister assure the House that this automatic station which is being built, will also relieve the hardship experienced by Homa Bay telephone communications?

The Speaker (Mr. Slade): No, that is another question.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, to the effect that there are now seven lines, is he satisfied that these seven lines are meeting the needs of the people telephoning from various corners of Kenya? If so, Sir, talks of the audibility of the call, is he aware that the other day I phoned Kakamega and I had to shout so that anybody in River Road would have heard me talking to Kakamega, therefore, Sir, what improvement is he talking about?

Mr. Masinde: Mr. Speaker, Sir, if the hon. Member was listening carefully to my earlier reply, he would have heard me say that if he had any difficulty in being heard on the Kakamega connexion, it was because the engineers were still working on this line.

Question No. 111

POSTAL AND TELEPHONE SERVICES IN BUSIA

Mr. Ochwada asked the Minister for Power and Communications if he could tell the House if he was aware of the fact that:—

- (a) In order to contact any part of Kenya from the Busia District Headquarters by telephone, the call had to go through Busia (Uganda) Post Office, and then the

Mbale Telephone Exchange; and further that the telephone service at the Busia (Uganda) Post Office opened at 8 a.m. and closed at 4 p.m. on week-days; and was from 8 a.m. to 12 noon on Saturdays; and there were no services on Sundays and Public Holidays.

- (b) People of the whole of Busia District had no full postal services and in order to withdraw money from the Post Office Savings Bank, they had either to go to Busia (Uganda), where they were not allowed to withdraw more than Sh. 10, or they had to travel to Bungoma or Kakamega, which was almost 100 miles away from some part of the district.

Could the Minister tell the House what plans he had to provide the district with full postal services and how soon could the people of the district expect to start using these postal services.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply: (a) It is true that, in order to contact any part of Kenya from Busia District Headquarters by telephone, the call has to go through Busia (Uganda) Post Office and then Mbale Exchange. The hon. Member, however, must appreciate the fact that the East African Telecommunications network serves the three countries as one unit; there is no separate territorial system. It is quite in order, therefore, to use part of the Uganda section for Kenya traffic.

The hon. Member has not got his information correct in respect of hours of service of the Busia Exchange. These are: Mondays to Fridays, 8 a.m. to 4.30 p.m. (with midday break). Saturdays 8 a.m. to 1 p.m. Sundays and Public Holidays 9 a.m. to 10 a.m.

- (b) Busia Post Office observes the rules of the Post Office Savings Bank and the maximum amount that can be withdrawn on demand at any post office in East Africa, including Busia, is Sh. 200 and not Sh. 10.

The provision of a full post office on the Kenya side of Busia is under active consideration by the East African Posts and Telecommunications Administration.

Mr. Ochwada: Mr. Speaker, Sir, now that the three East African countries are soon to have separate currencies, and I believe it will be within the next twenty-eight days, can the Assistant Minister tell this House what plans he has in order to provide the people of Busia District with the necessary postal services, particularly the Post Office Savings Bank facilities?

Mr. Masinde: Mr. Speaker, Sir, I have already said in my lengthy reply that there is serious consideration of setting up full postal services on the Kenya side of Busia.

Mr. Ochwada: Mr. Speaker, Sir, I would like still to pursue my supplementary question.

Now that the East African countries are soon to have separate currencies, whereby a person from Busia, Kenya, would find it difficult to obtain the Kenya currency from the Busia Post Office Savings accounts on the Uganda side, what plans are there to provide Post Office Savings facilities to the Busia/Kenya people?

Mr. Masinde: We are already making arrangements to provide these facilities.

Question No. 110

TENANT-PURCHASE HOUSING SCHEMES, KAKAMEGA

Mr. Ochwada asked the Minister for Housing if he could tell the House what plans his Ministry had and when it proposed to start, for a tenant-purchase housing scheme in the Kakamega and Busia Townships.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. The Ministry through the Central Housing Board, has financed the building of 113 tenant-purchase houses in Kakamega, of which thirty-four were opened two months ago. The Government has also agreed to release £60,000 for staff housing, a large part of which will go to Kakamega during the coming financial year. In addition, my Ministry is making a further study of the housing needs in Kakamega, with a view to making available more funds for new tenant-purchase and rental housing.

As regards Busia, I am able to state that £20,000 has been voted for tenant-purchase housing. Additional provision will depend on the extra housing needs of the township and the ability of the local authority concerned to service the loans granted to it from the Central Housing Board and to prosecute housing development with vigour.

Mr. Ochwada: Mr. Speaker, Sir, while I thank the Ministry for the work they have done in Kakamega, could the Minister give us an idea of when the Busia Tenant-Purchase Housing Scheme allocated money will be utilized, because nothing has so far been started?

Mr. Ngei: I have instructed the executive director of the Housing Board, to prosecute immediately all the already established plans for the respective areas of various municipalities in Kenya.

Mr. Jahazi: Mr. Speaker, Sir, apart from Busia, could the Minister tell us whether there are any other projects going on in other parts of the country, in particular Mombasa Municipality?

The Speaker (Mr. Slade): No, that is another question altogether, Mr. Jahazi.

Mr. Godia: Mr. Speaker, Sir, Kakamega being the headquarters of the Western Province, would the Minister tell the House that he is going to consider giving Kakamega a large share of capital expenditure on housing, so that Kakamega becomes the real headquarters of the Western Province?

Mr. Ngei: Mr. Speaker, Sir, I can assure the House that I am not going to give any lion's share to any particular area just because it is the headquarters of a particular place. Any loans which are to be given, the size of the loans will depend on the problems of the particular area.

Question No. 117

FISH AND CROCODILE SKIN PRICES

Mr. Ekitella asked the Minister for Tourism and Wildlife to tell the House whether, in view of the fact that tourism around Lake Rudolf was increasing rapidly, he was going to increase the price of fish and of crocodile skins.

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply: I would like to inform the hon. Member that there is no direct relationship between the expansion of tourism and the prices of crocodile skins and fish. Furthermore, pending the completion of an ecological survey which is being carried out at present, no licenced hunting of crocodiles at Lake Rudolf is permitted. This study is necessary in order to ensure that crocodiles will form a continuing industry year after year, rather than being ruthlessly hunted and exterminated. The only legal crocodile shooting is done for the purpose of protecting the fishing industry at Ferguson's Gulf and the few number of skins resulting from this control work are sold and the revenue is given to the local county council.

The fishery prices depend entirely on the law of supply and demand. The fishermen at Lake Rudolf are, at present, able to catch more fish than can be marketed through the existing outlets. This tends to lower the prices, but every effort is being made to encourage the expansion of the fish trade from Lake Rudolf and elsewhere. When more markets are available, there should be an improvement in prices and the quantity of fish marketed and, therefore, the earnings of individual fishermen.

Mr. Ekitella: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that some of the visitors who visit Lake Rudolf are shooting crocodiles illegally and taking the skins elsewhere? Is he aware of that?

Mr. Mohamed: I would like to assure the hon. Member, Mr. Speaker, that illegal shooting of crocodile is not permitted and that the Game Department keeps a very close watch on this illegal poaching.

Mr. Ekitella: Mr. Speaker, Sir, if so, I would like to know, after what the Assistant Minister has said, that the skins of the crocodiles shot are being given to the county council, what is the price of one skin from one crocodile?

Mr. Mohamed: Mr. Speaker, Sir, in my reply, I said that the shooting of some crocodiles was being carried out for ecological reasons, and this is done directly under the control of the Game Department. The skins so derived are sold and the revenue is given to the county council.

Question No. 118

WATER DEVELOPMENT: BOMET CONSTITUENCY

Mr. arap Soi asked the Minister for Natural Resources to tell the House what specific plans he had carried out or was going to carry out for water development in the drier areas of Bomet Constituency. Also would he tell the House when he himself was going to visit Bomet so as to learn about the acute water problem which existed in the constituency.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The Tumoi Piping Scheme is the largest in Bomet Constituency. This scheme was completed in 1964 at a cost of £6,100 which was shared on a £-for-£ basis with the Kipsigis County Council. In addition, over ten dams have been built by the Government in the Chepalungu area and, more recently, a large number of small dams have been built as a self-help scheme, with the generous assistance of OXFAM, costing about £10,000.

For the 1966/67 financial year, my Ministry has recommended the provision of £4,000 grant and £8,000 loan (totalling £12,000) to the Kipsigis County Council for further dam construction.

Mr. arap Soi: Mr. Speaker, Sir, the Assistant Minister mentioned some completion by the Government in 1964. Could he now tell the House where these water constructions are situated in the constituency?

Mr. Malinda: Mr. Speaker, Sir, if the hon. Member was listening when I was replying, he would have heard me say that over ten dams have been built by the Government in the Chepalungu area. That is where these ten dams are.

Mr. arap Biy: Mr. Speaker, Sir, is the Assistant Minister aware that these dams he has just told us about give very dirty water to the people of the division and, therefore, he should consider making more concise plans for water development in the area?

Mr. Malinda: Mr. Speaker, Sir, I would like to inform the hon. Member that the Kipsigis County Council and the district commissioner are the authorities responsible for organizing and planning the district water development; particularly, it is they who specify the areas in which any funds provided by Government may be spent.

Now, as to the question of these ten dams, I would like to inform the hon. Member that it is not only the ten dams which are now in existence. At the moment there are over 148 dams recently completed by the Toretet Society, with assistance from OXFAM. If these ten dams have dirty water, then, surely, all the 148 could not have dirty water as well.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell us whether the Toretet Society has anything to do with his Ministry?

Mr. Malinda: In as far as providing dams for water which is being used by the inhabitants of Bomet Constituency, yes, Sir.

Mr. arap Soi: Mr. Speaker, Sir, as the Assistant Minister has explained that the Government has contributed to the construction of dams in Bomet, is he aware that these dams always dry up within three months and the people have no water for the rest of the year?

Mr. Malinda: I am not aware, Sir.

Mr. arap Soi: Therefore, Mr. Speaker, would the Assistant Minister, in view of his unawareness, answer my question (b) by telling me that he will visit the area and see things for himself?

Mr. Malinda: Mr. Speaker, Sir, I do not think it is necessary for any of my Ministry's members, either myself or the Minister himself, to visit the Bomet Constituency simply to make sure that the dams dry up after three months, because as I explained earlier, the question of water development is the responsibility of the district commissioner, in conjunction with the Kipsigis County Council. If there is any development which these two authorities recommend to Government, Government always looks into these recommendations favourably.

Question No. 116

TECHNICAL SECONDARY SCHOOL FOR NYERI

Mr. Wariithi asked the Minister for Education when the technical secondary school which was to be put up in Nyeri, as provided for in the Development Plan, 1964/70, was going to be started.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. It is tentatively planned to open the new secondary technical school in 1969, providing the necessary capital resources are available and the building construction goes as planned. I can assure the hon. Member that we might even open this school earlier than this.

The exact location of the school has not yet been decided, but it will be in the Nyeri area.

Mr. Wariithi: Mr. Speaker, Sir, knowing the problem in the countryside of students who pass K.P.E. and cannot get places in secondary schools, can the Minister tell us specifically what work has been done up to now? He has stated that the site is not selected, the construction has not started. Now, can he tell us in more detail what has been done up to now, the capacity of the school, when it is going to be started, etc.?

Mr. Nyagah: Mr. Speaker, Sir, the history of this kind of technical secondary school is a long one, but, to cut a long story short, right now, as we sit here, very definite plans are afoot and within, I hope, a very short time, the realization of what the hon. Member is anxious about will become a reality.

Mr. Godia: Mr. Speaker, Sir, will the Minister assure the House that as soon as the technical secondary school is established in Nyeri, the students who will qualify from this school will be given employment and they will not be allowed to roam about in the country as I see some of them doing from Sigalagala?

Mr. Nyagah: Mr. Speaker, Sir, I cannot give that guarantee, but the hon. Member would do better to consult the labour exchange on this matter, or the Minister for Labour.

Question No. 119

TENWEK SECONDARY SCHOOL AND K.P.E., BOMET

Mr. arap Soi asked the Minister for Education:—

- (a) Why a second stream had not started at Tenwek Secondary School in 1966. Was the Ministry taking steps to see that it was started next year, 1967.
- (b) How many pupils had sat for the K.P.E. in Bomet Division and how many had passed.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. It is because the school was not in the plan for a second stream in 1966, and I am sorry to say that it is not in the 1967 plan. I am afraid the secondary school is not in our interim plan of 1965/67 secondary school development.

As to the second part of the question, out of the 758 pupils who sat the K.P.E., 406 passed.

Mr. arap Soi: Mr. Speaker, Sir, would the Minister tell the House why the Ministry has failed to recognize that this school warrants a second stream, in view of the lack of secondary schools in the division and in view of the number of pupils who take K.P.E. in the area?

Mr. Nyagah: Mr. Speaker, Sir, it is not true that the Ministry has failed to recognize; we know that there is a school which exists there. But in our interim plan of 1965/67—the secondary school development plan—we have definite plans that cater for the whole country for expansion of secondary schools of the kind that has not existed before.

Mr. arap Biy: Mr. Speaker, Sir, in view of the fact that the Tenwek Secondary School was never built—those are the premises—by the Kenya Ministry of Education but by missionaries from America who have been very generous to us, would he tell us whether his Ministry is trying to do anything to help the needy children of the division and district so that he could give them a double-stream Form I and the rest in future?

Mr. Nyagah: Mr. Speaker, Sir, if the hon. Member could only wait for a few months, he will see perhaps a more ambitious plan than he is thinking of. We thank the American missionaries for their *Harambee* spirit in getting you a single-stream there.

Question No. 123

BROTHELs IN NAIROBI

Dr. De Souza asked the Minister for Co-operatives and Social Services if he would tell the House whether he was aware that a large number of brothels had sprung up in respectable residential areas in Nairobi which would ruin the good name of Nairobi and of Kenya. If the Minister was so aware, would he instruct the police to investigate the matter and arrest, charge and, if necessary, deport, the owners of these houses rented as brothels.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, I beg to reply. The answer is no, Sir. There is no evidence to suggest that a large number of brothels have sprung up in respectable

[The Assistant Minister for Co-operatives and Social Services]

residential areas of Nairobi, nor is there any reason to believe that there has been any increase in prostitution.

Should the hon. Member have reason to believe that particular premises are being used for immoral purposes, would he kindly contact the Nairobi Area C.I.D., Tel.: 22251, P.O. Box 30051, Nairobi, who will arrange to have the matter investigated.

Dr. De Souza: Mr. Speaker, Sir, is the Minister aware that the gentleman who wrote this answer must be totally blind, that he cannot see for himself in Nairobi the number of prostitutes who are visible around the main hotels and in streets like Ainsworth Road, Caledonian Road, what used to be, here in Lenana Road, and so many other residential areas, in Parklands, that exist there today?

Mr. Maisori-Itumbo: No, Sir. Is the hon. Member trying to suggest that every woman he sees in the streets in the City of Nairobi is a prostitute, wandering in the area, or is he trying to suggest that all hotels in Nairobi are being used for this particular purpose? If that is not what he thinks, then the answer is no, Sir.

Dr. De Souza: Mr. Speaker, Sir, I am interested to notice that I am being asked a question. Unfortunately, I am not a Minister, otherwise I would have replied to it, maybe more effectively.

My question, Sir, is this. Have the police, who arrest prostitutes around Ainsworth Road almost every night and have seen two or three houses there, taken any steps against the owners of those houses because is the Minister not aware that the owner is committing as much an offence as the women who are arrested?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I know of no evidence of the police arresting any particular prostitute in the area, but if there is any, then this is an immoral activity, and if any woman or any gentleman is found participating in these immoral activities in the city, it is obvious that he or she must be dealt with by the police.

Mr. Jahazi: Mr. Speaker, Sir, assuming that there is actually an increase in this so-called respectable area of Nairobi, would the Minister agree with me that maybe it is the demand in these areas for such people which is causing all this springing up of brothels?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, the answer is no, Sir. But if the matter of the Ministerial Committee on prostitution may be raised, the committee made a preliminary investigation

and decided that it required the services of experts to enable it to complete its work; negotiations with an organization of the United Nations are now proceeding.

Mr. Speaker, the Commissioner of Police was consulted in framing the reply. We cannot comment upon matters relating to arrests, laying of charges or deportation. The considerable concern felt by the Government over the problem of prostitution could be emphasized, as can be the need to remove the cause rather than impose a punitive punishment upon individuals.

Mr. Muliro: On a point of order, Mr. Speaker, does the Minister understand what he has been reading in reply to the very plain question from the hon. Member?

The Speaker (Mr. Slade): Yes, I think you missed the point of the question, Mr. Maisori, and went on to something else.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, maybe I did not catch the question properly. Would the hon. Member repeat it?

The Speaker (Mr. Slade): Would you like to repeat your question, Mr. Jahazi?

Mr. Jahazi: Mr. Speaker, Sir, I will save the Minister from the reply.

Mr. Mbogoh: Mr. Speaker, Sir, is the Assistant Minister aware that, sometimes, even policemen arrest the women and take them to their houses instead of taking them to prison, and what is he going to do about that?

The Speaker (Mr. Slade): That has nothing to do with this question at all.

We will go on now.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, that is an extremely serious allegation and when matters of this nature have come up in the past, it is known that policemen have been dismissed instantly. So to make it so general is unfortunate.

The Speaker (Mr. Slade): You are asking for substantiation of this?

The Minister for Finance (Mr. Gichuru): I am seeking substantiation.

The Speaker (Mr. Slade): Yes, you are entitled to ask for that.

Mr. Mbogoh, can you substantiate this?

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, one day it happened that I was driving along when some women were arrested in a night club, and I stopped my car to see what was happening. Some of these girls were taken in a police car, and the next morning when I followed the case I found that they had not gone to the police station,

[Mr. Mbogoh]

they had been in one of the policeman's houses. As it was not my duty to report this to anybody else as it was my own personal investigation, I did not report it to the Minister.

Mr. Malinda: On a point of order, Mr. Speaker, Sir, I was wondering whether it would be necessary when a substantiation of this type is being given for the hon. Member at least to give us an indication of when and what date this action took place; what the number of the vehicle was or something like that?

The Speaker (Mr. Slade): Yes, I think it is desirable, when you are substantiating such a very serious matter, if you have not been prepared to report it to the authorities, to give full chapter and verse, Mr. Mbogoh, date and place for the assistance of the police. Can you give that now?

Mr. Mbogoh: Mr. Speaker, Sir, I did not think it was very necessary to take the number of the vehicle because I have not been employed by anybody to look after this. I thought the police were efficient enough to do their work.

The Speaker (Mr. Slade): Order! I am asking you to give a little further particulars of your substantiation. Can you give the date and the place?

Mr. Mbogoh: Mr. Speaker, Sir, this was some time early in April, but I can find out the date later on.

The Speaker (Mr. Slade): Whereabouts?

Mr. Mbogoh: Along Jevanjee Street, Mr. Speaker.

The Speaker (Mr. Slade): Very well.

POINT OF ORDER

SUBSTANTIATION OF ALLEGATIONS

Mr. Balala: On a point of order, Mr. Speaker, Sir, I would like to have your guidance on this. At the time when an hon. Member is asked to substantiate and he tries to invent incidences and time, what action or what particulars has the Speaker to investigate the particular Member in order to justify such a substantiation?

The Speaker (Mr. Slade): I do not know whether Mr. Balala is suggesting that Mr. Mbogoh was inventing his statement, but it is certainly completely out of order for him to do so. It is the most improper thing to do unless you know that Mr. Mbogoh is wrong, and then, of course, you will, at the proper time, produce evidence that he is wrong. As I have said on other occasions, as far as the Speaker is concerned, he accepts the truth of what the hon. Members say in this House,

until indisputable evidence is produced to him that the Member has told the House an untruth, whereupon, he requires the Member to come to this House and acknowledge the fact and tell the truth.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, Sir, in view of the fact that the Member has no evidence would he withdraw the allegation which he made?

The Speaker (Mr. Slade): There is very little evidence stronger than the evidence of one's own eyes.

The Minister for Commerce and Industry (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, in view of the fact that we, the Members of this House, know for sure that the hon. Member for Embu North was, in fact, in England during the relevant time he is mentioning, are we not right in insisting further that we do get the actual date, because we know he was in England?

The Speaker (Mr. Slade): Order! The hon. Member has said during the month of April. We leave it at that until, as I say, some Member proves that this is not true. If it is proved to me outside this House, and not as a sort of inquiry in this Chamber, which we cannot conduct, that what Mr. Mbogoh has said is just not true, then I will ask him to come and acknowledge that in the House. We cannot pursue it as a court of law here, that is not a part of our business.

I would remind hon. Members that on the adjournment today Mr. Gatuguta is to raise the matter which is noted on the Order Paper.

BILL

Second Reading

THE GENERAL LOCAL LOANS (AMENDMENT) BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the General Local Loans (Amendment) Bill, 1966, be now read a Second Time.

Mr. Speaker, Sir, this is a technical measure the need for which is explained in the Memorandum of Objects and Reasons. It was always the intention of this legislation to give the Government authority to borrow within Kenya money needed for the purpose of defraying expenditure lawfully chargeable to the Government's accounts and, in particular, to meet development expenditure approved in the Development Estimates.

The normal method of local borrowing has been by the issue of stock or bonds, but it is on some occasion, useful and convenient to the lender to lend on the basis of a loan agreement

[The Minister for Finance]

without the actual creation of bonds or stock. We have, for example, borrowed money from the banks for the extensions to the Parliament Buildings. We are also borrowing money from banks and insurance companies for the construction of two large office buildings in Nairobi.

The expenditure on these projects has either already been included in the Development Estimates or will be included in the future and is a part of the Government Development Plan.

I am sure, Sir, that this technical amendment will have general support.

Mr. Speaker, Sir, I beg to move.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE NATIONAL HOSPITAL INSURANCE BILL, 1966
*(Resumption of consideration interrupted on
26th May 1966)*

(Clauses 2, 3 and 4 agreed to)

Clause 5

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, my Ministry would like to move the following additional amendments to the Bill in Committee.

Clause 5 of the Bill shall be amended in subsection (1) by adding at the end thereof a proviso as follows: "provided that no standard contribution shall be payable for the month of July 1966."

(Question of the amendment proposed)

(Question of the words to be added be added put and agreed to)

(Clause 5 as amended agreed to)

Clause 6

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, I beg to move that clause 6 of the Bill be amended by inserting a proviso to subsection (1) as follows: "provided that employers shall not be liable to pay a contribution for any month in respect of a person

employed by him whose total income from that employment in the immediately preceding month was less than Sh. 1,000."

Also, Mr. Chairman, Sir, that clause 6 of the Bill be amended by inserting at the end of subsection (2) (a) the following words: "except where the employment is terminated in the month immediately preceding that month."

(Question of the amendment proposed)

Mr. Jahazi: Mr. Chairman, Sir, could the Assistant Minister explain as to the reason why he is amending these clauses, because he seems to be reading off the amendments and giving no explanation?

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, the amendment to clause 6 (1) restricts the responsibility of employers to those employees earning £50 per month or over from the employment. The Bill as originally written makes an employer responsible for deductions if his total income over the past twelve months amounts to £600. This is not practicable. The employer cannot be expected to know the private income of his employees. An employed person receiving, say, £40 per month from his employment and £20 per month from private income will still be responsible personally for contribution to the fund.

The amendment to clause 6 (2) is intended to cover the marginal case of an employee whose employment is terminated at the end of a month from whose salary a deduction has been made covering the following month. That is why we suggested these amendments, Mr. Chairman.

(Question that the words to be added be added put and agreed to)

(Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, I beg to move that clause 8 of the Bill be amended by deleting in subsection (1) all the words before the words "before it is so issued", and substituting in place thereof the words, "At such time and in such manner as may be prescribed the full name of the contributor and such other particulars as may be prescribed."

(Question of the amendment that the words to be left out, be left out, proposed)

Mr. Shikuku: Mr. Chairman, Sir, I think you must be wondering why I say "no" to everything, but, Sir, it is because I do not agree with the whole attitude of the Bill. Sir, here under clause 8

[Mr. Shikuku]

as amended there will be an awful lot of trouble because you will get people moving from one place to another and it will mean a lot of work. I was wondering whether there could be a better clause than this.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, the hon. Member's question is not clear at all. Which part of clause 8 is he referring to? He refers to people moving from one place to another, and I would like, if possible, the hon. Member to put his question clearer.

Mr. Shikuku: Mr. Chairman, Sir, the question I am trying to look into is the question of amending the words, "at such time and in such a manner as may be prescribed. . .". I want to know which manner you are going to prescribe. If you are talking in terms of manner, then the Assistant Minister must know that sometimes people move from one place to another, and if so, what are you going to prescribe to cover this?

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, clause 8 of this Bill is to overcome the practical difficulty that the contributor may fail to name his wife. I think it is a question of a wife and husband in this respect. When applying for registration it is essential that a card be issued in order that the employer may recover under fixed stamps and that the employee may have the benefit. Such a card would therefore be issued with the wife's name blank and details would be completed at a later date. That is why I think we should have this amendment. Regulations will provide for any penalty or waiting period considered necessary as a result of delay in supplying this information.

Mr. Chairman, Sir, in this Bill we found that there could be some difficulties particularly when somebody is not sure as to which wife to put down and therefore, Sir, we feel that the card should be issued and wait for this name to be inserted later on. That is really the reason for this amendment, and because of that we feel that it will reduce the hardship to the people.

Mr. Shikuku: Mr. Chairman, Sir, I am very glad the Assistant Minister has put some light on the question. Does he now mean, from his explanation, that you can have as many wives and decide which one's name to be put down? If that is so, if we accept the principles of African Socialism can we not have as many wives as possible and put as many names without having to be restricted to one only?

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, this question of wives in African Socialism has been considered very seriously and we feel that the Bill as it is at the moment covers the man and one wife plus as many children as he may happen to have.

Now, Sir, for the other wives who the contributor may like to marry we feel that if the man is rich enough to have more than one wife, then he should be able to be in a position to pay a special contribution for these other wives. The Bill has covered the man, one wife and as many children and dependents as he may have, but for the other wives, as many as he may have, we feel that the man, the contributor, should be able to get out a special cover for them.

Mr. Godia: Mr. Chairman, Sir, I think the Minister is going out of the scope of African Socialism, because most Africans in this country have more than one wife, therefore, Sir, we must provide, make this law, thinking about the particular Africans who have more than one wife, so that we can also take care of them. I feel that it is not fair that we consider this law without bringing in the other wives. Mr. Chairman, Sir, if he does not want to bring that into the Bill, then we are going to oppose the Bill. I am asking him kindly to consider taking care of the other wives which these particular men have because this is in line with our African Socialism.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, I do sympathize with the feelings of the Members, but the thing is that we are here to cater and try to consider the best possible way we can help our people. At the moment, Sir, we are thinking of the poor people who cannot afford more than one wife. Now, Sir, once you begin to cater for people who have more than one wife it means that we are really coming down to thinking more for the rich who can have more than one wife. Therefore, Sir, I feel this Bill is appropriate. We have covered the man, one wife and children and dependents.

Mr. Chairman, it is not very many Africans who can afford to have more than one wife. Those who can afford to have more than one wife are the rich people. Therefore, we feel they will be able to look after this other wife and accommodate her with a special cover, apart from the one wife who is covered by this Bill.

Mr. Chairman, we feel it is quite right and covers as many people as possible in the country. To think of a few who have more than one wife is, I think, putting us in a situation where we cater for the very few rich people.

Mr. Mbogoh: Mr. Chairman, I do not think the House is satisfied with the reply of the Assistant Minister, because his argument here, of leaving out Africans who have two or ten wives because they are rich is wrong. According to the African way of living it is not that somebody has to get ten wives because he is rich. He does so because he feels this is the custom; he is allowed to have as many wives as possible, he can inherit wives, and he can also have as many children as possible.

Now, when we have a clause that goes like this, Mr. Chairman, I think what we ought to do is to note that the Minister is catering now for those tribal communities or races in Kenya, for example, the Europeans and Asians, who never have two wives, and ignoring the Africans who have two wives. So, we can say that this Bill is more for the other races and that it forgets about the Africans. Otherwise it cannot be passed here.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, I completely reject the assumption that in thinking of one man, one wife, we are trying to cater for the other races alone and not for the Africans. Sir, it is a fact that in African communities, according to the African way of life, it is only the rich, the people who can support more than one wife, who are able to marry more than one wife. If a poor man attempted to marry more than one wife, the wife would run away and marry somebody else who was rich.

Mr. Chairman, I am not here to be taught the way of African life, I know it very well. I also know very well that it is only the rich who can afford to marry more than one wife, particularly now, Sir, when we have to educate our people, we have to look after them. So, it is not very often that you find the poor people having more than one wife.

Mr. Mwamzandi: On a point of order, Mr. Chairman, since we have had debate on this point for a long time, I beg to move that the question of the amendment be now put.

The Chairman (Dr. De Souza): I think it is reasonable that the question, of the amendment be now put.

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

(Resumption of debate)

Mr. Nyaga: Mr. Chairman, Sir, since I understand that the Assistant Minister is informing us how we have to defend the poor people so that they cannot marry more than one wife, will he

give us an assurance as to how Chief Kaloli, who had seventy-two wives, could manage the seventy-two wives? Was he poor or rich?

The Chairman (Dr. De Souza): That is not relevant, I do not think.

Mr. Shikuku: Mr. Chairman, I think the Assistant Minister has to be clear with us because we are all grown-ups. He is referring to the question of the poor people. In actual fact, this Bill is for the rich people. If he is talking of the poor people, he is pulling our legs because it is not for the poor people. Very few people in Kwale, where he comes from, will enjoy the facilities provided in this Bill.

Therefore, I feel we are talking of the people who already have more than one wife, who are in this class, because this Bill is not for the poor. It is for the rich. Now, what are we going to do with the wives we have now? This is the question. Therefore, we are asking to be included in this Bill the wives we have now, not the wives we are going to have tomorrow. The wives we have now have to be covered, unless the Assistant Minister is asking us to divorce them.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, Sir, I sympathize with the sympathies of the hon. Members. However, here we have a scheme where a contributor, his wife, his dependents, his children or the children of his brother who is dead, anybody who is dependent on him, the contributor, is going to benefit. We should look at it this way, Sir; he is going to be carried by other people who contribute. It does not mean that the people who contribute money for this fund are going to benefit. There will be a lot of people who will pay this contribution and they will never enjoy the benefits. In other words, we are trying to help one another. It is a self-help scheme of some kind where people contribute towards the people who are going to fall sick and who will benefit.

Are we now saying that the people who contribute all this money should cater for a few people, because it is not a question of majority, Mr. Chairman. It is not a question of the majority of people who have more than one wife. It is only a few people who have more than one wife. Is the country going to suffer, is the country going to bear the burden of these people's extra wives?

Mr. Chairman, the Bill provides for the contributor, his wife and his children. There is one point I would like to make here. If, for instance, a contributor has more than one wife, he may

[The Assistant Minister for Health]

have two, three, four, five or six wives. The Bill says the contributor and one of his wives, plus the children of that one wife and the children of all the other wives. All these children will benefit from this Bill, but so long as the other wife is there, Mr. Chairman, we feel the country should not take this burden, because this shows the man is well off. Therefore, he should be able to cater for her and try to get out a policy for that particular wife.

Mr. Chairman, this Bill really is for the country as a whole. We should consider those people who will not fall ill and will support those who will be ill. Is it fair to ask them to support the extra burden that we are trying to put on the country? This is the question we must ask ourselves.

The Chairman (Dr. De Souza): I am afraid there has been a lot of repetition in this debate. Almost every hon. Member wants to speak on the point that there is one wife and there really should be more than one wife. Unless there is going to be anything new I suggest we move on. Hon. Members should not repeat themselves.

Mr. Shikuku: On a point of order, Mr. Chairman, I seek your ruling on this. The Assistant Minister has categorically said that there is a clause which caters for the one wife and with regard to the rest of the wives, their children are catered for. Now, I am wondering in which clause this is?

The Chairman (Dr. De Souza): You are perfectly in order, Mr. Shikuku. In fact, I, myself, was wondering how we were discussing the question of one wife or many wives under clause 8 because there is nothing there to that effect. It has been pointed out to me just now, however, that clause 8 (1) (c) refers to the full name of the contributor. It says, "the full name of the contributor's wife or husband (if any, as the case may be);". In that sort of case somebody may like to reply. It may be a gratuitous reply or the fact that only one wife can be admitted under the scheme.

Now, however, that it has been made that it includes clause 8 (1) (c) I think we can discuss it. I think, however, that there is a great deal of repetition. Everyone is making the very same point every now and again. Unless there is going to be something new, we will have to stop this.

Mr. Godia: On a point of order, Mr. Chairman, I wonder if there is something the House can do to force a Minister to amend a clause in the way the House feels it should be amended? If the House feels that a particular clause should be

amended in a particular way, is there any way in which we can compel the Minister to amend accordingly?

The Chairman (Dr. De Souza): Yes, you can, of course, move an amendment but you have to give notice in writing to that effect before the House meets.

The other thing is to move an adjournment of this debate to another day. That, however, is a different matter.

I am only giving an explanation but am not suggesting that is what you should do. I am only saying this is one of the ways in which you could, by a Motion, bring pressure on a Minister to amend his Bill. For the time being I think we will continue with the Bill.

Mr. Shikuku: On a point of order, Mr. Chairman, taking up that ruling that you have just given, will I not be in order, in view of the fact that the Minister has quite clearly stated that only one wife is entitled to the benefits, and we are of the opinion that it should be wives according to African Socialism, at this stage to move that the discussions of this committee be adjourned until tomorrow, so that this clause can be amended to include wives and not just one wife?

The Chairman (Dr. De Souza): I will propose that question. The question now before the House is this: Mr. Shikuku has proposed that the Committee do report progress in its consideration of the question, the National Hospital Insurance Bill, 1966, and beg leave to sit again on another day.

(Question proposed)

The Minister for Health (Mr. Otiende): Mr. Chairman, I do not see what the hon. Members stand to gain by that Motion or proposal. For one thing on our side, experts will have to be satisfied what they mean by the word "wives", whether they are legal or illegal numerous wives that people keep.

Mr. Wariithi: Mr. Chairman, I stand to oppose very strongly this Motion to adjourn the debate. Are the Members seriously suggesting—

Mr. Kamau: On a point of order, Mr. Chairman, did you say that you are not quite sure how (Inaudible.)
If, now, the hon. Mr. Wariithi is trying to say something while the House is wanting to adjourn, is that not out of order?

The Chairman (Dr. De Souza): No, no, I am afraid that is not a point of order. What, in fact, we are now debating is whether we should continue the debate of the Bill at this Committee

[The Chairman]

stage or whether we should adjourn. The House has proposed the adjournment, but that is for us to decide when it goes to the vote. We are discussing the question of reporting progress and begging leave to sit again another day.

Mr. Wariithi: Now, Mr. Chairman, I stand to oppose reporting progress and continuing on another day. My main reasons are that as far as laws of Kenya are concerned today, we have not yet passed a law in this House which advocates polygamism. Our laws still recognize that a man should have only one wife.

Hon. Members: That was colonial law. We have African Socialism.

Mr. Wariithi: Our laws, the Statute Laws of Kenya, in the Republic of Kenya, up to the time I am speaking still recognize—

Mr. Kiprotich: On a point of order, Mr. Chairman, as far as the Kenya law is concerned, I do not think there is any law which restricts anybody to have only one wife. We are all polygamists, legally or illegally.

The Chairman (Dr. De Souza): That is not a point of order.

Mr. Jahazi: On a point of order, Mr. Chairman, is the hon. Member in order to quote one particular section of the Kenya law when the Muslim law is also recognized and it allows four wives?

CONSIDERED RULING

FRAUDULENT POINTS OF ORDER

The Chairman (Dr. De Souza): That is not a point of order. I want to say this to you, Mr. Kiprotich, Mr. Kamau and many other hon. Members who rise on fraudulent points of order that it is not correct to do so. I have said it so often, that it is not humorous to try to raise a question on a point of order and then join the debate. What Mr. Jahazi said is a good point, but it is a point to be made in debate. It is not a point that should be made as a point of order. If it is a point on which an hon. Member said something and you do not agree, or a point on which you want to add something, you rise in your place and when you are given a chance you reply to his point; but you should not rise on a point of order in such circumstances.

(Resumption of debate)

Mr. Wariithi: Mr. Chairman, my friend, Mr. Jahazi, the Specially Elected Member has reminded me of a legal point which I had not forgotten. I was continuing. I am very much aware that your particular religion allows you to have a maximum of four wives.

The Chairman (Dr. De Souza): My religion does not.

Mr. Wariithi: I was going to say, Mr. Chairman, that the law which governs the majority of the people of this country does not allow a man to have more than one wife. The paper we call African Socialism states in general terms that we recognize the African customs, but that is not the law of this country. So what I am saying here, Mr. Chairman, is that I know most of the hon. Members are not with me—

Mr. Kiprotich: On a point of order, Mr. Chairman, I seek your guidance on this issue. Is the present speaker talking on customary law or the law of the country?

The Chairman (Dr. De Souza): Order! Mr. Kiprotich, that is not a point of order. I have explained to you that if you have something on which you do not agree with the hon. Member speaking, you stand up and reply if you are given the chance; but you do not stand up on a point of order. Whether he is right or wrong is quite irrelevant; he is entitled to speak.

Mr. Wariithi: Mr. Chairman, the hon. Members do not want to hear what I am saying because they know that probably I am telling the truth.

Now, the position is this: until in this House we pass a law which amends the present law of the land it will be—

Mr. Mbogoh: On a point of order, Mr. Chairman, is the hon. Member in order to allege that we do not want to hear what he is saying because he is telling the truth? Who is to judge whether he is speaking the truth, he, himself, or you, Mr. Chairman?

The Chairman (Dr. De Souza): That is not a point of order. Sit down, Mr. Mbogoh.

Mr. Wariithi: I was saying, Mr. Chairman, that in a modern Kenya which we are building one would expect that the idea of having many wives should not be encouraged.

It will be unwise for the House to adjourn the debate for the purpose of, maybe, seeking possibilities to amend the Act to include wives instead of wife, for the simple reason that you have first to amend the law of the land to allow everybody to have as many wives as he wants. Then, you will come back and amend all the other laws which would provide, wherever the word "wife" appears, to be put in the plural. So, what I am suggesting here, Mr. Chairman, is that it would be unwise for us to adjourn the debate because it would be wasting our own efforts. You cannot start by amending this particular Act itself before you amend the other laws which come before.

[Mr. Wariithi]

Therefore, Mr. Chairman, I am suggesting that it is unwise to adjourn the debate now.

The Chairman (Dr. De Souza): Order! Order! I do not think we can afford to spend more time in debating whether we should continue with the debate on this Bill or not. It is a purely procedural Motion. So, I shall put the question now.

The Assistant Minister for Health (Mr. Matano): On a point of order, Mr. Chairman, hon. Members have put forward their arguments for adjoining and we have not had a chance to explain these points in reply.

Mr. Chairman, there is one implication in trying to keep this Bill pending. One is that, as we all know, this Bill is a step forward to try to amalgamate the two different Hospital Relief Funds into one by trying to introduce the people, the Africans above all, in this country, to come together in one group.

Mr. Chairman, if only Members would be patient enough to listen to what I am going to say. At the moment this Bill is already late, and the intention of this Bill is to make the Bill start on 1st July, this year. If there is going to be any delay, it is going to take much longer than that. The Bill is late, and because it is late our intention was to amalgamate all these groups of people together by the 1st January, next year, so that there will be no racial funds. If Members are going to delay this much longer, I am afraid, Mr. Chairman, we are going to delay the evolution of our country where we want everybody to be considered as one. This is a very, very important point, Mr. Chairman.

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

THE NATIONAL HOSPITAL INSURANCE BILL

Dr. De Souza: Mr. Speaker, Sir, the Committee of the whole House is considering the National Hospital Insurance Bill, and has instructed me to report progress and beg leave to sit another day.

MOTION

THE PRESIDENT'S *Madaraka* DAY SPEECH

THAT in view of the national importance of the *Madaraka* Day Speech of His Excellency the President, Mzee Jomo Kenyatta, this House warmly endorses the declaration of His Excellency and pledges itself to impress upon the

nation the absolute necessity of carrying out His Excellency's directions as expounded in His Excellency's Speech.

(The Minister for Housing (Mr. Ngei) on 7th June 1966)

(Resumption of debate interrupted on 7th June 1966)

Mr. Kiprotich: Thank you very much, Mr. Speaker, and I hope all the Members will stay here so we do not fail again to have a quorum.

I do not want to say too much, Mr. Speaker, Sir. What I want to touch on is this: these traitors saying they will get free things. What I am saying, Mr. Speaker, in this House, is, yes, they can have fish free. The fish are just in the sea or in the rivers, so they can go and have them any time they like; but when they touch land, I will tell them, we as Kalenjin—when I speak of Kalenjin. I speak of Masai, Wakamba and others—

Hon. Members: Question, question.

Mr. Kiprotich: Not Wakamba. I talk about Masai and all the other Kalenjin and others who speak the language. I will tell you why I mention the Masai: we speak the same language.

Mr. Speaker, Sir, one day the President gave a statement here, in this House, and said, "Go back to the land," and these lazy people were just wandering in the town telling people, "You will get free things, you will get free land, you will get everything free." I will tell them today, when I am speaking in this House, today is the 8th, let them come to Rift Valley and acquire any land free, and they will have it, what they want. We will teach them because we, as Kalenjin, do not want to have free things, and if anybody tells us they will have free things like this traitor, Oginga Odinga—he himself has the United African Corporation in Mombasa. How many tribes have joined that company in Mombasa? None. He has a certain company, again, in Kisumu, by name Lolwe, running all the buses, running all the motor boats on Lake Victoria. It killed over a hundred people. He never even sent condolences to the people who lost their children, their families, when they sank in the lake. He did not say anything. There was nothing of the sort. If a man wants to confuse this country and bring civil war, we will tell him—and even the Government is too weak to deal with him. If the Government is too weak to deal with such a person, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order, order, Mr. Kiprotich. There are limits to what may be alleged against citizens of this country or, indeed,

[The Speaker]

foreigners, especially when they are not here and able to answer the allegations. Allegations of a desire to create civil war, I think, are much too serious to be made without very, very strong evidence. I think you had better keep off that sort of allegation.

Mr. Kiprotich: Mr. Speaker, Sir, I am saying this in this House because I know the feeling of the people outside, not only in Nairobi here, not in the towns; I know the feelings of the people.

The Speaker (Mr. Slade): Order! You may know the feeling of people, but it does not justify you in making very serious allegations against people who are not here to defend themselves.

Mr. Kiprotich: So, Mr. Speaker, Sir, I stop that, through your ruling in warning them not to make childish speeches when they address other people. They will say anything in other places, but not confuse the public.

Speaking, Sir, finally, on nationalizing properties, especially farms—we are not very keen on commercial things—what I will say is that some speak in Kisumu and say, “Nationalize tea estates”. These estates, Mr. Speaker, Sir, come from Kalenjin soil and if any—I am sorry because you are not allowing me to use some rude language in this House, but let them come and try and they will have what they want. If they want force, they will meet force. Mr. Speaker, Sir, I am supporting the President’s Speech, but we do not want only words, we want actions, and I mean actions. When you address the people in a very big crowd here, there is applause when you say, “Go back to the land”. Today, in Nairobi in this Chamber and outside here, some of the Members even fear to go out because you find so many lazy people outside waiting for you, asking you, “Please, could you help me with one shilling, two shillings?”, and so on; and when the President says, “Go back to the land”, something must be done on it, not only saying it. The Bill which we passed last week, I would also congratulate the Government, so there is no need to say too much. Act, and you will get support.

But if we go on talking, talking, talking, this is nothing and I will warn on behalf of my Kalenjin, those people who are pressing for free land, because they see the Rift Valley as a fertile land, Mr. Speaker, Sir, I will tell them first you go to give up your property, and then they will come and take some of their brothers’ land free, and also, Mr. Speaker, Sir, the President did not touch on progress in other districts, unemployment in the country, or that things would be free;

we are being told by other people that we have something free but this is never the same. I as a senior Kanu member, you find even in the present Government that we have Kikuyu and Luo, and these are the second big group, what are they grumbling about? They are holding high positions. They are holding so many big posts in various Government Departments. Some are pro-American, some are pro-China and some pro-Russia. What do they want? Let them give the chance to other people who want to work for the benefit of this country, but not to bring us scientific socialism which comes from outside, and which we do not know, and we do not even understand it, we only understand the socialism of Kenya. They are very lucky these chaps because they have the President who says let us all live together, and then we have somebody who goes out and says we must have scientific socialism. How can we have scientific socialism? Where does it come from? I do not want to mention someone’s name because you will tell me that he is not here. Will anyone today agree with me that he would like to be set on one side in this House? I say, “no”, they do not want to. What they want is to take everything for free. So, what I say, Mr. Speaker, Sir, it is just like circumcision—

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): On a point of order, Mr. Speaker, I would like to seek your guidance on this. Has circumcision or any tribal customs, or teeth removing, anything to do with this speech, because I think, Mr. Speaker, if we speak on the question of circumcision or anything one might direct himself to a member of the KPU, but I think as well we have numbers of these people who remove their teeth, who are still Government supporters, Mr. Speaker, and I think these things should not be discussed.

The Speaker (Mr. Slade): Yes, as I said yesterday, in a debate of this kind it is open to hon. Members to discuss almost every matter relevant to the conduct of the Government of this country, whether approving what the President said in his speech, or disagreeing with it, or commenting on what he has not dealt with in his speech, and the House thinks he should have dealt with. But it is difficult to see how these tribal customs, to which the hon. Member now refers, are relevant to the Government of this country. If not we must leave it alone.

Mr. Kiprotich: Thank you very much, Mr. Speaker, Sir. I think the Assistant Minister must learn how I was talking. I was referring to scientific socialism, and if you understand it you will know how it is, and you yourself are circumcised, so you know what I am referring to.

An hon. Member: How do you know?

Mr. Kiprotich: I know because he is a Masai! So, Mr. Speaker, Sir, when we refer to things in this House—

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): On a point of order, Mr. Speaker, is that really parliamentary language to use the word "circumcision" in this House? Is that really parliamentary language to refer to one being circumcised or not circumcised?

The Speaker (Mr. Slade): I could not say it is unparliamentary, it is certainly a word you find very often in the Bible.

Mr. Kiprotich: Thank you very much, Mr. Speaker, what I was saying is this, Mr. Speaker, if you will listen to my speech, my friend, I said that our President is a trustworthy man in Kenya, we work together, and that word is *Harambee*—

The Speaker (Mr. Slade): I think to follow up what really, Mr. ole Oloitipiti, was getting at, it was that you must not give offence to other hon. Members by referring to their tribal customs. That we must be very careful about. So you will avoid giving offence to other tribes will you not?

Mr. Kiprotich: Mr. Speaker, Sir, there was something else which our President said on that day, and I should like the Government to reply about this to us.

Nowadays farmers whenever they ask the Land Bank for a loan, or the Agricultural Development Corporation they are told that there is no money at all, and I can prove this. Whenever you go to any settlement officers, if you want to buy some cattle you are told that there is no money at the moment. We would like to be told whether the Government is bankrupt or not. When we say that the Government is progressing, and we have our plan now in our hands here, we should like to be told exactly what the Government is doing for the farmers, especially new farmers. Again, we are being told the Government have settled over 2,000,000 new farmers in the former White Highlands. I should like to tell the Government that we would like more than that, even ten or one hundred times that number. I can see more land lying idle, and the President tells us to go back to the land. Can we be told when the Minister is going to answer this question? We must have a law which says everybody must go back to the land. That will relieve the unemployment, Mr. Speaker, Sir, and then there are people who like to work, and those who do not like to work they can come back and roam about in the towns.

Turning to the circular which was circulated recently, Mr. Speaker, Sir, by the former Minister for Commerce and Industry, which I think every Member has received a copy of, I do not know whether it was a Government document, or if it was a personal thing, they said that no Member can recommend any one of his youths to be employed, or one of his friends to be employed in any commercial or anywhere else in this country. Everyone must go to the labour office. But something must be done about this, Mr. Speaker, Sir, something must be done. I would like the Minister here to tell us today how the people are being employed. You find that people are just lying idle the whole day and the whole night, even sleeping there because they have nowhere to sleep. Nothing is being done for these people. We have got roads in this country, why can they not be taken to build roads. Today we are being told all right everything is all right, everything is there. We should like these people, Mr. Speaker, Sir, when the Government is making such a statement and it is brought to this House, we are here to pass laws and to make our country go ahead. Something must be done for those people sitting, hungry, without eating anything. When they say they are hungry, you say that somebody must be engineering them. They are not, we should like something to be done for them. Go to a place like Britain, somebody goes to a labour office and if he has no employment he is given food for the night. He is getting a place to sleep, but what is the Government doing for these people in Kenya? We should like to see something being done. If a man has a piece of land, and he is just wandering about, we should like the Government to help. What does he need to go ahead with his farm? We should like to know. If he is need of some money let him have it. Today, the Government is controlling everything, if they go to a county council they are told that if we get money from the Central Government we will help you. But now something must be done, and you, as the Minister who is going to reply to this Motion today, Mr. Speaker, Sir, something must be done in all towns whether they are big or small. I do not mind about in Nairobi. You have great unemployment in Nairobi and you are building so many houses. Why do we not build somewhere else. Build some more houses in Kajiado, employ some people there, and in other places where there is a small town and so on in other places. I did not want to mention only one place. All over the country this must be shared with everyone, everyone must be happy. Money must be shared out by all in the country, Mr. Speaker, Sir, and we know that the money is there.

[Mr. Kiprotich]

In finishing, Mr. Speaker, Sir, I support this Motion, not only because it is a Motion. We should like the Government to take action. We would like action, because action speak louder than words.

Mr. Mbogoh: Mr. Speaker, first of all I must congratulate the Minister who moved this Motion, in view of the fact that he gave us to understand quite a lot where we had not had time to read the speech.

Mr. Speaker, what comes of this speech, in fact, it should not be referred to as just a simple speech, because when I went through it I found that it should be called a gospel according to Mzee Kenyatta, and propagated to all people. Mr. Speaker, this speech should be read to the people in the streets, should be read to Members of this Parliament who cannot read it for themselves, and it should also be read to schools and also to churches and any other gathering places where people would understand it. Mr. Speaker, although it is on Government policy, it is a paper which shows personal triumph, or personal success of the President of this country, which could not be achieved without the co-operation of all the people of this country. Mr. Speaker, everybody who shared in this success should also be congratulated for the co-operation and hard work which the nation is being built through. So, Mr. Speaker, it is known all over the world that the hon. Jomo Kenyatta, Member for Gatundu, and the President of this country, is a national statesman, not a simple statesman like a few we have in Kenya, who just decided to become tribal leaders. He is a leader who is recognized by all Africa and all the world, and in that case, it is wonderful that such a speech could be found in every country, and the people of many different countries are now praising this speech so much that I think it is quite to the good name of Mr. Kenyatta and the country of Kenya.

Mr. Speaker, Sir, although the speech was so well made it is with great satisfaction that I would like to contribute a little to the part where the speech does not go very far, so I am criticizing it, not that I will criticize the speech as it is, but it is only adding a few words, not criticizing. When I say criticizing some people might think that it is what they call destructive criticism, but I would like to criticize it constructively, and add what was missing.

Mr. Speaker, Sir, there is a tribute to the security forces. This is quite true because although we have had quite a number of our forces being killed in the North-Eastern Province, we have noted that many times the casualties

are on the *Shifita* side and not on the security forces' side, and that calls for some thanks to the people who train these forces and who know very well exactly how to ambush the *Shifita* and kill them. I wish to say here that it is very good that this has been done and this being as hard as it is, our security forces should be encouraged to fight as much as possible, although it is a risk to their lives, because it is to save the lives of those people in this country who are innocent and who are being victimized by the *Shifita* without any reason whatsoever, due to Somalia's expansionism motives, and this should be checked and stopped by our security forces.

Mr. Speaker, Sir, also the efficiency of our police force should be remembered, although in many cases there has been reported some inefficiency which calls for Government's checking and a proper interpretation of the law. In that case, Mr. Speaker, I think that with the present way of Africanizing the police force, the Africanization should be properly done, not simply to get a police officer and put him in a *madaraka* position because he belongs to such-and-such a tribe, and not to get a policeman because he says too much, "*Ndio, Bwana*" and put him at the top. Be sure if we do that, he will also expect everybody to say, "*Ndio, Bwana*", but if anybody does not say the same, he will find it difficult to escape from the brutality of that particular policeman.

Mr. Speaker, our civil servants today have been given a lot of *madaraka* and during this *Madaraka* Day I think the President also spoke about the Africanization system in the Civil Service, which I feel has not been carried out fully, because some of our civil servants today are just acting in a senior capacity while they do not have the experience and they have somebody at the top to be an adviser.

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

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

These advisers, in fact, carry the process of Africanization while they are not Africans themselves, and so they would like sometimes to put some doctrines to these Africans who are being Africanized, so that they are not pure Africans but will act as carbon copies of their former imperialist rulers.

Mr. Deputy Speaker, although Africans are having all this *madaraka*, I still feel that a certain degree of trust is needed to safeguard the positions of all those Africans who are being given top posts. How many times, Mr. Deputy Speaker, have we seen in the papers that such-and-such a senior officer, who is an African, has

[Mr. Mbogoh]

been imprisoned because of misappropriation of funds? How many times have we seen that such-and-such an African has already been imprisoned because he went beyond his powers and misinterpreted the law, which was not intended to be interpreted that way? Mr. Deputy Speaker, as long as Africans can be Africanized and be Africanized in the real sense, not simply being kept in top positions whether they are honest or not, I think this will be very much better because, all the time, we should not be complaining of Africans themselves who are in the big positions.

Mr. Deputy Speaker, the other policy which I thought the President would have mentioned in this country is how the Government will try to regulate the earning power of the lower-paid people in this country, because today the policy of giving Ministers and, let us say, top civil servants a lot of money every month and then getting very, very little pay for some chaps who are right down as labourers, I think, is causing a very wide gap, and this gap should be made less by reducing the salaries of those people who have, let us say, Sh. 7,000 a month and bringing them to about Sh. 4,000 and lifting those who have Sh. 30 a month to about Sh. 60 a month. This would be just the proper thing to do, but instead we are continuing inflating everything, adding to the salaries of the top-paid classes every day, and the salaries of those people who are lower paid are static. Mr. Deputy Speaker, I do not think this will help us very much, and I do not think this will help our unemployment scheme, as far as we are concerned.

Mr. Deputy Speaker, it is also true that some of these people whom I am speaking about as being paid lower salaries are quite lazy and they refuse to work even if you give them quite a lot of money. For example, there were some people who were being employed in a coffee factory somewhere at the rate of Sh. 45 a month and if I wanted any of them to employ in my *shamba* at Sh. 60 a month, he would not agree to take that job because he finds that he is expected to put in much more effort when he is employed alone than when he is employed with many other people. So he thinks now it is better to lose the Sh. 15 extra than to be supervised individually. So I think the employees should also be very, very careful when they go shouting and bringing placards in the streets, seeking employment.

The other day our Government gave a few chaps from Nairobi some employment and they were taken by lorries to a certain corner to go and work there. Within a week, all of them had

gone back again to Nairobi to come and enjoy their way of living in the streets. I think this is not the nation building we want. The nation building we want is where the boss knows that he needs the labour of the labourer, and the labourer knows that he needs the money of the boss, and they work together like that without anybody trying to cheat the other. Then, Mr. Deputy Speaker, this would help our unemployment schemes and would also help the country to progress very much.

Mr. Deputy Speaker, some people in this country today are going round giving a lot of free money to such people. They go and find those lazy people in the streets and give them the money, so that they can support them, and in that case they are creating hooligans in the streets. They are creating a situation which is sometime uncontrollable. Unless the Government is very aware and knows how to control such a situation, I think this might go too far and be out of control, and then it would be difficult to stop it at any rate.

Mr. Deputy Speaker, I understand here that some foreign countries are helping these people to spread this free money, so that they can be supported with their countries. This is the right time now that action should be taken by declaring those countries, who are giving this money, unfriendly countries and expelling their diplomats from this country. If they have brought their diplomats here, so that this country can have friendly relations with their countries, I do not think this is the right way to have friendly relations, by coming to subvert the efforts of this country. Then this is the right time when they should be kicked out and be told we do not need their friendlines any more, they can go back home and stay with their money and we will avoid that trouble of this free money being circulated.

At the same time, this is the right time that these lazy men who are going round the streets—even if they are old men—should be told, “Now, stop and don’t continue any more. If you continue any further, you will find it difficult to get yourself free.” I do not intend to ask the Government to interfere with the freedom of the individual, but when an individual refuses to use his own freedom, I think that is the right time for the Government to come in and try to teach the individual how to use his freedom properly.

Mr. Deputy Speaker, some of the politicians we have today are speaking about free land and this has already been mentioned by some other speakers, so I do not have to stress that very much. But I would say that I think this is the

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right time for some of our rules to be changed in the land policy, where the trespass laws are hampering Africans in doing some of the good things that they should do, where land has been neglected and then when you go there to try and get yourself a small shamba, you are accused as a trespasser. I think this should be looked into and be amended accordingly.

Mr. Deputy Speaker, another point which I thought the President should have stressed is one which pains many Africans in this country when they look at it and find that most of the big business is in the hands of foreigners. When we obtained our *madaraka*, we were quite sure that at least the Government will take steps to see that some of the businesses change hands, from foreign hands to African hands, or if not Africans, the native hands. Mr. Deputy Speaker, although there are natives of different colours in Kenya, I think most of the big businesses are in the hands of foreigners, and this is the right time that we had an African having a big business in Government Road or in Kenyatta Avenue. Kenyatta Avenue bears the name of our leader, the President of this country, and it is shameful, Mr. Deputy Speaker, to know that in Kenyatta Avenue you can never see an African, while the President is an African, running a business there. Except selling curios and small things on the streets, and they are not owned by the Africans themselves, they are owned by Asians and Europeans. Outside the New Stanley Hotel, outside all those shops, you find that an African has been employed to sell these curios in his own President's street, named after his great President. Mr. Deputy Speaker, I think the Government should try and help us in this one.

Mr. Deputy Speaker, farming loans have been given to many farmers, but it is not enough at present. I would not say that Government is not trying hard, but it could try harder. because you find that, in some cases, there are places—a full district—where not even one farmer has ever been given a large farming loan, and these farming loans are given in many other places, not because in this district there are no people with big acreages, but because when they apply, in most cases the applications are not processed properly or some people sit there and say, "No, we know this. we know this, so we give him this.", but forget about the others. I think this is the right time that the loan boards looked nationally and not simply having tribalistic minds.

Mr. Deputy Speaker, again, while I am on the subject of farming, many people now have understand how to use fertilizers and I think this is

the right time for them to be encouraged. During the drought of last year when most areas could not raise enough maize for consumption, those people in those areas where they planted their maize with fertilizers happened to have at least some food, and their crops did not all wither. They had something to eat, and in those areas that is where famine relief was saved and nobody was in so much need as to be going to the Government to ask for this. So, Mr. Deputy Speaker, I think the policy which has just started of Government advances on fertilizers should be continued, and everybody will support it in the spirit of *Harambee*. Mr. Deputy Speaker—

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, in view of the fact that there has been so much repetition—

Hon. Members: No, sit down.

The Deputy Speaker (Dr. De Souza): Order! Nobody can tell an hon. Member to sit down except the Speaker.

Mr. arap Biy: In view of the fact that there has been so much repetition and in view of the fact that in a few days' time we are going to have the Budget debate, I beg to call upon the Mover to reply.

The Deputy Speaker (Dr. De Souza): That is a fair question to put to the House, but, after all, it is the House that will decide.

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

Mr. Mbogoh: So, Mr. Speaker, Sir, it is only that an hon. Member wanted to go out and drink; that is why he wanted the debate adjourned.

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, is the hon. speaker in order to insinuate that I am going out to drink? Could he substantiate that?

The Deputy Speaker (Dr. De Souza): No, he is not allowed to say that. Please withdraw it and apologize, Mr. Mbogoh.

Mr. Mbogoh: Mr. Deputy Speaker, I did not say he was going to drink; I said it may be, but I never said he was going—

The Deputy Speaker (Dr. De Souza): That does not make any difference. Order! Order! I think there certainly was an insinuation that he was going to drink and that is why he proposed it.

Mr. Mbogoh: I withdraw it, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, my next point was on education. At this time I believe that the education system in this country is undergoing very great improvements, and I hope that it will

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continue improving every year, especially when the President announces that so many secondary schools have been built. Also, when I add these secondary schools together, I find that in three years the Kenya Government has done more than twice what the Imperialist Government had done in seventy years. So, Mr. Deputy Speaker, here again I would like to draw the attention of the Government to the *Harambee* secondary schools which are cropping up in every constituency like mushrooms. Unless the Government is prepared to take these schools over, they might prove to be useless one of these days when they have milked every penny from the donors, and then they cannot pay any more and then, after that, the pupils will have to be left in the streets and suffer while they could have obtained something better before. So, Mr. Deputy Speaker, I hope that the Government will look at this and take over all the *Harambee* secondary schools, and this will be a great help to our country.

Mr. Deputy Speaker, another policy which I would call upon the Government to look at is the policy of industrialization in this country. It is quite true that our main industry in this country is farming, but we should have more factories than we have at present. But if we make, let us say, a town like Thika or Kisumu the only town where all the foreign investors will come and invest because there is somebody who has some interest in that particular town, it will be difficult later on. So what I am proposing here is this, Mr. Deputy Speaker. For example, we have the Kindaruma Hydro-electric Scheme, and when this electricity is ready it should be circulated to Meru, Embu to Kitui and all parts of Kenya, because it is a very, very large electric scheme. Then, instead of one of the industrialists coming and saying, "I cannot invest in Embu because there is no electricity," he will have nothing to complain about and then this will be quite interesting.

The railway line also should pass through Machakos, Kitui and Embu and Meru and go round the country, so that it meets the Nanyuki line where there is a lot of farm industries going on. This would help all those people from Meru and Embu and all those areas to get everything going properly.

Mr. Deputy Speaker, Sir, my other point here is that I respect the fact that we have our freedom and everybody in Kenya is proud of being a free man, a free woman and a free human being. Mr. Deputy Speaker, I have seen many times that foreign countries do not respect our freedom. Most foreign countries think that because an African is black, he was created to be a

slave and, in that case, even if he is free, foreign Governments can come and interfere with his own Government because he is defenceless, he is weak, he cannot defend himself in any way. If that continues, Mr. Deputy Speaker, Sir, I think this is the right time that our Government shows these foreign Governments that an African was not born to be ruled, but born to rule and rule himself effectively. In that case, Mr. Deputy Speaker, Sir, if there are any Africans in this country who want to invite foreign imperialists to come and take part in the ruling of this country, they should, at any rate, be checked and thrown out of the country to go with their foreigners and stay with them instead of coming and spoiling our country.

Mr. Deputy Speaker, Sir, Kenya being a Commonwealth country, the President commented on the question of Rhodesia and I think also, Sir, that I should condemn the Smith régime for trying to undermine the welfare of the Africans there because Smith believes that an African cannot rule and that he is just an animal and therefore, Sir, in that case, he thinks he can continue oppressing the Africans because all the other African countries are not interested, they keep quiet, and let Smith continue. Mr. Deputy Speaker, Sir, I also believe that if the British Government cannot do anything, as we have already stated that it is responsible for the Rhodesian situation, and it still believes that an African was born to be ruled, then it is high time our Government, all the East African Governments and all the African Governments, came out in full force to use force in Rhodesia and do away with the Smith régime.

Mr. Deputy Speaker, Sir, I would now like to turn to the taxation system of this country which, I think, should be revised as much as possible. Many years ago, Sir, when the imperialists were in this country, what they did was this. Those people who had money paid the taxes. People

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

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

were given tax remissions. This was the form usually done through a district officer's office, the chief's office or through the recommendation of the headman, let us say. Now, Sir, today there is no opportunity where a remission can be carried out. There are so many people going to prison today, because they cannot pay the taxes and they are so poor, but because nobody can prove that they are poor, our Government just says, "All right, from somebody who is nothing to somebody who is getting so much, from that he will pay

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such-and-such." But, Sir, where will this man getting nothing get this money from in order to pay taxes? I think, Sir, this is very absurd, and unless there is an income coming in how can one expect somebody else to pay anything? Mr. Speaker, Sir, I think this is impossible. Somebody who does not receive a cent cannot therefore pay out a cent.

Mr. Speaker, Sir, many people are now asking the same question: "Is it possible to pay taxes and school fees, or which is better? Shall I pay my taxes and take my children out of school because I cannot pay the fees or go to prison because I have not paid my taxes." This, Sir, is a very difficult question and problem, and I think it is high time we had a remedy for it.

Mr. Speaker, Sir, we also have free treatment in our hospitals today. Thanks to the efforts of our Government we have this, but, Sir, there are some people in some areas who have never known, or do not know, that we have free out-patient treatment, because in their areas they only have missionary hospitals which are not aided by the Government. In that case, Sir, those people living around these hospitals will always go to them and pay for their medicine. They will not know that it was declared that they could have free medical treatment: out-patients. I would, therefore, Sir, ask the Government here to compensate for the loss of a Government hospital by aiding the missionary hospitals and telling them that such-and-such a category of patients should be charged according to their welfare. If they are poor, and unless this is done, some people will be enjoying the fruits of self-government while others are not enjoying it all. That, Sir, is where the K.P.U. are doing a lot of work.

Mr. Speaker, Sir, if they go to anybody and say, "In this area we know that you have never enjoyed free hospitalization," we will know that that is true, and everybody else will find out that it is also true. So, Sir, a K.P.U. man goes there and finds some support because he is speaking the truth. Although, Sir, in many cases the K.P.U. fellows are lying, they will be speaking the truth in this case, because those chaps have never, never had it.

Mr. Speaker, Sir, in many cases you will find that development was ignored in some areas and I am glad to hear from the President's Speech that there is quite a lot of development going on, but, Sir, I am not satisfied, and I will not be satisfied, until most of the areas which the imperialists thought it useless to develop are improved and developed by this Government because if the Government follows the same imperialistic tactics of ignoring some citizens of

this country, I think, Sir, our Government should now try to adjust the imbalances and correct everything that the imperialists did wrong.

Lastly, Mr. Speaker, Sir, because I know most of the Members would like to say something, I would like to thank the Government and wish that what happens is that voluntary organizations are again helped in this country. Mr. Speaker, Sir, we have voluntary organizations like the Red Cross, St. John Ambulance and the Salvation Army, the East African Automobile Association and very few Members in this House know that such societies exist. So, Sir, unless the hon. Members in this House can show to the people that they recognize the existence of such societies, it is impossible for the ordinary Africans to know that these exist because most of the Africans think that these organizations are to help the Europeans only. But, Sir, these organizations are our own organizations and they help our own people, therefore, Sir, it is high time most of our Members joined these organizations and either became directors of these organizations or committee members so that they can show our people that they are helping themselves.

Mr. Speaker, Sir, the spirit of *Harambee* is where the Members are expected to play their part and also make contributions like this one. I think it is high time the Members of this Parliament became national and not just simply remain tribal and pay a few shillings towards the small health centre in their areas. They are national organizations and helping all over the country. I think it is time all these things were adjusted.

Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): Order! I must insist that hon. Members do not stand up until the Member who is speaking has sat down. I assure you that it does not help you to catch my eye when you are one of ten doing the same thing. If all ten of you do it just a little later, it will be just the same.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I also rise to support this Motion moved by the Minister for Home Affairs, I beg your pardon, Sir, the Minister for Housing—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, it is all right now, the Member has just corrected himself.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, anybody can sometimes slip up and make a mistake and many times the hon. Member for Butere has also done the same, but he has heard me correcting myself and is satisfied.

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Mr. Speaker, Sir, I was present that day when the President of the Republic of Kenya delivered this speech and I listened to the speech carefully. At the same time, Sir, I obtained a copy of this speech and read it over and over again, and so, Sir, on behalf of my constituents, Kajiado District, and I think, Sir, Kenya as a whole, I wholeheartedly support the speech given by the President Mzee Jomo Kenyatta.

Mr. Speaker, Sir, it is true all that the President has mentioned. The Government has only been in power for three years, but, Sir, the Government has shown itself fit to develop this country not by mere words but by actions. The Government, for example, take the Agricultural Finance Corporation. Formerly, Mr. Speaker, Sir, the Masai people did not have any loans from the Agricultural Finance Corporation, but today, Sir, in my own constituency, Kajiado District, I find that the Agricultural Finance Corporation has lent the money to the Masai—150 Masai—and all these people are now large-scale farmers. Through this, Sir, many of them have been able to install boreholes for their cattle and they are becoming wonderful farmers in the country. This, Sir, is one of the examples which shows those people that the Government is really interested in helping its own people.

Mr. Speaker, Sir, recently the Minister for Agriculture visited my place and he has seen for himself how much the Masai people have done, because formerly they were neglected by the Colonial Government, it was reported that they were not able to work, they were lazy and could only stand on one leg in their own plain, but, Sir, the Minister has seen for himself. When you go to Kajiado District now you find that we have already introduced dairy cattle, beef cattle, Sahiwal bulls and Boran bulls and they are developing a lot, just because our Government is an African Government, they have given the Masai people loans and they are doing a lot with these loans to develop the country.

Therefore, Sir, if the President referred to the Agricultural Finance Corporation having released its money to African farmers, I admit that it is quite true because I am one of them and my constituents have enjoyed a greater part of that.

Not only that, Mr. Speaker, Sir, but the same thing applies to the joint loans boards. Formerly, let us say, in a district, they could, perhaps, only give the traders a loan up to Sh. 5,000 or Sh. 3,000. Now, Sir, the joint boards give anything up to Sh. 10,000, and my own district, Sir, has enjoyed this privilege and we have given about

fifty traders who trade in cattle a loan and they are now doing a lot more. We find that most of them have changed their way of life, they have built decent houses through obtaining these loans, improved their own stock and shops because of these loans. Therefore, Sir, this is another example which shows that this Government cannot be accused that it is not doing anything for the country.

Mr. Speaker, Sir, we know for sure that there are some people in the country who cannot be satisfied, but, Sir, we know that right from the beginning, the creation of the whole world, that human beings can never be satisfied. We were given free food and clothing by God, but, Sir, apart from that we were not satisfied still and that is why we are suffering in this life today. Therefore, Sir, to try and satisfy everybody in the country is going to be absolutely impossible. So, Sir, I think those who say that this is a shame, it is shame on those who are not satisfied even if we give them the riches of this country.

Mr. Speaker, Sir, it is quite true that the President has also mentioned about the free medical treatment which we have now been having. The same thing applies to the irrigation schemes. In my place, as well, Sir, we have about five irrigation schemes in the whole of the country, but the colonialists never attempted to give us these irrigation schemes in places where the people could farm. The same thing applies to the roads, Sir. You will see that most of the roads are grade "a" or "b" roads and most of them are going to be tarmacked soon, for example, the Namanga Road where the tourists come and bring a lot of revenue to our country. At the same time, Mr. Speaker, Sir, the Government has been able to give the people, let us say, for example, the game reserves, money and grants to improve their roads and this example shows that the Government has done its best to see that it elevates the standards of our own people. Therefore, Sir, if anybody accuses the Government that it is doing nothing he is only deceiving himself. Last time, Sir, I had a meeting in my constituency, the Masai supported the speech given by the President, and not just because they wanted to support the President, but because the actions have proved to the people that the Government is really acting for its own people.

Mr. Speaker, Sir, all we need now is to see that the speech which was given by the President—if I go from one point to another point which the President mentioned, then it will be a waste of time, and I will be wasting the time of the hon. Members. What we now want, Mr. Speaker, Sir, is to see to it that each Ministry and each Member of Parliament here and each civil servant outside this House, carries out the plan

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which is given or the responsibility which is given to him. There is no point, Sir, when we just come into this House and speak, speak and take no action. All we need, Sir, is to see that, if a Member is not satisfied with what is quoted in the Development Plan in his own constituency, he carries out his duty and approaches the right Ministry, person or the right civil servant and tell him why this is not done. Sir, if we do not do this it means that we Members are letting our own people down. If we have been elected to represent the interests of our own people, then it is our duty to see that we are loyal to this Government, loyal to the President and loyal to our own country and at the same time see that the Development Plan is implemented by us and by the other people concerned, Sir.

Mr. Speaker, Sir, the thing which I can see which is going to mislead this country is copying foreign ideologies. This is the only thing we should try to avoid. Mr. Speaker, Sir, to copy ideologies from other people, whose customs are not the same as our customs, will mislead our people. This is one thing, Mr. Speaker, on which I should appeal to the hon. Members of this House who are the leaders of the country. We were born Africans, we are black Africans and we will die Africans. The more we try to copy from Russia, from America, from other places the ideologies which have not been here before, I fear, Mr. Speaker, that we are going to lead our country into chaos. We have a duty to sit down and plan for our own country. If we sit down and plan, I am quite sure we can combine our own brains which is quite sufficient and capable. If we combine our brains, then we are sure to make something of our own planning, but if we copy what Russia has been doing, what America has been doing, then we will not be doing good. On the contrary, we will have to be very, very careful.

Another point I wanted to touch upon is the question of money. I have not gone abroad and I am not interested in going abroad. I have seen that the more people go abroad, the more money they bring, the more differences occur in this country. This is the thing on which I must ask the hon. Members to think twice because it is said that money will *funja a mlima*. Money can break the whole of Mount Kilimanjaro. If we are going to be money-lovers in this country, I am quite sure that we are going to lead the country into chaos, and make our own people be at loggerheads with one another; there will be friction and hatred in the country because

of the money which we bring from outside. If we are happy with our own money, Mr. Speaker, and everybody works very hard to make sufficient money to feed himself and his family, I believe we shall not be in such a critical situation as we are today.

Till recently Kenya had a very good name because we had a united front, we had a united party, and everybody, because of the political stability wanted to invest money here. Today, however, because of this split, this division, which I think is created by money, is because people are starting to lose interest in Kenya. If anybody does not know I can assure them that it is because of the split that we have today that people are starting to fear their own positions here.

However, let me say that Kanu has a majority in the country. We are not going to allow a few people, a few dissidents to spoil our paradise. Kenya is a wonderful country and, therefore, we supporters of Kanu are not going to allow a few people to exploit our masses. I am glad that throughout Masailand and Samburu there is not a single dissident. I think those people who think they can create another party here, yes, can do so by name only, but they will never do so by action. They will not get the chance to do so.

Mr. Speaker, Sir, when the last speaker was talking about tax remission I rose on a point of information. I think that it is high time that we spoke sensibly, that we brought sensible ideas to this House. If one does not know he should ask another friend. Government has been accused that there is no machinery by which a person can be remitted from the necessity of paying tax. I believe the last speaker does not know what is going on in his own place. Graduated Personal Tax which is collected from the people is collected by the county council. The county council has an assessment committee. This assessment committee has to sit down and assess how much a person has, and according to what he has he has to pay tax. If the person is poor all he does is go to the district commissioner. There is a form there ready for him to fill, and I think this is applicable everywhere. He fills that form, then he takes that form to the district commissioner who is the headman, or a member for the local council, or he is a member for the county council. This form says that the man is poor and cannot pay his tax. Then the people on the council say he is poor, that he cannot pay his tax, and they sign the form accordingly. When the finance committee of the county council sees the form they approve it. From there this person is given a certificate of

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remission of tax. Therefore, for the information of the last speaker, this is what I would like to tell him. If he goes today to his own district commissioner and says to him that he wants a form because he wants it to be filled in by a poor man, a man who cannot afford to pay his tax, he will get the form. It is not a question of having these forms for certain areas only. If the Member for Butere wants to question me it would be better for him to go and speak to the district commissioner of his area and he will find that he can get the form there. They are available in his area.

Mr. Shikuku: On a point of order, Mr. Speaker, if the hon. Member would give way I could give him very vital information on the Graduated Poll Tax situation.

The Speaker (Mr. Slade): No, it is not a point of order. I do not think there is anything the Assistant Minister wants to know.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, that is not a point of order. I think the hon. Member can remain seated and wait his time, and then he can say whatever he wants to say. I am not prepared to give way because he will keep me too long.

Mr. Speaker, Sir, I think the only thing I want to speak about now is the question of land. This was not included in the speech. The question of land is important. As I have said, the Masai have been getting these Agricultural Finance Corporation loans. I am told that these loans have recently been stopped but this has nothing to do with the speech by the President, because this question has been referred to by the President one day at a meeting of the Parliamentary Group. He said that the land commission have given a ruling that the Masai should no longer get these Agricultural Finance loans because the land that the Masai own is not theirs. This land, it was stated, was under the Commissioner of Lands and that he was the only person who could authorize or legalize that land. I would, however, like to refer the Commissioner for Lands or anybody concerned in this question to page 187 of the Constitution of Kenya where it is clearly stated that any trust land is vested in the county council, and the county council can divide it or subdivide it to a group of families, clans or individuals. If that clause exists in the Constitution of Kenya, then that is what our people have been following. This is what I do not understand, therefore, and that is that the Butere people have to go to the Commissioner

for Lands and say, "*Bwana Mkubwa*, we want our land." They had this land from the beginning, it is their birthright, and they can do anything they like on that land, Mr. Speaker. Therefore, the question of referring to the Commissioner for Lands will not, I think, be accepted by our people. It is not African Socialism and we are not going to accept it.

An hon. Member: It has been amended by the KPU.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): If has been amended by the KPU, Mr. Speaker, I am afraid they will not be able to do anything about it. They might amend it outside this House but it will not be accepted by our people.

On the question of land the President has ruled that all native land, all the reserves in Kenya, are to be treated equally. Therefore, this ruling from the President should be followed. I would, therefore, ask the President to see to it that the ruling which he made at the meeting of the Parliamentary Group, that all tribal land should be treated equally, is implemented. I understand that at present there is a letter going round, but I have not seen it. Once I see it I will definitely act on it. What I would like to say on this question of land is that the President has given a ruling that all tribal land should be treated equally. That ruling should therefore be followed. I appeal to those who are responsible on the question of land to see to it that our President's ruling is implemented and followed. Otherwise there is no use of having a President whose ruling is not going to be adhered to.

Mr. Speaker, Sir, I am very thankful to this Government for all it has done. I am quite sure it is longing to do more. All I should say is that all of us should be behind the President, behind this party of ours. We must show strength towards the dissidents and the members of KPU until they all come together with us once again.

With these few remarks, Mr. Speaker, I beg to support the speech of the President very strongly.

Mr. Ochwada: Mr. Speaker, Sir, I would also like to associate myself with my hon. colleagues in congratulating the Minister for Housing for the explicit manner in which he presented this Motion to the House. Furthermore, I would also like to associate myself with the hon. Members who have spoken in support of the Motion.

Mr. Speaker, much has been said about going back to the land. It is true that we would like everybody who is idle in the cities to go back to the land, but first of all before we can ask them to go back to the land, we should ensure that

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there is land which they can go back to. If there is land to which they can go back, there must be some means by which they are going to develop that land. It is no use telling the people, "Go back to the land. Sit back on the land and do nothing on the land," because that would only be helping us to create a problem above another problem.

Now, Mr. Speaker, Sir, before the question of going back to the land is very much pursued, we must also bear in mind that we cannot entirely tie our economic development on land. We have also to establish some industries, but of late there has been a tendency to concentrate industrialization to urban areas, although we still have some natural resources yet untapped in the rural areas. I would like, Mr. Speaker, to see our Government exert more and more of their time to try and find some of our natural resources which are still hidden. Some of these were explored by the former Colonial Government and left half way. I would like to see our Government do something in order to complete such schemes which were started by the former Colonial Government.

Furthermore, Mr. Speaker, I come to the question of loans to traders which have been rather difficult for the ordinary man out in the rural areas to secure. On several occasions they have been asked to produce some security. Although this has not been the same on the side of Government loans, but with the Government loans there has been a request to indicate that one has been a trader before you can be given a loan. In the colonial times, most of our able people who could do trading, at that time concentrated on fighting or struggling to achieve independence. They had very little time to spare to do business. The time has come when the Government should consider seriously such people who had no time to spare but who had to keep on fighting to achieve independence. It is because they did so that they had no time to open a shop somewhere. It is unfair to deny such people facilities to start business at the present time because they do not already have shops.

These two things put together, Mr. Speaker, going back to the land and also loans to the traders, has brought what, at the present moment, is giving us a headache in this country, and that is, the difference of opinion between the citizens of this country which has led to the starting of a new party. Our colleagues who were with us found a loophole in the Government policy and decided to go about telling people, "If you do this you can get something free. If you do that you will get everything free," which, of course,

they know very well is untrue. However, let us examine it, Mr. Speaker. If you ask a person to go back to the land and you do not give him the money to develop the land, what do you expect him to do at home? If a person probably has a small business which he has been struggling to do for the last twenty years, and has not gone very far, if he cannot be afforded a loan to develop that small business which he has, where do we expect him to go for help? It is just like telling our people, "Oh, those who have will be given, and those who do not have will not be given." In other words, it is like telling them that although this is an orange tree, the fruits that are on top of the tree, those that are ripe, are for the people who have, but those which drop down will be the manure for manuring our tree gardens of those with orange trees. So, where does the poor man who has been struggling for all those years go to eat? He has to be afforded some place, and there should be some opportunity for such people. I suggest that the terms of loans to the traders and also the terms of loans or the terms of deposit for the new farmer who wants to acquire land should be eased up so that they can be afforded something to do.

Mr. Speaker, I would also like to draw the attention of our Government to one thing, that they should examine their own machinery, because once someone finds a weak link in a chain, that is the place he will aim at to try and break up the chain. Although we have been told by the President in his speech that he has recently formed the new Government, making new appointments to carry Kenya through a more rapid development phase, I still think that there is room to examine the machinery. The machinery is not all that intact. The President should take a very firm stand in making decisions, rather than rely on sidetrack decisions. These have led us to the situation where we are at the present time, where we have KPU as against Kanu, whereas, in fact, Kadu and APP have voluntarily dissolved themselves to join Kanu. This is a weakness to which, Mr. Speaker, I would like to draw the President's attention.

I would like also to remind our beloved President that Jesus had only twelve disciples, but he has over twenty disciples. Out of the twelve disciples which Jesus had, one of them became a betrayer, the second denied him at the last moment. I would like to draw the attention of the President to this, and also to draw his attention to the fact that during his teaching period Jesus said, "Verily, verily, I say unto you, not all those people who call me Master, Master, do believe in my name."

[Mr. Ochwada]

We have seen it once, and I still believe there are some such people among his disciples and followers who call him “master”, “master”, but who do not believe in his name, and the time has come when he should again re-examine his disciples.

Mr. Omar: On a point of order, Mr. Speaker, the hon. Member seems to have suggested that the President is very much relying on advice of some people in his leadership, could he substantiate that?

The Speaker (Mr. Slade): If the hon. Member was suggesting that, it will be an expression of opinion rather than an allegation of fact that he could substantiate. I think one has to just leave it as an expression of opinion.

Mr. Ochwada: Thank you very much, Mr. Speaker, for your ruling. I do not understand what is itching the hon. Member, but I believe that I have already made that point and I am sure that the President will take note.

Mr. Speaker, as I was saying, I pointed out that not all of the disciples do actually believe in the name of the President, and the time has come when he should re-examine his disciples to find out whether they are all with him or if there are some of them who are calling him “master”, “master”, and do not believe in his name, then, he should forsake them.

I would like also, Mr. Speaker, to remind the President that we have the intelligence section of our Government. I believe that it is an independent section, and to try and allow either we as Members of Parliament, or a Minister to tamper with it, is to endanger the security of this country. We should sit back and rely on the reports which are submitted by this section, and not to try and direct them as to what they should say. This is an expression of opinion, Mr. Speaker, I am not saying that it is happening, but these are the things which I would like to see watched very carefully, because anything can happen. Nothing is impossible.

Mr. Speaker, Sir, there is the question of the East African Common Services Organization. At the present time, Mr. Speaker, we seem to be drifting further and further apart. In a few days' time we will be having separate currencies. When, in fact, we have only been having one. Who knows, Mr. Speaker, and I would like to urge our President and his colleagues, the other two Presidents, that we have been brothers for many, many years, under colonial rule. It will be very

shameful for us, and, Mr. Speaker, very weak of us to try and allow ourselves to drift apart, when we are now independent States. It should, in fact, be by now that we should be getting closer and closer together in all activities. I would hate to see, as I have heard, the Common Services disintegrate, and that we see the headquarters of the Common Services being transferred, one to Uganda, another to Tanzania, and another one left in Kenya, because this is going to make the Common Services become uncommon services. It is going to cause us to drift further and further apart.

Mr. Speaker, I would also like to draw the attention of our leader to the fact that recently there was a commission called the Philips Commission. Whatever happens, Mr. Speaker, I am not anticipating what was said in the Philips Commission Report, but whatever happens we will not allow anything to come in between us in order to make us drift more and more apart. In fact, I would have liked to see Rhodesia come in, the Congo come in, Burundi, Rwanda come in to join the common services of East Africa, also get even Somalia with all its *Shifita* activities to come and join us. That would probably help us to cool them down.

Now, Mr. Speaker, I have no intention of speaking for a long time, I think I am reaching my last point, which is on what one Member mentioned, that the people underneath seem to be getting a raw deal, whereas the people who are higher up are getting better facilities of our national progress. It is true, Mr. Speaker, that some years back, about two years or so, the Government decided to set up a national wages policy. I believe, Mr. Speaker, that the committee which was set up has already completed its work, and somebody has the report from that committee. Now, this report, I believe, would help the people at the bottom to come up, and the people on the top to be where they are for the time being, whereas the people at the bottom come up, and when they reach a certain height then those on top will be allowed to rise higher. This report, Mr. Speaker, has not yet been published, and I believe, Mr. Speaker, that it is with such reports and such policies that would help our Kanu Government to rule this country effectively and, in fact, discredit those who think they can use such things as a low wage policy in influencing the people of this country to follow their weak policies, or promises, which will never be fulfilled. Mr. Speaker, knowing that the budget is just about to come, I do not need to go further than that, I believe that I have made the points which I want to make, and I support the Motion.

The Assistant Minister for Commerce and Industry (Mr. Kerich): On a point of order, Mr. Speaker, can the Mover be now called upon to reply?

The Speaker (Mr. Slade): Order! Order! Now we could debate a Motion of this kind a very long time, but I have not yet heard any suggestion that there is any Member who disagrees with the Motion, and there have been periods when, by lack of quorum, the House showed very little interest as a whole in this debate; so I think I must allow the House to consider the question of closure now.

(Question put and agreed to)

The Minister for Housing (Mr. Ngei): Thank you, Mr. Speaker.

Mr. Speaker, first of all I must thank the hon. Members who contributed a lot, and also thank them for having brought out some good criticism of what the Government ought to do, but I must say that there were two kinds of criticism: one is criticism which can be dealt with administratively, and one is criticism—both of them constructive—

QUORUM

Mr. Komora: On a point of order, Mr. Speaker, is there a quorum in the House?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

Mr. Omweri: On a point of order, Mr. Speaker, what would happen in a case like this where Members go out because they were cut short when they were interested to speak and the Mover is called upon to reply? We understand some are outside and the Assistant Whip cannot bring them in because they say they are not happy to come in.

The Speaker (Mr. Slade): Well, it is very much to their discredit, but I can do nothing about it. Perhaps hon. Members would register what they think with such Members when they meet them outside, particularly the Whip, of course.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, is it possible to ask the Assistant Whip to go and—

The Speaker (Mr. Slade): It is all right, we have a quorum, so would you continue, Mr. Ngei.

The Minister for Housing (Mr. Ngei): Thank you, Mr. Speaker. I was saying that the two criticisms which have been brought by the hon. Members of the House were very good on aspects

touching matters which have not been tackled by the Government. I said that these two aspects are administrative.

One side of the criticism was administrative and the others were criticisms which the Government is in a position to handle. I want, first of all, to speak on the critics who have said many things about the Government. One wonders whether these critics understand the problems facing the people of Kenya better than the hon. Members of this House and, above all, better than the President of the Republic. They have, actually gone out of their way to say so many things which they are not even in a position to settle governmentally. Therefore, the critics and those who claim to know much of the problems which face the people of Kenya will not be in a position to know better than the President and the hon. Members of this House.

The Government has its own machine through the Parliamentary sanction of this House to cater for all the problems that are facing our people outside. To try to believe that an organization, a political organization which has been set up only a month ago will be in a position to know and to tackle the problems of this country will be day-dreaming. Let us not also minimize the fact that the hon. Members who have not left this House, who have not crossed the Floor to form an Opposition, are in a better position and better experienced to know the problems which face their own constituents. Various points have been raised, Mr. Speaker, and I want to deal with them first before I go to the main speech itself.

The hon. Specially Elected Member, Mr. Jahazi, did raise a very important point which touched my Ministry and I would like to deal with that, and also deal with other aspects which touch on the respective Ministries.

He has said in the House that the Government must see to it that the unscrupulous landlords who charge exorbitant rents for houses in the municipalities have been receiving simple sentences. What I can say about this is that the severity of any sentence depends on the facts which have been presented to the courts of law, and I am, at the moment, studying the legislative amendment to cater for any landlords who want to be unscrupulous; and very soon a Bill will be introduced in the House to try and set up administrative machinery to see that these unscrupulous landlords, as they are called by the hon. Member, are brought to justice if they do anything which can be considered by the court of law to be infringing the legislation of the country.

[The Minister for Housing]

I must tell the hon. Members that if the present law is not amended it will not bring an effective measure to see that these unscrupulous landlords are brought to justice, and therefore I expect that when I bring the amendment the Members will support this.

The other thing the hon. Jahazi raised was the question of an Islamic programme which was halted with short notice. I am glad that the hon. Member did not complain in the air but saw the respective people and the Ministry concerned, and I can assure the hon. Member that this will be followed up for the interest of those people in the Coast who really need the programme. I shall bring this to the notice of the Minister for Broadcasting and discuss it, and if the hon. Member will have time to discuss it further with the Minister, he will be welcome when the discussion takes place.

There are other things touching education, freedom of speech, taxation, free medicine in areas where the Government has no health centres, and I would like to deal with them one by one.

Mr. Shikuku said quite a lot of things and I am glad that he brought up some points. I can only say to Mr. Shikuku that if he has any questions to ask or criticisms to make, it would be right for him to see the appropriate Ministries and to discuss the matters with the Minister concerned.

I am saying this because on *Madaraka Day*, in his speech—on page 12—the President made it very clear that there is no room in his Government for “Ministers who see themselves as V.I.P.s, aloof from their fellow men.” If the President can say that because of the people in the country, he also says so to hon. Members who, as I said in my speech, are the bastions of this Government and, of course, who co-ordinate the will of the people in their respective constituencies. Therefore, I will not say much on that.

I want to refer to a few things which have been said in the papers and which I have heard some hon. Members commenting on, because it has been very destructive, in my opinion. Ministers have been grouped and even, Mr. Speaker, hon. Members as a group of a few rich. I want to make no mistake about it, I want to speak my own mind and speak very clearly. One will ask the critics whether we were elected to this House or whether we were appointed by the President on the grounds that we were poor. I remember in the *Kanu Manifesto*, in the speeches which I made to the people who have made me

be available to this House, that I did not say the qualification I needed to come to this House was that the poorer I became, the better representative I would become. This must be removed from the minds of the people, and it must be made very clear that we were not elected here on the pledge that we shall be poorer when we come to this House. The poorer you become, the less responsible you become. Therefore, if those critics are advocating that we should be poorer to be more responsible, I am only telling them the poorer we are, the more corruptible we shall look to be. Members of Parliament must be decent people, decently dressed, with honourable pockets and not dishonourable pockets.

This applies to the Ministers; the Ministers must also have some money. They are being paid for the service which they are providing for their country. Is it being suggested by our critics that the money we get paid for the service and the work we give to the people must be thrown away, in order to look poor, in order to look responsible, because we have less? I think, Mr. Speaker, this is very cheap propaganda and the country must be told the truth. I do not think I need to labour this much; I think they are going to hear.

Richness comes to the man who works. If you stay idle, you will never get anywhere, you only go on lamenting and death comes nearer you. But, if you work hard, you will get money, and those who are envying those Members of Parliament or Ministers who work hard and get their own living, I am afraid, will not have my support.

I may perhaps labour this a little further. If we tell our people that they are poor, psychologically we are going to destroy their mind-power and we are also going to kill or nip in the bud the spirit of initiative, in order to earn what you are entitled to through your sweat. Perhaps I may say—because a lot of people have quoted the Bible—God helps those who help themselves. If the hopeless cannot see any hope at all, how can we fish them out from the pit of hopelessness? I think it is futile to encourage these people to go on lazing about; it will be a very good thing if we encourage them to work.

Mr. Speaker, I want to speak also about the stability of this country. The spirit of *Harambee* and the call of the President to the people to go back to the land are a necessity of life. People must be told the truth, and the President has really said this because he does not want to see a lot of people lazing about. It is true that people own land—I do not mind three-quarters of an acre, one acre and so on—and they leave it idle, thinking that it is better for them to go to town

[The Minister for Housing]

and hunt for jobs. Mr. Speaker, let us ask our people today to go back and work the little land that they have.

Stability, if I may come to that point, is very important. Hon. Members know very well that the instability—I repeat, instability—in the Congo has caused many lives to be lost. Very prominent people of the Congo are being killed every day. It is because the Congo inherited instability, but the leadership and statesmanship of our President have made Kenya a very stable country. It has also encouraged investment and has given also steady progress. Many Members here have said that Africans have been denied facilities for trading, facilities for other jobs, but, dear hon. Members, let us face it, if you have no experience, you cannot be in a position to execute any business; it will be impossible for you. I only believe in steady—I am not saying we should stand still—progress, so that our people may learn better ways in business and in farming as well.

Our President—I want to take this point by point—has been very scrupulous in his recent Ministerial appointments. This time he has catered for all the provinces, all the areas of Kenya where he has found suitable candidates for Ministerial appointments.

Hon. Members: Question, question.

The Minister for Housing (Mr. Ngei): Hon. Members are shouting, "Question", but they should only wait and see; perhaps they will be on the next list if there are other unscrupulous critics of the Government who will be thrown out.

I am saying that the Ministerial appointments have been based very well on the areas which have not been catered for in the past and, therefore, there is no room now for any critics to say the Ministerial appointments have only been made in Central Province, as has been suggested in the past.

Mr. Speaker, turning to another point on business, it has been suggested that business still remains in foreign hands. I draw the attention of the Members to the President's Speech, on page 13, where he labours on the Kenya National Trading Corporation. This Government-sponsored concern has given loans to capable African business men, not in Nairobi but in the rural areas, which matters a lot. The Members know that loans have been made on merit and not on anything else—on commercial merit or business merit—and if the Members know any of their constituents who have been denied the facilities of loans, they have every possibility of presenting their case to the Minister for Commerce and Industry. The President also said that more loans

would be made available to be given to African traders, so that they may be able to do better business than they are doing. I think it is through this process that very soon we shall be having capable business men carrying on their business. I may perhaps cite an example of one, Mr. M. F. Macharia, who has proved to be a very capable businessman. He has a very large store in Nairobi and he has proved a good businessman, and if we could have more Africans of this nature, then they would be given the facilities to carry on business in the town. The facilities are there if you ask for them.

Mr. Speaker, the speech of the President speaks for itself. There are main points which I want to remind the hon. Members—and I think they read this—to go and impress upon their constituents. Page 13 of the President's Speech, paragraph 3, if I am allowed to quote, says, "Nation-building comprises the ability of a country and its people to sustain"—I repeat sustain—"their independence and national integrity." This is a very important paragraph. The Members have a duty, a very great duty to nation-building, to our nation, and they must sustain our independence. They must also bring together the national integrity of this country.

I want to go to another paragraph, Mr. Speaker. On page 16, where the President speaks about social services, he says, "Through all these forms of economic advance, we shall be able to afford more liberal social services in fields of education, housing and health." These are the pressing needs of the people today. He continues, "This is the only road to stable progress. And I will not insult your intelligence, as the KPU set out to do, by promising to provide you tomorrow with imaginary things that are not available or that cannot be financed."

Here again, it is down here, in black print; and it is for the Members to go back and tell the people whom they represent what the President has done.

Mr. Speaker, I want to come to the registration of another political party. On page 18, the President tells the nation that the Government has registered another party. This means that the Government is not afraid of the Opposition, that the Government does not want to crush the Opposition by ruthless means but the President says that this is not a ticket, this is not a licence for lawlessness. We have been assured by the Opposition that they are going to be lawful, but let me say this. The Opposition cannot be faithful to what they have said and the assurance they have given to the Government if they are going to give speeches which almost amount to being called a lie, if I may say so. Here the Government is

[The Minister for Housing]

watching the Opposition. The Government is not afraid of the Opposition. The President has been a very good person. There are many other ruthless Presidents in Africa, which, of course, you know, and you have read about them, but the President has been very scrupulous in every step that he has taken, and it is only three days since, with the sanction of Parliament, the Security Act has been passed in the House.

If the Opposition think that they can behave in any way they like and threaten the security, then Parliament has entrusted the execution of the Security Act to the President and, therefore, the Opposition should not lament. There is no question of a Government governing. We must govern, we must not run a Government as a social club. The Government must be firm, it must not only pretend to rule, it must rule. It will rule by the rule of law, but it shall have no mercy for anybody who brings things that will be construed as a breach of the peace.

Let us be more realistic. What would happen if the KPU formed a Government? They are not forming one, I can assure you. They would be more ruthless because in their speeches we have heard this. By promising many things, they would be ruthless in taking your things and perhaps giving them to somebody else. I think that is a very ruthless act, and therefore what I am saying is that the Government has the mandate of the people; it has the majority in the House and it is going to govern.

Members will remember the President's speech at Nakuru, which I supported. If I knew that I belonged to a weak Government, I would resign and go out. I am appealing to the hon. Members to help the President govern, and if any measures are introduced here to bring about peace and security in this country, the Members have a duty to see that the Government is backed up.

Mr. Speaker, I do not want to waste much of the Members' time because not a voice was raised in this House against the President's Speech. I may conclude, Mr. Speaker, by again thanking the House for the support they have given to their own President and the Government in matters touching the nation.

Thank you, Mr. Speaker. Therefore, I beg to move.

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

POLICE ARRESTS IN MOMBASA

The Speaker (Mr. Slade): That concludes the business on the Order Paper, but there is a matter

to be raised on the adjournment, so I will call on a Minister to move that the House do now adjourn.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Health (Mr. Matano) seconded.

(Question proposed)

Mr. Gatuguta: Mr. Speaker, Sir, before I raise this matter, I would like to know whether you would allow this debate to continue until seven, because the Minister has finished before 6.30 and many Members would like to speak on this subject.

The Speaker (Mr. Slade): No, under our Standing Orders we are limited strictly to half-an-hour from the time we start on a discussion of this kind. The only possibility is that a Minister moves that this business be exempted from that Standing Order for a further period.

MOTION

EXEMPTION FROM STANDING ORDERS:
HOURS OF MEETING

The Minister for Housing (Mr. Ngei): Mr. Speaker, I beg to move that the present business be exempted from the usual procedure.

The Speaker (Mr. Slade): For what length of time, for another quarter-of-an-hour?

The Minister for Housing (Mr. Ngei): For another quarter-of-an-hour.

The Speaker (Mr. Slade): Which would take us, actually to five minutes to seven. I need a seconder for that Motion.

The Assistant Minister for Health (Mr. Matano) seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Mr. Slade): So we shall continue until five minutes to seven, still limiting every hon. Member to ten minutes for his speech.

(Resumption of debate)

Mr. Gatuguta: Mr. Speaker, Sir, I rise to raise this matter on the adjournment because this matter arises out of a question which was put before this House by the hon. Mr. Mwatsama. It is a matter that is concerned with the beatings of those innocent people at Mombasa by the police at Makupa Police Station.

Now, Sir, the people involved in this incident are Peter Gituto and Thomas Otare. Mr. Speaker, Sir, they have given me a written statement, which I have here, which states that they have been innocently beaten by the police without

[Mr. Gatuguta]

having committed any crime. Mr. Speaker, Sir, the reason why I have decided to raise this matter on an adjournment is because this is not the only incident in this country where the police have beaten and confined people unlawfully and without them having committed any crime. I think, therefore, Sir, that it is high time the Ministry of Home Affairs scrutinized the activities of the police force in this country. We know, Sir, that the police force is a very important organization in a country, especially in a country like this one. It is the police who keep law and order in the country. It is the police who protect the lives and properties of the people.

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

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

It is the police, in fact, who look after the security of the country. But, Sir, it would be a sad day if the police of our own country turned out to be people who were frightening the citizens, people who interfered with the liberty of the individuals. This, Sir, is a clear case of such a happening.

Mr. Deputy Speaker, Sir, on the 8th November 1965, at 2 a.m., two police constables, with a police inspector, knocked at the house of two individuals, citizens of this country, and asked them to come out. When they came out of the house, the policemen started beating them. Sir, they beat them, took them to the police station and confined them there for a period of sixteen hours. When they were taken to court, the police found that they did not have sufficient evidence to charge these people and they withdrew the case. These two individuals were discharged, because the police had no evidence against them. What, Sir, is worse that is that people were beaten and confined for sixteen hours unlawfully.

Mr. Deputy Speaker, Sir, this is very serious and a very serious criminal offence and, when the Assistant Minister was replying to this question, he could not tell this House what disciplinary actions had been taken against these police officers. Mr. Deputy Speaker, Sir, they had confined somebody unlawfully for sixteen hours; they had beaten them unlawfully and interfered with their individual liberty; and yet the Minister was not in a position to tell us what disciplinary actions had been taken against these police officers. If no disciplinary action was taken against these officers, it means that the police will continue to do this sort of thing. I am saying this, Sir, because it is not an isolated case. I have several cases in my own constituency where this

sort of thing has happened and that is why I have taken this opportunity of speaking on this matter, although this incident happened in Mombasa itself, one of these men, Mr. Peter Gituto, comes from the constituency of the hon. Mr. Wamuthenya. I therefore, Sir, hope that when the hon. Mr. Wamuthenya rises to speak, he will bear in mind that this is one of the men he is supposed to represent and look after his interests.

Mr. Deputy Speaker, Sir, these policemen have had so much liberty with which to do anything with the freedom of the individual to the extent that when an hon. Member of this House, Mr. Komora, went and tried to release these people from the police station, or at least, tried to get them out on bail, he, himself, an hon. Member, was confined by the police. Mr. Deputy Speaker, Sir, even a representative of these people was confined for half an hour. In fact, Sir, we would like an explanation by the Minister himself as to why the hon. Member was confined. What offence did he commit? Is it a crime to go to the police and ask them to release these people on bail? Did he commit a crime so that he could be placed in prison? This, Sir, can happen to any other hon. Member tomorrow.

Mr. Deputy Speaker, Sir, I would like to read one statement, a paragraph from this statement, which was given to me by one of the respective persons. It says, "When I asked him what was wrong that we are being beaten in such a way, he frightened me with a pistol and answered me that he was not concerned." Mr. Deputy Speaker, Sir, he frightened this man with a pistol which is very serious. However, Sir, and it goes on to say, "After such a long beating of kicking and blowing, we were chained like thieves and directed to the Makupa Police Station. There we were beaten by the same police officers for an hour. We cried and we cried even kissing his feet and begging for his mercy, yet we could not be released. My friend, who had been sick, was almost fainting and when he was able to breathe again, almost for the last time, he was taken to the lavatory to drink water."

Now, Sir, what this House wants to know, and, in fact, the whole country, is this the way in which the police should treat the citizens of this country after Independence? Have the police adopted the colonial mentality that they had before, and what is the Ministry trying to do in order to take these people to refresher courses, and to see to it that these people realize that we are a free independent nation, and that the police should be a part of the people? This is very serious.

[Mr. Gatuguta]

Mr. Deputy Speaker, Sir, if I were allowed, I would then put other incidents to the House. Today, it has become the practice of the police to go into the bars where people are drinking and arrest anyone without them having caused a disturbance. There are such cases today. Mr. Deputy Speaker, Sir, police are supposed to enter a bar only when there is a disturbance, but now they have made this a habit to go into the bars and arrest the people there. This is causing a lot of frustration among the people. The Minister should take this matter seriously. It is not a matter of criticizing the Government and the Government trying to defend itself here, that is not the matter. The matter here is with regard to the question of how we can improve our police force: the relationship between the police force and the people, that, Sir, is the main thing.

Mr. Deputy Speaker, Sir, now having said that, I would like to say that the Minister must come out with an answer as to what is going to be done to these police officers. The Asian police inspector who was there, he was not beating these people, but when he was asked by these people to tell the policemen not to beat them, because he was the big shot there, he just looked at them and said, "Look here, this is not my business. These are Africans who are beating you." Now, Sir, this is serious. Even the Asian, presumably, knew that these people were innocent and that they were being beaten for nothing. This, Sir, was at 2 a.m. in the morning. They were arrested when they were asleep, but still the police could not have enough evidence, or any evidence at all, to prosecute these people. Why did the police arrest anyone at all? Was it because they had sufficient evidence that a crime had been committed? The police must investigate a case before they arrest anybody. The police must be satisfied beyond any shadow of doubt that the person they arrest has committed a crime and, only then when they are convinced, can they arrest anybody. You cannot go on arresting innocent fellows and then release them, confine them, deprive them of their liberty and then turn round and say that they do not have enough evidence to prosecute them. This is very serious on the part of the police, Sir, and I think the time has come when the Minister should take action. If the Minister does not take action, then there is no doubt that these police officers today will be put before the public on trial. Therefore, Sir, it is time the Ministry itself decided to de-colonialize the police officers. If they cannot be de-colonialized, we have a lot of youth wingers, nationalists, who fought for the independence of this country, who can do the job.

Mr. Deputy Speaker, Sir, with those few words, I beg to move.

Mr. Komora: Mr. Deputy Speaker, Sir, in seconding this Motion, I would like to give a detailed account of what happened, why this question was brought into the House and what necessitated the moving of this Motion on the adjournment today.

I recall, Sir, on Sunday, 7th November 1965, at about 5 o'clock, I met the son of the hon. Julius Mwatsama. James Dzuva. He told me that two of his colleagues, namely Peter Gituto a Kenyan, a Kikuvu, who comes from Nveri and who says that his Member is the hon. Wamuthenya, and Thoma Otare who is a Tanzanian, these two men, his colleagues are trainees in the East African External Telecommunications and they are taking their course in Mombasa.

Now, Sir, I asked him what were the reasons leading to the arrest of his colleagues. He told me that a prostitute, who had rented a room in the same premises as his colleagues, had lost some bedding, which had been given to her by her boy friend. Later on, these two lovers quarrelled and the boy friend went and took away property while his girl friend was away. On returning to her home, the girl noticed that some of the bedding had been taken away; she reported the matter to the Makupa Police Station. He then went on to tell me that at about 2 o'clock in the morning, they heard someone banging on the door. There was a bang on the door of one of these trainees and, on inquiring who the people were, there was no answer. One of the trainees did say to the people banging on the door that this room did not belong to a prostitute. The police became angrier and went on banging and when the trainees asked who was at the door, they did not get a reply.

Mr. Deputy Speaker, Sir, after a while, finding that this was causing a great disturbance, these people had to threaten the people banging at the door, because the trainees heard them say that they would have to break the door. The trainees told them that if they broke the door, they would get their heads banged. Later on, the trainees heard these people descending the stairs and soon after that they heard a 999 police car which came to a stop outside the house. They heard footsteps ascending and again they banged at the door. On inquiring who was at the door, they received the reply that it was the police and that they had to open their door. When the door was opened, nothing was said, but they found that they were beaten and kicked around, handcuffed, led to

[Mr. Komora]

the 999 police car and taken to Makupa Police Station where they spent the rest of the night until 6 a.m.

Mr. Deputy Speaker, Sir, James Dzuya, who was not involved in the matter, went to the home of his colleagues and found that they were not there, so he asked where they were and was told that they were at the Makupa Police Station, and that they had been collected during the night. He went to the police station and tried to have them released on bail, but the police refused him. He went to the principal of the East African External Telecommunications, who also went to police station, but he also had no luck. He was not able to get them off.

So, at 5 o'clock in the evening, he found me and explained the matter to me and I went to the police station with him. I introduced myself to the policemen behind the counter and I told them I understood there were two students by the name of So-and-so who were there. I told them that these two students had to get to their training the following day. I asked if I could have them released on bail and they would report to court on the appointed day. One of them said "No".

There was a young Kikuyu who was reported to have come from university, he was given the rank of inspector of police, and he had not yet completed a month of service. He said, "Who is this gentleman?" Then he said to me, "What is your name, Sir?" I said, "My name is hon. Joseph Komora. I am a Member of the House of Representatives." He said then, "Are you the advocate for these people?" I said, "No, I am not an advocate but I represent these people." He then said he was not going to release these two boys and I could go away. I then said, "How can I go away without having a suitable reply as to why you cannot release these boys?" He said to the other men, "Right, put him in also, he is rude." So, Mr. Deputy Speaker, Sir, I was put in for thirty minutes. Luckily enough there were some Giriama *askaris* around and they protested. I was locked in the main passage leading to the cells, I was not actually put into custody. These *askaris* said, "How are you going to treat our Members of Parliament? We do not agree with this." So, later on, I was released. One of these *askaris* was in civilian clothing and he led me to the superior officer who was on duty on that day. He was having a good time in a night club. I spoke to him; he came later on to the police station and spoke to his young officer and managed to get the two young boys released on bail.

I took the young men in my car to the Coast General Hospital for treatment. When it was said that they had multiple injuries, caused by the beating received at the hands of the policemen, I asked that these boys should have a thorough examination. The person in the casualty ward was not able to give them a good examination. He told me to come the next day with a P3 form from the police itself. These boys reported to the hospital next morning with the P3 forms from the police, they were examined and it was found that they had some bad injuries. Later on, they were found innocent but no action was taken against the police.

Mr. Deputy Speaker, I do not have any quarrel about whether the police arrested them genuinely or otherwise, except that those boys were confined illegally in custody; there was no good reason. Secondly, they were seriously beaten and there was no action taken by the Government. Thirdly, I went there to help those boys, not to fight with the police or to do anything else. I was also put into custody for nothing. Now, Sir, if this is how the Government is going to treat us, we, the faithful, obedient citizens of this country, then I think I will be the first person to say I do not want this type of Government. If it is possible that the new KPU party will treat us well, I would not mind joining such a party in order to get rid of a cruel Government like this one.

Mr. Deputy Speaker, Sir, this is what I want to call upon the Ministry to do. In order to satisfy myself that Government has taken disciplinary action, I would like to see all the officers involved in the matter are transferred.

Hon. Members: Dismissed.

Mr. Komora: I do not wish to have them dismissed, because I cannot offer them jobs elsewhere, and they will end up by being a burden to the nation. So, I only wish to see them transferred from Mombasa to some place up-country.

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

Mr. Omar: Mr. Deputy Speaker, thank you for giving me this chance to air my views.

It has become a habit for the Makupa Police Station, Mombasa, to do illegal things to people. It was just last week when I had complaints from a certain woman that she had been beaten by some police constables from the very same police station I have just mentioned.

Now, I was surprised to hear a reply from the Assistant Minister that there was not sufficient evidence to take these people to court, but the Assistant Minister did not tell the House the reasons why the Makupa police beat up these

[Mr. Omar]

innocent boys who, later, were taken to hospital for treatment. There was evidence to prove that these boys were beaten seriously by the police, because they were taken to the hospital and the medical officer treated them. He even signed the P3 forms.

Mr. Deputy Speaker, if there was evidence that these people were beaten by the police at a time when they were trying to get information as to who had committed the crime at the place where these boys were living, I do not see any reason why the Assistant Minister is refusing to reveal to the House the departmental disciplinary action that he says has been taken against those police officers concerned.

In his reply, the Assistant Minister should tell this House the type of departmental disciplinary action that was taken against these officers, so that we can go back to our constituencies and tell the people concerned that such-and-such disciplinary action was taken against the officers. In the absence of this information, these boys have the right to go to an advocate and accuse the police officers concerned. If this is done, then it will be that it is the Government that is being accused. It will not be the individual who will be concerned, it will not be the officers who beat up the innocent boys who will be concerned, but it will be the Government that will be accused of having beaten up innocent boys without any excuse at all.

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

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

Mr. Speaker, the hon. Mr. Komora has said these officers should be transferred from Mombasa. I feel, however, that these police officers should be dismissed to satisfy us, otherwise, we shall advise the boys concerned to take legal action against the police officers in question, because what they did was contrary to how our Government wants to treat our people.

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

Mr. Jahazi: Mr. Speaker, Sir, I would also like to add my protest to the manner in which these two people were treated. Makupa Police Station is famous for its brutality to people. I have had many occasions to go to this place to help people known to me who have been arrested. When anybody has been arrested, the first man to be rushed to for help is the Member of Parliament. I have been there and found the police officers hostile to everybody who goes there to help anyone who is put in. You feel they are the judges and everything else in one.

I remember a case when somebody was picked up from the street and charged with rioting at the football ground. This incident had taken place two days previously. This man was put in and when I went there to ask for him to be released on bail, these people were very hostile towards me. These constables referred me to the officer-in-charge. When I went to the officer-in-charge, he told me it was impossible to release anybody on bail, because the forms on which they enter these things were finished. They then referred me to the urban divisional superintendent. When I went to see him, he told me he could not release that man because if he went against the decisions of his junior officers it would be demoralizing for the whole force. Therefore, that man must remain in custody. So, Mr. Speaker, I had to go to see the provincial commissioner of police, who argued with his men and then ordered that the particular man should be released. When I went back to the police, the junior officer had gone and left instructions that unless I paid Sh. 600 cash, I should not be free to take the man out of the police station. They would not accept an amount of Sh. 599/99. By that time it was almost 12 o'clock. I asked permission to use the telephone to ring the provincial commissioner of police, but they refused me permission to use it. They said that if I wanted to make a telephone call, I had to go and find a telephone somewhere else. I had to go back to the provincial commissioner of police to tell him that his junior officers had not obeyed his order and were asking me for money. He made a telephone call then and ordered the junior officers to release that man. By that time it was midnight, and this matter started at 5 o'clock.

From this you can see, Mr. Speaker, that Makupa Police Station is very notorious. They have no respect for a Member of Parliament; they have no respect for anybody; over and above, they act like thugs.

Mr. Speaker, we go to the police station to seek co-operation. We do not go there to demand the release of any person. We know that if some person has committed an offence, then, within the law, he can be released on bail, pending his trial in court. The duty of the police is not to try somebody. For instance, on some occasions, people have been caught going around at night without a bicycle light, they are put in and no amount of persuasion will make them release the people.

The innocent and loyal citizens of this country wonder whether, by being loyal, the Government has made the police terrorize them for their loyalty. It is such people that are doing a lot of disservice to the Government, because innocent

[Mr. Jahazi]

people are being subjected to indecency at the police stations and beatings. We have heard of the case of a Member of Parliament who went to a police station to get somebody out and he was locked in. Now, I cannot see how the Government can expect to act both ways. How can they treat people badly and yet expect them to give the Government their support when other people are complaining against them in the form of another party?

Mr. Speaker, Sir, we do not want to be unreasonable, but the Government must not be at the top there and expect everything to go on smoothly. The ordinary man is the man who is suffering, and he is the basis of this Government. If he is ignored, if he is subjected to all this maltreatment, I do not see where the Government expects to get its basic support, if it does not get it from the ordinary man in the street.

So, Sir, we do not want the Assistant Minister to come here and bluff us by telling us that this case is being reviewed. It is now over six months and the Assistant Minister should not come to this House and say that the matter is under investigation. How can it take seven or eight months to investigate a simple case like that? If it was murder or some other serious case, it would be understandable. But, if by trying to get justice because a man is beaten up without reason, it takes seven or eight months, how long will it take the Minister to realize that it was wrong to lock the hon. Komora for thirty minutes? Has any Minister asked the hon. Komora to tell him why he was locked up in order that he could investigate the case?

This is not good. If the Government is wrong, let them say openly, "We are sorry for this", but to try and come here and try to play politics over something that is open, something that is annoying, something that is shameful on the part of the Government, that annoys us more. Because those officers there are very junior, and if you are there so scared because Mzee says, "My forces are good and loyal," and so on, they think that they can do anything to the loyal subjects, we want to ask whether he now stands between us, the citizens, and the police, has he taken favour for the police, as a good boy, and that we are now devils, and that they can do anything they want with us because they are loyal forces? I think the police cannot exist without us. We form the police, the police form us, and I do not see why we should not work hand in hand together, and try to bring peace and prosperity to this country. If we try to be peace-

ful the police are allowed, just because they are loyal forces, they are allowed to terrorize people because of their fault. I do not see how the Government will benefit. They will have loyal troops but they will not have loyal citizens, and that is no good. Therefore, when the Minister comes to answer, we do not want politics, we do not want him to speak to us as if he was speaking to unintelligent people. We want him to satisfy the hon. Mr. Komora who was locked up for thirty minutes by a rude officer, who did it after being told who the hon. Komora was. He did not do it by mistake, he did it purposely and I said he was rude. I also have given an example of how those people are rude. Therefore, when the Minister speaks, we do not want anything we heard when he replied for the first time to this question. We want him to state categorically what, after seven or eight months, the Government has done to these officers, and what they are intending to do to see to it that such things do not happen, whether by the police or by other members of the armed forces. We do not want this suffering to continue.

Therefore, Mr. Speaker, to give other Members the opportunity to speak, I beg to support the Motion.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, this Motion on the adjournment arises from the question which I have already answered. I am glad the hon. Mr. Gatuguta, member for Kikuyu, accepted that the police are the only force which can maintain peace and order in this country. Secondly, I would like to clarify my first answer that no medical evidence was produced in court, and only the medical report, it does not matter who or whom, could certify that those people were beaten up.

I have seen many cases like this being exaggerated—

Mr. Komora: On a point of order, Mr. Speaker, is it not in order, at this juncture, if the Assistant Minister gives an explanation as to whether there is a particular certificate which shows that a person is injured, apart from the P3 form which is given by the police station?

The Speaker (Mr. Slade): I do not think you have a good point of order, Mr. Komora?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I do not have that certificate which was certifying that people were being beaten up, those two gentlemen. However, I am now depending upon the report which I have received from my own Ministry. If the hon. Member has such a certificate, then he can produce it and I will have no objection.

[The Assistant Minister for Home Affairs]

Mr. Speaker, I only rely on a medical report certifying that those people were bodily harmed. It has been the procedure in the court, that if anyone is beaten up, providing that he goes and sees the doctor and is given a medical certificate to certify that he was beaten up, and since this does not exist I am not in a position to be alarmed by anyone calling me a junior Minister and that I cannot answer anything. I am a politician as he is, and I am sympathizing with everyone in this country. Therefore, I am now speaking on behalf of the Government, and I would not like the Government to be marred with mud which is non-existent. If there is any proof that these people were beaten up, and a certificate can be produced from the medical department, I will be in a position to accept it. But since the Member who brought this question, and who has been saying that I am bluffing the House, he is the one who should bring the certificate, and then I can accept it.

Mr. Gatuguta: On a point of order, Mr. Speaker, it appears that the Assistant Minister is now trying to imply that these people were not beaten up. This contradicts, Mr. Speaker, Sir, the reply of the Assistant Minister on the 31st May 1966, when he said that disciplinary action was being taken against the police. Why was disciplinary action being taken against the police, if these people were not beaten?

The Speaker (Mr. Slade): That is a valid point of order, because when hon. Members pursue on an adjournment a matter which a Minister has answered in the original question, I think the House can expect the Minister to answer on the basis of the reply which he gave there, and not on some completely contradictory ground. Perhaps the Minister can explain the apparent contradiction of what he is saying now.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, what I can add is that disciplinary action was taken, but this cannot be disclosed because it will endanger the dignity of the civil servant, unless it is a stage to a dismissal.

The Speaker (Mr. Slade): I think I must make Mr. Gatuguta's point clear, it is very clear to me. When this question, alleging a beating up and inquiring about disciplinary action, was asked in this House, there was no denial of the beating up, and there was a statement that disciplinary action had been taken. Now, how does that fit with the statement that there was no beating up, or no evidence of a beating up? And on what ground was disciplinary action taken? What is what the House would like to understand.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, even when I was answering the question I mentioned these words, I said that I am not in a position to disclose the disciplinary action which was taken.

The Speaker (Mr. Slade): No, you are not being asked that. You are being asked why was disciplinary action taken, and why did you not deny the beating up at the time of the question.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): No clarification has been given here as to the reason why disciplinary action was taken, because they say that on 8th November 1965, the two men were released from police custody on cash bail, to appear in the court at a later—

Mr. Omar: On a point of order, Mr. Speaker, I rise to seek your guidance on this matter. When the Minister is giving a contradictory reply to the original reply, when he was replying to the question, I am wondering what Members can do if they receive an unsatisfactory answer during the Motion for the Adjournment, such as this one. What can the Members do if they receive an unsatisfactory reply?

The Speaker (Mr. Slade): Apart from registering your dissatisfaction today, your only further remedy is to move a Substantive Motion condemning what you believe to be unsatisfactory behaviour on the part of the Ministry or the police. At present, I think you had better hear the rest of what Mr. Wamuthenya has to say because there are only five minutes for him to give it to you. But you are trying to explain, Mr. Wamuthenya, I think, the apparent contradiction of the two answers.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Yes, Mr. Speaker, I was just reading here. On the 8th November 1965 the two men were released from police custody on cash bail to appear in court at a later date. When the accused persons appeared in court in answer to their bail, the charges against them were withdrawn by the police as sufficient evidence was not available to support the charges. No evidence was received by the court and these accused were discharged, but not acquitted. A thorough investigation was made into the incident and no evidence was found to support an allegation of beating—

Mr. Gatuguta: On a point of order, Mr. Speaker, I am not trying to be difficult with the Assistant Minister, but is it in order now for him to repeat exactly what he said in answer to the question, instead of answering the points we have raised in the House this evening?

The Speaker (Mr. Slade): You have been asked as a point of order, Mr. Wamuthenya, to explain

[The Speaker]

certain discrepancies. Repeating what was said before does not explain the discrepancy. So you are not answering the question which has been raised on a point of order.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Yes, Mr. Speaker. I understand what he actually said: am I in a position to repeat what I said? But now I have said that there is no medical evidence in the court, which was brought in, that those people were beaten up, and that is the only next step which I had to go to. So I said that there is no medical certificate to clarify that those people were beaten up.

The Speaker (Mr. Slade): Yes, that is right, but the question on that, Mr. Wamuthenya, is, why was not the House told that at the time of the original question?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): I beg your pardon?

The Speaker (Mr. Slade): At the time of your reply to the original question, you never said that, but you impliedly accepted that there had been a beating-up. How is this?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): I do not recall that, Sir.

The Speaker (Mr. Slade): Order! Order! This is a point of order. Hon Members must keep quiet. Can you explain this?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Well, about this point of order, he asked why I am repeating what I was answering on the question; that is the one which the hon. Member for Kikuyu asked.

The Speaker (Mr. Slade): Really, Mr. Wamuthenya, I think you understand. You have been asked why what you are telling the House now is so different from what you told the House when the question was asked. You then start repeating what you said on the previous occasion and the hon. Member, quite rightly, complains that that does not help us, merely to repeat what you said before. What you are asked to do is to explain the difference between what you say now and what was said before. You have one minute to do it in.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): During that time I said that there was no information of that nature which was given by the police or by the court.

The Speaker (Mr. Slade): And have you any more you want to say before we adjourn? I think there is one minute still.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, since the

Member for Kikuyu was saying that Mr. Gituto belonged to my constituency, I am not only defending my constituency now as an Assistant Minister but I am now defending everyone, if any injustice is being carried out against him or her.

Mr. Speaker, Sir, I only base my answer on the medical report which is not existing, and if it is existing, then I can have further answers to proceed with.

The Speaker (Mr. Slade): You cannot explain to the House why disciplinary action was taken?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Why disciplinary action was taken?

The Speaker (Mr. Slade): Yes. Not the nature of the disciplinary action but the reason for taking it at all.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): The disciplinary action was taken on the ground that—I am not in a position, Mr. Speaker, to say why the disciplinary action was taken because that has not been given in my reply here, but it was because they were not performing their duties satisfactorily.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, I understand while the Assistant Minister was speaking that he said further investigations were carried on and these led to disciplinary action being taken against the officers. I wonder whether, Mr. Speaker, that was not enough to satisfy the Member for Kikuyu as an answer?

The Speaker (Mr. Slade): No, evidently not, because from what Mr. Wamuthenya says now, it is very difficult to understand why any disciplinary action was taken, and hon. Members, justifiably, as a point of order, comparing what is said now with what was said to the House on a previous occasion, want to know why, if there was no evidence of beating-up, as is now said for the first time, any disciplinary action was taken. But we cannot pursue the matter any further now. We have had over our half-hour. So, as I have said, if hon. Members want to pursue this further, in default of a clarification by a Ministerial Statement, which might yet be made, a substantive Motion is the way to move.

ADJOURNMENT

The Speaker (Mr. Slade): So now the House is adjourned until tomorrow, Thursday, 9th June, at 2.30 p.m.

The House rose at fifty-eight minutes past Six o'clock.

Thursday, 9th June 1966

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

SENATE DISAGREEMENT TO BILLS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received two messages from the Senate.

First, the Senate has declined to approve a Second Reading of the Post Office Savings Bank (Amendment) Bill, 1964, as reprinted, but, in view of the fact that this was certified as a money Bill, then under section 61 (8) (a) of the Constitution of Kenya, this Bill will be presented to His Excellency the President for assent, despite the Senate resolution.

Then the Senate has also declined to approve a Second Reading of the Kenya Meat Commission (Amendment) Bill, 1964, as reprinted. In this case, however, since that Bill has been passed by this House, for a second time in this session, having previously been passed in 1964, section 61 (8) (b) of the Constitution of Kenya will apply, and this Bill will be presented to His Excellency the President for assent at least one month before the end of the current session, despite the Senate resolution.

ORAL ANSWERS TO QUESTIONS

Question No. 131

FOREIGN MINISTER'S ABSENCE FROM HOUSE

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that this question has been so long delayed and is now completely out of date, I wish to withdraw it.

The Speaker (Mr. Slade): Very well then. Mr. Mwatsama.

Question No. 154

KILIFI COUNCIL POSTAL STAFF

Mr. Mwatsama asked the Minister of State, President's Office, if he would tell the House whether he was aware that the Kilifi County Council postal staff were not being paid overtime for working on Sundays and on Public Holidays. Could he also tell the House why it was necessary to open these post offices during those days for one hour, as it only caused inconvenience to the staff, while other administrative offices were always completely closed.

The Speaker (Mr. Slade): Who is answering this question? If there is no Minister here to answer, I am afraid we will have to leave for a little bit.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, although this question is under the Minister of State, President's Office, I am informed that it has been sent to the Minister for Power and Communications for reply. Perhaps, I could reply on behalf of the Minister for Power and Communications?

The Speaker (Mr. Slade): Yes, very well, Mr. Nyamweya.

The Minister of State, President's Office (Mr. Nyamweya): The Kilifi County Council is paid a remuneration by the Posts and Telecommunications Administration, based on the annual gross earnings of the sub-post office. All other postal contracts in Kenya are paid on the same basis and, therefore, the staffing of sub-post offices on week-days, Sundays and Public Holidays is left to the discretion of the contractor who may or may not conduct business on Sundays and Public Holidays. The question of paying overtime at this sub-post office is, therefore, a matter for the Kilifi County Council.

With reference to the second part of the hon. Member's question, the position is that, in most places, post offices no longer open on Sundays and Public Holidays. Mombasa, Nakuru, Kisumu and Eldoret Post Offices open for one hour and at Nairobi for two hours on Sundays and Public Holidays. The whole question of closing post offices on Sundays and Public Holidays is currently under active consideration by the Posts and Telecommunications Administration with a view to rectifying any anomalies that may exist.

Question No. 120

AID FOR TENWEK HOSPITAL

Mr. arap Soi asked the Minister for Health to tell the House what grants had been given by Government to Tenwek Hospital in 1964, 1965 and in 1966.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The following grants have been made to Tenwek Mission Hospital:—

Recurrent: 1963/64, 1964/65, 1965/66, token maintenance grants of £840 per annum.

Capital: 1963/64, £300 towards the construction of an isolation ward (total cost £1,725), £500 towards the cost of a staff house (total

[The Assistant Minister for Health]

cost £1,065); 1964/65, £1,925 towards the cost of a kitchen and laundry (total cost £3,950); 1965/66, no grant made to date except the maintenance grant above.

Mr. arap Soi: Mr. Speaker, Sir, would the Minister state whether the grant will be increased in view of the fact that this hospital is isolated from the main road, and it is the only one in the division, and the patients wish to have a place to sleep after treatment?

Mr. Matano: Mr. Speaker, Sir, I cannot give that assurance. I answered here earlier that the whole question of mission hospitals is under review, because we do realize the important part they play in this country, and Tenwek is not the only case: we have several cases and the whole question of mission hospitals is under constant review.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister consider making this hospital a Government hospital, as it is very remote from the nearest Government hospital?

Mr. Matano: No, Sir, I cannot consider that at the moment, because this is a mission hospital and to take it over from the mission needs negotiation and understanding. Apart from that, we need to have money voted for such a hospital. At the moment, Mr. Speaker, as I said earlier, Tenwek is not an isolated case; we have very many cases of mission hospitals which are doing a good job and, if we were in a position to take them over, we would certainly do so, but, at the moment, we are not in a position to take over these mission hospitals. What we are trying to do at the moment is to help them as much as we can, so that they give the services that are so necessary for the country.

Mr. arap Biy: Mr. Speaker, Sir, arising from the earlier reply given by the Assistant Minister, that grants which were given in 1964, 1965 and 1966 were to meet the cost of building a kitchen, repairs, and other things, could he tell us whether his Ministry is prepared to do anything to give grants towards the buying of drugs, so that fees chargeable to patients would be reduced in the hospital?

Mr. Matano: Mr. Speaker, I said earlier that we pay £840 annually, and this means this amount of money is paid to cover the recurrent expenditure, which may include drugs. At the moment, this is the amount which has been allocated for this hospital. Such grants have been

allocated to all these mission hospitals and, therefore, this is the amount that we can afford at the moment, and I do not think we can add any more.

Mr. arap Soi: Mr. Speaker, Sir, as the Minister has roughly indicated that the grants may reduce the cost of the drugs or the charges in the hospital, will the Minister try to make sure that at least some of this money is used in that way, to reduce the high charges which are going on in this hospital, because the people have nowhere else to get free medicine after the Government announcement?

Mr. Matano: No, Sir.

Question No. 132

TOWN DEVELOPMENT PLAN, HOMA BAY

Mr. Ngala-Abok asked the Minister for Local Government to tell the House if he was aware that a town development plan was lacking for Homa Bay.

If the answer was in the affirmative, would the Minister grant township authority status to Homa Bay as a matter of priority, so that the whole town could make progress with development and planning.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, on behalf of the Minister for Local Government, I beg to reply. A comprehensive plan was prepared as far back as 1960 for Homa Bay and this plan, Mr. Speaker has been the basis of current development of that township. It is now being reviewed in the light of the present needs and the revised plan will be published very soon.

Mr. Ngala-Abok: Mr. Speaker, Sir, while congratulating the Ministry for that reply, will the Minister assure me that township authority, under which this plan will be executed from time to time, will be granted to Homa Bay Township, accepting the fact that there are plans there, but township authority should be granted to this particular township? Will this be granted to execute the plans?

Mr. Kibaki: Mr. Speaker, Sir, township authority status is granted to towns which have the resources and the population to be able to run their own offices, to be able to have their staff and to be able to run certain services. Mr. Speaker, as the situation is now—and as the hon. Member knows all too well—Homa Bay just is not able to do that kind of business today.

Mr. Ngala-Abok: Mr. Speaker, will the Minister let me know the requirements in which Homa Bay is lacking, so as to grant authority status? I mean, what population, what activities, and so on, so that I can let my township know?

Mr. Kibaki: Mr. Speaker, Sir, there is no prescribed size for the population. The condition, Mr. Speaker, is that the township should be able to have such size of population that, from the rates which are paid, from the Graduated Personal Tax that would be collected, that township should be able to run its own offices, properly staffed, and be able to provide the normal services of street cleaning, of water supply, etc., to the people who live there. Now, when Homa Bay thinks that they are in a position to do that, the proper course of action is for them to request the South Nyanza County Council to make a request to the Ministry of Local Government which would institute an inquiry. If the inquiry revealed that the township could, as it were, stand on its own, then of course it would be considered by the Minister.

Question No. 153

COMPENSATION: NGOKA MWARA, DECEASED

Mr. Mwatsama asked the Minister for Local Government if he could tell the House why compensation had not been paid to Ngoka Mwaro, deceased, who had been killed at Guruguru (Tsangatsini), on the 27th January 1964, by Kiliŋi County Council Motor Grader, No. KFY 314, driven by Kinado Nzola.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, again on behalf of the Minister for Local Government, I beg to reply. Sir, I have directed in the last week only that this issue be investigated, and my information is, as yet incomplete. I am awaiting further information from the police at the Coast, so, if the hon. Member would not mind, I would prefer to give a fuller reply, let us say, next week.

The Speaker (Mr. Slade): In that case, we will have it on the Order Paper again next Tuesday.

Question No. 112

TARMAC ROADS IN WESTERN AND
EASTERN PROVINCES

Mr. Ochwada asked the Minister for Works if he could tell the House how many miles of road had been tarmacked which passed through or served the Western and Eastern Provinces. Could he also tell the House what plans his Ministry had for increasing the amount of tarmac roads in the two provinces.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. First of all, I must apologize for the reply being a bit lengthy, but it is because of the nature of the question.

Mr. Speaker, Sir, in the Western Province, there are, at present, about twenty-eight miles of bituminized roads. It is rather hard to define which roads "serve" the province, but I suppose a conservative estimate would be that the Mombasa-Nairobi, Nairobi-Kisumu and Mau Summit-Eldoret Roads all serve the province, and including the bitumen on these roads, the total would come to 496 miles.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, looking at the first part of the question asked by the hon. Mr. Ochwada, it specifically states "the Western Province" and, therefore, Sir, is the Minister in order to try and cover the whole of Kenya in his reply?

The Speaker (Mr. Slade): The question is the amount of tarmac roads "either passing through or serving". He is now answering what roads serve the Western Province.

Mr. Mwanyumba: Thank you, Mr. Speaker, Sir, if I may now continue.

In the case of the Eastern Province, there are about 107 miles of tarmacked roads within the province and if only the Nairobi-Mombasa Road is added on as serving the province, the total then comes to 228 miles.

I must point, however, that virtually all the trunk roads serve all the provinces by stimulating inter-provincial transport and the general prosperity of the country.

As to my Ministry's future plans, as the hon. Member will be aware, the revised Development Plan has not yet been published. I can say, however, that my Ministry is giving serious consideration to the following projects subject to the availability of funds:—

- (a) In Western Province, the bituminization of the Maseno-Yala Road is already in hand. Preliminary negotiations are in hand for the bituminization of the Eldoret-Tororo Road. In addition, gravel improvements are proposed on the Bomala-Busia, Kakamega-Bungoma and Kakamega-Broderick Falls Roads amongst others.
- (b) In Eastern Province, I shall endeavour to obtain funds for the bituminization of the half-mile or so of road across the Kazita

[Mr. Mwanyumba]

Bridge and I hope to include the bituminization of the Embu-Ena River Road in the Development Plan. Amongst the gravel improvements contemplated are the—

- (1) Nairobi-Addis Ababa Road,
- (2) Timau-Meru Road, and
- (3) Embu-Meru Road,

in addition to work on the Thika-Seven Forks Road which is already in hand and which it is hoped to extend to Kitui. These are the major projects. There are other proposed road development projects in the province.

Finally, I should say a word about this question of bituminization of roads. From the economic point of view, a given sum of money can give a better return in traffic savings if spent on the improvement of longer lengths of road to gravel standard rather than shorter lengths to bitumen standard. The needs of each road, therefore, have to be considered on the merits of the case and it is not sensible to judge a road development programme merely by the number of miles of tarmac road produced.

Mr. Ochwada: Mr. Speaker, Sir, since it is rather confusing, or rather the Minister was confused as to what I meant by the road which serves an area, and he has given me the figure 496 miles of tarmac which serves the Western Province, would it not have been fair to assume that the tarmac roads serving the Eastern Province could have been a higher figure than the figure given by the Minister, because not only does the Mombasa-Nairobi Road pass through, and also not only does the Nakuru-Nairobi-Eldoret Road pass through the Eastern Province or the Western Province, but these roads serve other provinces as well? On what basis did the Minister base this 496 miles? Where did he centre the service from in order to arrive at that 496 miles serving the Western Province?

The Speaker (Mr. Slade): It is one question.

Mr. Mwanyumba: Mr. Speaker, Sir, according to the hon. Member's question, he has asked this, that he wants to know the amount of tarmac roads which are passing through or serving the Western and the Eastern Province. I have given him the detailed information of what roads are serving the Western and the Eastern Province. I am justified in giving him the 496 miles which serves the Western Province, because, without the tarmacked roads from Nairobi to Nakuru, Mombasa and the Western Province, it would not be served.

Mr. Muruli: Mr. Speaker, Sir, could the Minister tell the House how much it costs to have the roads gravelled in terms of one mile?

Mr. Mwanyumba: Mr. Speaker, Sir, I could give that information, but not right now because it depends on the nature of the road itself. It differs with every road. Some roads cost less and others cost more. It entirely depends on the nature of the terrain as far as we are concerned. Therefore, Sir, I cannot give a figure right away.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's lengthy and confusing reply, if the Minister knows the geography of Kenya, could he be kind enough now to tell the House how many miles of tarmac road from Kiboswa, which is in the Western Region, and where the Nyanza Region ends? Now, Sir, could he tell us how many miles in the Western Province from Kiboswa and from Turbo, which is also in the Western Province? How many miles is that?

Mr. Mwanyumba: Mr. Speaker, Sir, I did advanced geography at Makerere and so I know what he means. Therefore, Sir, I know the points which he is talking about. Sir, I have some knowledge of the geography of Kenya. Mr. Speaker, Sir, I have said earlier that the number of tarmacked roads in the Western Province is twenty-eight miles.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Minister's reply, where he said that the Nairobi-Nakuru-Kitale Road is the road at the moment serving the Western Province, since this road is within the Rift Valley Province, can the Minister keep another road tarmacked in order to serve between the Rift Valley Province and the Nyanza Province through the Western Province?

Mr. Mwanyumba: Mr. Speaker, Sir, we are always in constant touch with the provincial administration and the provincial advisory councils to tell us which roads they think are of the first priority but, up to now, we have not received any information from the provincial advisory council to tell us of which road is the first priority. Those which have been given to us have been given consideration by the Ministry and the Government.

Mr. Ochwada: Mr. Speaker, Sir, accepting the Minister's suggestions that the Bomala-Busia, Kakamega-Bungoma and Kakamega-Broderick Falls Roads are to be brought up to gravel standard, could the Minister then give us an idea as to when the actual construction of bringing these roads up to gravel standard is going to start?

Mr. Mwanyumba: Mr. Speaker, Sir, I have already said that the Government is negotiating for a loan from outside sources. Immediately this loan is agreed to by these outside sources, then we will begin work immediately, but I cannot give an exact date as to when we are likely to reach any agreement with these sources who are to provide us with money.

Question No. 126

LINK ROADS IN EASTERN PROVINCE

Mr. Mate asked the Minister for Works if he could tell the House when the Government proposed to build link roads through the Eastern Province, from south to north, so that inter-district trade and communications could be brought up to date, including bridges across the Tana River.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. I hope to make the following improvements on the north to south road through Eastern Province by mid-1970:—

- (a) Improvement of the Athi River Bridge and approaches on the Kibwezi-Kitui Road.
- (b) Gravel standard improvements between Kitui and the Kamburu suspension bridge over the Tana River.
- (c) Bituminization of the Embu-Ena River Road.
- (d) Gravel standard improvements on the old road between Ena River and Meru.
- (e) Gravel standard improvements between Meru and Lewa.
- (f) Gravel standard improvements between Lewa and the Ethiopia border.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that this particular province has been left behind, and according to the previous question only a little tarmacking mileage is possible, what further improvements does Government propose since the points that have been mentioned are so few compared with the whole area?

Mr. Mwanyumba: Mr. Speaker, Sir, I do not agree with the hon. Member that the Eastern Province has been left behind in our development programme. In fact, all the development programmes are taken equally throughout the provinces according to their own merits. Therefore, it is not fair for the hon. Member to say that the Eastern Province has been left behind. The hon. Member should be grateful that the Government has decided, in its development plan, to improve roads as outlined in my answer.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that this particular province has great agricultural productivity, and even though the Minister says that one should be grateful, is improvement not for the sake of improving Kenya as a whole? Would the Minister admit that the area is backward in that respect and it is not just a question of being grateful but a question of what is right for that particular area?

Mr. Mwanyumba: Mr. Speaker, Sir, the Eastern Province is not more backward than other provinces and the Government has taken into consideration the needs of the Eastern Province in connexion with communication and, in this respect, the Government has decided to spend a large sum of money to improve these roads as I have just said.

Question No. 106

MUHILA SECONDARY SCHOOL

Mr. Shikuku asked the Minister for Education if he would tell the House why Muhila Secondary School had not got a double-stream this year, despite the undertaking by the Government that this was going to be done.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, on behalf of the Minister for Education, I beg to reply. It was not possible to retain Muhila Secondary School in the revised development programme for 1965, 1966 and 1967—and no undertaking to do so was ever given—because it was decided, during the negotiations for a World Bank loan, to expand a smaller number of schools to three-stream status, instead of developing a larger number of one or two streams only. This particular school is among thirty other schools which suffered a similar fate.

Mr. Shikuku: Arising from the Assistant Minister's reply, to the effect that there was never any agreement as to whether that school would have two streams, is he aware that in the 1965 K.P.E. results, most of the boys and girls who passed in Butere area, passed with high marks, but they could not get into schools elsewhere? A delegation was, therefore, led to the Minister for Education to try and get them places in other schools but they could not get places. The Ministry said they would, therefore, consider Muhila running a secondary stream. If this is so, is the Assistant Minister prepared to tell the House that he is not interested in the promotion of education in that area by so refusing to assist these schools to have double streams when there are so many bright boys and girls?

Mr. Matano: Mr. Speaker, Sir, Muhila is not an isolated case and it never was an isolated case. Muhila Secondary School was one of the thirty secondary schools throughout the country which was scheduled for the addition of a second stream, but not a third in the Ministry's provisional programme which was prepared a year ago.

In the discussions with the World Bank Appraisal Team in July and August, it became clear that loan funds could not be obtained for schools which would develop to less than three streams within the loan period. Consequently, the programme had to be completely revised, since otherwise, capital funds for establishing new classes in accordance with the national development plan, could not have been obtained.

In the revision, these thirty schools were, therefore, eliminated and the streams were re-allocated in order to produce a programme of three-stream schools. The total number of streams, seventy-one in the two years, 1966 and 1967, was not affected, nor was their geographical distribution as between provinces.

In selecting schools for three-stream development in the revised programme, as many schools as possible were included, which had opened new streams in 1965, so that these streams could be included in the loan projects, since no other source of funds from which to complete these facilities was in sight.

Mr. Muruli: Mr. Speaker, Sir, in view of the great number of pupils in Muhila and Butere Constituencies, would the Assistant Minister undertake to add another stream next year?

Mr. Matano: Mr. Speaker, Sir, I said earlier that it is not included in the planning, but in the planning for the country as a whole, we are going to cater for as many students as possible. However, this particular school was not included in the programme.

Mr. Godia: Mr. Speaker, Sir, would the Assistant Minister consider reviewing the programme so that Muhila is now included in the programme to run three streams?

Mr. Matano: Well, I wish I could assure the hon. Member, but at the moment I cannot.

Mr. Shikuku: Mr. Speaker, Sir, is the Assistant Minister aware that Muhila formerly had boys and girls in the school, but now the girls have been removed and, therefore, the facilities at Muhila are very ideal for second or third streams, because the houses which were occupied by the girls are free? If so, is he aware also that Western Province broke the record? We had 31,000

students who sat for K.P.E. since that was a record throughout the whole country, we need more streams in Western Province, Muhila being one of them?

Mr. Matano: Mr. Speaker, Sir, I am grateful for the information.

Question No. 125

UNTRAINED TEACHERS IN MERU

Mr. Mate asked the Minister for Education if he would tell the House how many untrained teachers were currently being employed in the Meru County Council area.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, again, on behalf of the Minister for Education, I beg to reply. There are 780 untrained teachers currently being employed by the Meru County Council.

Mr. Mate: Mr. Speaker, Sir, in view of this very big number of untrained teachers, what is the Government doing to provide teacher-training facilities for these Meru people, either at St. Lawrence College, or at the Meru Teacher-training College?

Mr. Matano: Mr. Speaker, Sir, the present total teaching force employed in Meru County Council is 1,976 of whom 1,196 are trained teachers.

The number of trained teachers by grades is as follows, if the Member is interested: P1 24, P2, 153; P3 847, P4 172; total 1,196.

The percentage of untrained teachers in the county is almost 39 per cent, a percentage which seems to be near the average for the bigger counties in the country. Figures for all but four counties, for comparison, are available and I can quote them.

Untrained teachers are generally given priority in the selection of students to enter teacher-training colleges each year, but, owing to a limited capacity of our teacher-training colleges and other factors, not all can hope to receive training in our colleges.

A scheme for the in-service training of unqualified teachers, who have served for not less than four years, has been introduced to enable the suitable unqualified teachers to be given a limited form of training and observation in the fifth year of unqualified service, to establish their suitability for certification. Successful candidates will be issued with teaching certificates and attempts will be made to dispense with the services of the unsuccessful candidates.

[Mr. Matano]

Through this programme, in addition to the normal teacher-training programme, it is expected that the proportion of unqualified teachers will be reduced gradually and possibly eliminated at a future date.

Mr. Mate: Mr. Speaker, Sir, while appreciating the Assistant Minister's answer, is he aware that, today, in both our teacher-training colleges, we do have pupils from Garissa, Laikipia, Moyale, Embu, Kitui and these people are taking away places from the Meru people? At the same time, is he aware that some of these districts are not even one-quarter the size of Meru District? Hence we should have more places for the Meru people.

Mr. Matano: Mr. Speaker, Sir, teacher-training colleges are planned for the whole country and not only for one province. Therefore, when these people come in and fill the places, they are really being trained to serve Kenya.

*Question No. 133*LICENSING *Harambee* SECONDARY SCHOOLS

Mr. Ngala-Abok asked the Minister for Education if he would, taking into account the policy of African Socialism, scrap the present policy with regard to the licensing of *Harambee* secondary schools, where a deposit of Sh. 40,000 was required, and, instead, make the only requirement that the school should be running smoothly over a six-month period, in order to license such a school as a *Harambee* secondary school.

The Assistant Minister for Health (Mr. Matano): On behalf of the Minister for Education, Mr. Speaker, Sir, I beg to reply. No, Sir.

It is in the interest of the self-help secondary schools themselves (i.e., teachers, parents and pupils), that practical measures, such as requiring their sponsors to collect a substantial sum of money in advance, should be taken. This ensures that the schools have, at least, the necessary resources behind them at the outset, and that they can reasonably be expected to establish themselves successfully to see their pupils satisfactorily through—at least—the first year.

As regards the second part of the question, the answer, Mr. Speaker, is again "No, Sir," and the hon. Member is referred to sections 16 and 56 of the Education Act. Six months smooth and stable running of a school which the hon. Member would require, presupposes the existence of substantial funds—a fact which is not affected

by African Socialism. Furthermore, the school would be an illegal one during the six months prior to its being registered.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Assistant Minister then reconcile the fact that this Sh. 40,000 is required in order to license a *Harambee* secondary school with the fact that a number of people apply to run private secondary schools, and they start running them, either when they are licensed, but, I think, in the majority of cases, they are accepted to run these secondary schools?

Mr. Matano: Mr. Speaker, Sir, I do not think I really understood the question right. However, one thing which I could tell the hon. Member is that no school is allowed to function if it is not registered. It must be registered first. Whether the school is a private school or a government school, it must be registered before it can take in students. Therefore, we do not say that *Harambee* secondary schools should not be started. They should be started, but they should follow the procedure which is stipulated in the Act.

Mr. Ngala-Abok: Mr. Speaker, Sir, the question I am pursuing and the clarification I want to establish is whether any person is allowed to start a private secondary school, ask for a licence, obtain the licence and start recruiting and teaching, regardless of this particular deposit in Kenya today?

Mr. Matano: I do not think the hon. Member is right. I do not believe that what he says is correct.

Mr. Shikuku: Arising from the reply by the Assistant Minister, is he aware that, as you go round Kenya, places differ and the economical stability also differs? Now, does he mean to tell the House that, unless the Government get Sh. 40,000 deposit, we cannot start *Harambee* secondary schools, or if we start them, we should not continue? Is he aware that this will, in itself, promote other places which are already developed, where there are rich men, these people have more schools than the people who are poor and who are trying to help themselves through the spirit of *Harambee*?

Mr. Matano: Mr. Speaker, Sir, I said earlier that this is for the good of the schools, and the school is the parents, the children's and the teachers'. Before we know there is money to cover the costs for these schools, it would be wrong for us to allow them to function. Therefore, Sir, I feel that the sooner we follow the regulations, the better it will be for us all.

Mr. Ochwada: Arising from the Assistant Minister's reply to a supplementary question, Mr. Speaker, is he in a position to tell the House whether the privately owned secondary schools are also required to have an amount of Sh. 40,000 before they can start functioning?

Mr. Matano: That is a different question, and I am not prepared to answer it, Sir.

The Speaker (Mr. Slade): I would not say it is altogether a different question. That does not mean to say that you have to answer it, Mr. Matano.

Mr. Matano: I will answer, Mr. Speaker.

I think to avoid any confusion I will read a very long reply and I hope the Members will listen. Mr. Speaker, I am going to explain exactly what the Act stipulates and what is needed before a secondary school is allowed to function. It is rather a lengthy reply and I was trying to avoid it, but still, if Members would like to hear it—

The Speaker (Mr. Slade): Mr. Matano, I hope you will confine it to the question that has been asked, which are the conditions on which private secondary schools are allowed to start?

Mr. Matano: Mr. Speaker, that is why I said it is a different question, because here it talks about *Harambee* secondary schools, and private secondary schools, I feel, are different, but I accept your ruling, Sir.

The Speaker (Mr. Slade): I think it is relevant to compare them, you see. Obviously, his line is, if private secondary schools do not require this, why should *Harambee* schools? This is a relevant argument.

Mr. Matano: Mr. Speaker, very well, I will try to answer and when you feel I have gone beyond the real reply, then you will let me know.

The Education Act lays it down in section 16 that no person shall, without the prior, written approval of the Minister, manage or assist in the management of any school or group of schools; and in section 56 it says that any person desirous of establishing a school shall first make application for the registration thereof in accordance with regulations made under the Act. It is clear from the Act that approval of the management and registration of a school should legally be effected before the school begins to function. In practice, the formalities are such that registration is not always completed before a school opens, but, at that stage, an application should, at least, have been initiated and should have made such progress that it appears unlikely that the school will not be registered. The Chief Education Officer may, in his absolute discretion, approve or refuse any application for registration of a school.

Mr. Speaker, up to there it is quite clear that any school—it does not say whether it is a private or a *Harambee* school—must comply with this Act. Therefore, there is no exception whatsoever.

The Speaker (Mr. Slade): Yes, but that was not actually in answer to the question, which perhaps I could repeat on behalf of Mr. Ochwada. Are private secondary schools required to make a deposit of £2,000 before they can start?

Mr. Matano: Administratively, the main
 (Inaudible.)
 comprise the application and registration, prescribe the Act and regulation, together with the supporting information—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, would the Assistant Minister not agree with me—

The Speaker (Mr. Slade): No, you cannot ask him to agree with you on a point of order.

Mr. Ngala-Abok: Mr. Speaker, I just want to find a means to put it; it is a point of order.

Mr. Speaker, is it in order for the Assistant Minister to read that clause dealing with the Education Act when he knows that the question of deposit for *Harambee* secondary schools is not legalized? It is not in any part of our laws at all.

The Speaker (Mr. Slade): It is in order for the Minister to read anything that is relevant to the subject. I have been trying to keep his answers relevant. We will see if this is relevant that is coming now.

Mr. Matano: Mr. Speaker, I would appreciate it if you would direct me as to whether my answer is relevant on this because I am trying to satisfy the Members.

Among the supporting information, it is proper to inquire whether the school management has the resources necessary to run the school—this is very important—satisfactorily for at least the first year. Given a school fee revenue equal to or not greatly in excess of that accruing to maintained schools, it has been estimated that a sum of about £2,000 is required to equip a secondary school class initially and to run it for a full academic year.

Therefore, Mr. Speaker, I feel this applies to all schools, whether private or *Harambee* schools.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister tell the House why, then, this Sh. 40,000 is not legalized by our Government? Why has it not been made a law? Why has it not been debated in this House?

Mr. Matano: Mr. Speaker, I do not think we really can make laws on all little details. To the Ministry, this is an administrative way of making

[Mr. Matano]

sure that the people can run the school before it opens. Therefore, it is not in the Act, but before a secondary school is opened, we expect the management to have at least £2,000.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE
ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 133:
LICENSING HARAMBEE SECONDARY SCHOOLS

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I wish to raise this on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 144

SECONDARY EDUCATION FOR TURKANA BOYS

Mr. Ekitella asked the Minister for Education whether, in view of the fact that Turkana had no secondary schools, he would tell the House how many Turkana boys there were in Kenya secondary schools and how many had been sent abroad by his Ministry.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. There are six Turkana boys in maintained secondary schools this year: two in Form I, three in Form II and one in Form III.

One Turkana boy was sent for studies overseas last year.

Mr. Shikuku: Mr. Speaker, does the Minister not agree with me that the figures given are so small and that something serious has to be done to enable the Turkana to have a better chance, like any other tribes in Kenya?

Mr. Matano: Mr. Speaker, I do agree that the figures are very low, but it is really for us as Members of Parliament to encourage our people to go to school, because, in this area, before 1960, there was only one lower primary school in the Turkana District and pupils who passed the competitive entrance examination were admitted to the intermediate boarding schools in Kapenguria, in the Pokot District. There they could attempt the Kenya Preliminary Examination and, by 1962, at least one pupil had gained admission to Chewoyit Secondary School, also at Kapenguria. Therefore, Mr. Speaker, I feel there is nothing we can do. We can only encourage them and, at this juncture, I would advise Members for this area to encourage the people to go to school.

The Speaker (Mr. Slade): I think we are running into the next question now, so you had better ask the next question, Mr. Ekitella.

Question No. 145

EDUCATION IMPROVEMENT IN TURKANA

Mr. Ekitella asked the Minister for Education whether, in view of the fact that Turkana had been left behind for many years by the former Colonial Government, he would tell the House what steps he was taking to improve education in Turkana District.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. Although it is correct to blame many evils on the colonial past, honesty commands us to admit some of our own failings. Turkana has not so far made full use of the existing educational facilities, as classes which can hold up to forty pupils, often have less than fifteen pupils each. In spite of this apathy towards education which my Ministry has been fighting against in Turkana and which, I am pleased to say, is coming to an end, my Ministry has continued to encourage the opening of new primary schools, while reserving as many places in secondary schools in Rift Valley Province, as well as in extra-provincial secondary schools, as Turkana can make use of. I am confident that my friend, the hon. Member for Turkana South, will assist my Minister in the campaign to encourage parents in Turkana to send children to school.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply and his great sympathy, could the Government consider introducing compulsory education for these backward Turkana, in order to push them to forge ahead in Kenya?

Mr. Matano: Mr. Speaker, Sir, when we make plans, we make plans for Kenya and not for one particular area.

Mr. Omweri: Mr. Speaker, Sir, since we know that the Turkana could teach their own people better than any other fellows, what is the Ministry doing to see that Turkana boys are taken to teacher-training colleges? Is there any move which the Minister has taken in that direction? How many Turkana students are taking a teaching course this year, who will go out and teach these Turkana?

Mr. Matano: Mr. Speaker, Sir, I have not the figure of the Turkana students who are going to teacher-training colleges, but if the Member is interested, he could get it from the Ministry.

Mr. Kamau: Mr. Speaker, Sir, in view of the fact that we know how much these people, our brothers, have been left behind, could the Ministry create a mobile propaganda unit and put educated Turkana people there to preach the importance of education to their people?

Mr. Matano: Mr. Speaker, Sir, I would not like to promise, but all these are some of the problems which are facing our country at the moment.

Mr. Muruli: Mr. Speaker, Sir, does the Minister not agree with me that the only way in which to encourage the Turkana to go to school is to establish free primary education there?

Mr. Matano: Mr. Speaker, Sir, I may agree with the hon. Member but all these things need money in order to be carried out, and we just do not have the money to do these things.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that there are shortages, would the Ministry consider some programme of national propaganda because most of the people here were educated through national propaganda? Would he take this sympathetic attitude with the Government information services?

Mr. Matano: Mr. Speaker, Sir, all this is very much appreciated by the Ministry, but there is the question of funds. We are grateful for the information and the sympathy shown by the hon. Member and when the time comes and the funds are available we shall certainly consider it.

Mr. Ekitella: Mr. Speaker, Sir, arising from the Assistant Minister's reply, telling us that he has no finance but yet he is still giving out finances, would he assure me that there is not sufficient finance to be given to Turkana in order that they may build one, only one, school?

Mr. Matano: Mr. Speaker, Sir, as I said earlier, when you build a school, you need money and when you build a school for forty students, you expect forty students to attend that school. Now, Sir, if you have a classroom which will seat forty and the number of students which attend is only fifteen, then, Sir, it is not economic. Therefore, Mr. Speaker, Sir, it is what I said earlier, that it will help a lot if the hon. Members of this area could encourage people to fill the school which is there and then that will induce the Government to have more schools. But, Sir, at the moment, the apathy which is in this area does not induce the Government to build very many schools in the area.

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

Have you a Ministerial Statement to make, Mr. Njonjo?

MINISTERIAL STATEMENT

FALSE ALLEGATIONS AGAINST AN HON. MEMBER

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I would like to make this statement on behalf of my colleague the Minister for Agriculture.

Hon. Members will remember that on 26th January 1966, the Minister for Agriculture made a statement in this House concerning the West Kenya Marketing Board. In his statement, he mentioned that the then general manager of the board had alleged that he had paid the sum of Sh. 45,000 to a Member of this House. The Minister for Agriculture also mentioned that proceedings were being taken and, in fact, proceedings were taken and he also promised that he would make a report to the House on the result.

I wish to report back that the magistrate who heard the case against the general manager, and who, consequently, considered the allegation against a Member of this House, found that there was no truth in the allegation whatsoever. As the case received considerable publicity in the Press and radio there is no secret that the Member of this House was the hon. Minister for Housing, Mr. Paul Ngei. I should, therefore, like it to be recorded that a magistrate in a court of law in Kisumu has found the allegation against Mr. Ngei to be untrue.

Mr. Ochwada: On a point of order, Mr. Speaker, Sir, are we now allowed to ask any questions following that Ministerial Statement?

The Speaker (Mr. Slade): Yes, Ministerial Statements can be followed by questions which genuinely seek information but not quite the type of supplementary question one has in the ordinary way.

Mr. Ochwada: Mr. Speaker, Sir, seeing that the statement was read by the right person, who can deal with such false allegations, against a member of the public, could we be told, as this allegation was found to be false, and it was publicly made against an hon. Member of this House, is the Attorney-General in any position to take any steps against the person who made the allegation against the Member of this Parliament?

Mr. Njonjo: Mr. Speaker, Sir, the gentleman who made the allegation is now serving a prison sentence.

Mr. Ochwada: Mr. Speaker, Sir, I was quite aware that the gentleman who made the allegation was serving a prison sentence, but, Sir, to my knowledge, he is serving a prison sentence for a completely different offence altogether. Is the Attorney-General therefore in a position to take any steps against him as to his false allegation towards another member of the public, which, in effect, amounted to defamation of character?

Mr. Njonjo: Mr. Speaker, Sir, if the hon. Member will tell me who he thinks this person is who made this allegation, I will certainly take the necessary action. What I said is that the man who made this serious allegation against Mr. Ngei is now serving a prison sentence which he deserves.

Mr. G. G. Kariuki: Mr. Speaker, Sir, will the Attorney-General agree with me—

The Speaker (Mr. Slade): No, that is not the right kind of question. You have to seek information and not agreement.

Mr. G. G. Kariuki: Mr. Speaker, Sir, will the Attorney-General confirm in this House that the Minister who made this allegation in this House was unfair and that should be discouraged?

The Speaker (Mr. Slade): No, I am afraid that is not an appropriate question on this occasion.

Mr. Wariithi: Mr. Speaker, Sir, can the Attorney-General tell us what steps the Minister for Agriculture has taken to see how far this allegation was true?

Mr. Njonjo: Mr. Speaker, Sir, this matter was painful both to the hon. gentleman who belongs to this House and to this country, and I think the least said about it the better. When these allegations were made, it was the duty of the police to have the matter investigated, and I think the hon. Minister for Agriculture was duty bound to have these allegations, whether true or not—and, as it turned out they were untrue—investigated so that the public knows the truth. Now, Sir, the truth is, as I have already said, that there was no grain of truth in the allegations that were made against Mr. Ngei.

Mr. Omweri: Mr. Speaker, Sir, there is a point which I do not have quite clear in my mind and that is with regard to what the hon. Ochwada asked. Since the allegation was made by a gentleman now serving a prison sentence for a different offence, this allegation, itself, was also an offence—to allege that an hon. Member of this House had been given money—therefore, Sir, what is the Government doing to see that such kinds of allegations are also punishable and the person is punished for having made these particular allegations?

Mr. Njonjo: Mr. Speaker, Sir, I am very pleased that the House is speaking about these allegations. Sir, I have had to comment, even in this House, that it is very dangerous for either a Member of this House or a member of the public to make allegations which he cannot substantiate or prove. Now, Sir, this man made these allegations, that he had given Mr. Ngei Sh. 45,000.

Investigations were carried out by the court, this was part of the proceedings in the Kisumu Court, and the sentence he received did take into account the fact that he told untruths and made serious allegations against another person.

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

I think you have a Procedural Motion, Mr. Njonjo, before we have this Order.

MOTION

EXEMPTION FROM STANDING ORDERS: AMENDING BILL PUBLICATION

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am required by Standing Orders to move the following Motion:—

THAT the business of the Statute Law (Miscellaneous Amendments) Bill be exempted from the provisions of Standing Order No. 86, on condition that Members are supplied with separate copies of the existing laws which this Bill seeks to amend.

Now, Sir, the Bill before this House does make a number of technical amendments to our legislation. I have attempted to give hon. Members the gist of what it is proposed to amend. As the hon. Members will see, some of them are just amending the words "Crown" to "the State", "Governor" to "President", and therefore, Sir, they are all, in my submission, technical and formal.

Mr. Speaker, Sir, I beg to move.

The Minister for Commerce and Industry (Mr. Kibaki) seconded.

(Question proposed)

Mr. Ochwada: Mr. Speaker, Sir, while I have no objection to the Motion, I am only seeking information as to whether this is a complete list of the proposed amendments, because the clauses which are supposed to be amended are incomplete, because, Sir, reading from the list, I notice we have the first item as section 31 and then chapter 16 of the Advocates Act, whereas, in the amendments, the first is followed by the interpretation of the National Assembly, but, Sir, I do not see the clause which we are seeking to amend on the National Assembly (Power and Privileges) Act, chapter 6 in the list.

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AMENDING LEGISLATION

The Speaker (Mr. Slade): I think probably the explanation of that is that, under the Standing Order 86, Government is only required to publish with the Bill those provisions of the existing law

[The Speaker]

which the Bill seeks to amend, which the Speaker does not regard as involving merely formal, minor or self-explanatory amendments. In those cases of formal, minor or self-explanatory amendments the Speaker may exempt the Bill from the provisions of the Standing Order. Now, on this occasion actually, the State Counsel went through the Bill with me and I pointed out those amendments which I regard as coming within the exemption. So you only have, in fact, copies of those existing provisions of the law, which you really need to see in order to understand this Bill.

(Question put and agreed to)

BILL*First Reading***THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL**

(Order for First Reading read—Read the First Time)

The Speaker (Mr. Slade): I understand you would like to take the Second Reading today, Mr. Njonjo, with the leave of the House. Would you like to give any reasons for taking it today instead of another day?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, as I have already indicated, this is a purely formal Bill and I have attempted in this Bill to bring our law into conformity with our Republican Constitution. Hon. Members will see, if they look at the Bill, or if I am given leave to introduce the Bill, that most of these amendments are necessary, so that the ordinary laws of the country are brought into line with our present status.

(Ordered to be read the Second Time today by leave of the House)

*Second Reading***THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL**

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am most grateful to the hon. Members of this House for allowing me to move that this Bill be now read a Second Time.

Mr. Speaker, Sir, it is part of my professional duties to bring before this hon. House, from time to time, a bill designed to keep the Statute Law up to date and correct the errors which have been discovered. This, Sir, is usually a technical matter and of little interest. Today, Sir, it is my pleasure to present to the House a Bill of great interest

and practical importance for which hon. Members will have been waiting. It is designed to reflect in the law the changes which have taken place in the Constitution and status of the Republic of Kenya. This, Bill, Mr. Speaker, Sir, will remove references to the Crown and to the Governor and other relics of the colonial time. It will also remove references to *Majimbo* and the consequences of regionalism.

Mr. Speaker, Sir, some laws, many of them discriminatory, will be repealed. Other laws will be so changed that discriminatory provisions will now vanish and the law will be the same for all races in this country. It has not proved possible to deal with all the laws at once, but it is the intention of the Government to bring before this House every law of Kenya that requires amendment as soon as it is practicable to do so.

Mr. Speaker, Sir, this Bill makes certain changes in all the laws, but it is only the first Bill of a series which will, eventually, give us a law which is entirely our own without reference to what has gone before.

Mr. Speaker, Sir, since this Bill contains detailed amendments to nearly one hundred Acts, I do not intend to weary hon. Members by referring to every single one of them. Most of the amendments are formal alterations required by the constitutional changes we have experienced, and I will not deal with them unless hon. Members raise points on which they would like me to comment. I will instead pick out the amendments which are not consequential upon the changing Constitution, or are not mere corrections.

Turning, Mr. Speaker, to the First Schedule of the Bill, the first item is an amendment to the Interpretation and General Provisions Act which will empower the Government to impose more severe penalties than are at present permitted for offences created by subsidiary legislation, that is to say, by regulations, rules and orders made under the authority of Acts of Parliament, and in general subject to the approval of this House. At the present time the maximum penalty is a fine of Sh. 2,000 and imprisonment for two months. The amendment provides for a maximum fine of Sh. 6,000 and imprisonment for six months.

The second item worthy of comment, Mr. Speaker, is the proposal to amend the Advocates Act. The first change suggested will enable the Attorney-General to appoint a teacher of law to the Council of Legal Education. The second change will permit an advocate to take three articulated clerks into his chambers for training instead of only two as at present. The limit of two has been imposed in many countries, and

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was designed to prevent advocates taking on more clerks than they can give adequate attention to, and to prevent abuse of what otherwise would be a source of inexpensive staff. In the circumstances of this country, it is felt that the limit can be safely raised to ensure a swifter increase in the number of law students gaining the practical experience they need.

The other two amendments to the Advocates Act are included at the request of the Law Society so as to enable the Chief Justice to make rules concerning the disciplinary procedure of the Law Society, and with regard to the keeping of accounts by advocates.

I will now deal with amendments to the Fatal Accidents Act. If I may remind hon. Members, that Act enables the dependents of a person who has been killed accidentally to sue in the courts for damages and the loss which has been incurred by his family. Up to now, no African has been able to exercise this right without the prior approval of the Attorney-General. This discriminatory provision is now to be removed. I have exercised this function, I have always given right to these unfortunate people to bring the matter to court, but it is my view that it is discriminatory and I see no reason why only Africans should be excluded from going to court to establish their own rights.

The many changes to the Crown Proceedings Act now to be called the Government Proceedings Act, are set out in the Schedule but make little difference to the substance of the law. The amendment removes the anachronism that our law should refer to the Crown when we have our own President, Mzee Jomo Kenyatta, and our own Republic, with an independent Government.

Mr. Speaker, the next amendment I propose to deal with is that relating to the Penal Code. It is an extension of the existing provision which prohibits the import into Kenya of publications that may be detrimental to the public interest, whether from the point of view of security, or of help, or of public moral. It has been found that it is all too easy to reproduce in Kenya, or to print in Kenya, publications which, had they been introduced from overseas, would have been prohibited by the existing provisions of the Penal Code. This amendment is to ensure that publications can be controlled, whether or not they are produced in this country, and will afford some protection against scurrilous and derogatory matter being distributed without regard to the maintenance of law and order, or the prospects of morality. It is not intended to introduce some

form of threat censorship, and the requirements of the Constitution have been carefully repeated in the drafting of this section.

One amendment of particular interest to Members of this hon. House will be the change in the Public Holidays Act which substitutes for Commonwealth Day the celebration of *Madaraka* Day.

Discriminatory provisions have been removed from the Asiatic (Widows and Orphans) Pensions Act and the Asian Officers Family Pensions Act.

I think, Mr. Speaker, I should draw to the hon. Members' attention the changes which have been made to the Stock and Produce Theft Act. These changes are not intended to be final as the whole of the provisions of this Act are under review by the Government.

If this House agrees to the present changes, it will mean the police will have power to take action against any person suspected of having in his possession produce or stock to which he is not entitled, wherever he may be, instead of only in proclaimed areas as at present. The Act has been extended to persons of all races. The powers to levy a communal fine in case of stock theft have been removed from the Act as they are considered to be contrary to the Constitution.

The changes to the Wild Animals Protection Act, the Royal National Parks of Kenya Act and the Crown Fisheries Act reflect in the law the changes which have already taken place in everyday use so that we shall no longer have references to royal game, royal national parks and to crown fisheries.

There follow in Schedule 23 other Acts which have been amended in a formal manner. Towards the end of the Schedule, however, there are a number of Acts with which I think I should deal separately. The first of these Acts is the Streets (Adoption) Act, the amendments to which are necessary to enable local authorities to carry out street works within a more realistic period than that at present contained in the Act.

The Registered Land Act has to be amended so that the simplified procedure contained in that Act for the service of notice upon individuals who may be difficult to contact can now be used for the service of other notices under all the Acts which deal with the law regarding land in Kenya.

There are a number of amendments to the Local Government Regulations. The first is to provide that industrial fairs, agricultural shows, sale promotion drives and similar functions organized by reputable and substantial undertakings, with the intention of promoting Kenya's

[The Attorney-General]

economy and the trade enjoyed by the people of this country, may offer by way of entertainment small lottery cash prizes which without this provision would be contrary to the general law.

Mr. Speaker, the second amendment to the Local Government Regulations is that which gives to the Minister powers which at one time were held by him under the Traders Licensing Act. Under these powers he will be able to authorize local authorities to control and to levy incomes from various trades, occupations and premises which, up to now, have been exempt from the new regulations, although they are within the scope of the old Traders Licensing Act. Hon. Members will have seen that clause 4 of the Bill repeals the Traders Licensing Act throughout the whole country. During *Majimbo* this Act was repealed by some of the regional assemblies and not by the others, so that the position became very confused. The present proposals will once more make the law the same for everybody, and should help to increase local authority revenue.

The third amendment to the Local Government Regulations reflects a change which has already occurred in practice in that it abolishes the Nairobi Standing Committee.

The amendment to the Planning Regulations is intended to enable the Central Authority to enforce its own decision. This will result in a saving of both time and expense, and will remove a cause of difficulty in the day-to-day administration of the law.

The amendment to the Pyrethrum Act is necessitated by the increase in the number of small-holders who are now growing pyrethrum. It is designed to make the boards' transactions easier and to promote efficient working of the industry.

The final item is a formal amendment to remove a possible ambiguity.

I hope, Mr. Speaker, and hon. Members, that I have not occupied the time of this hon. House unduly, but I felt that some explanation was due to the House for the changes in the law which have been proposed by this Bill. The working party on discriminatory legislation made a number of recommendations which have been followed up in this Bill or which will be followed in the forthcoming Bill of this nature. Some Acts which are too lengthy or too complicated to be satisfactorily dealt with by a miscellaneous amendment Bill will be amended by introducing further Bills to this House in forthcoming sessions by way of amendment to the existing laws.

I hope this is an exercise which will be welcomed by this House and which will receive the favourable attention of hon. Members of all parties.

The Minister for Commerce and Industry (Mr. Kibaki) seconded.

(Question proposed)

Mr. Wariithi: Mr. Speaker, Sir, I stand to congratulate the Attorney-General for having brought this Bill before the House. I would say, as a member of the working party on the discriminatory laws committee, that I am glad that the Government has at last brought this Bill to the House.

In thanking the Government and the Attorney-General for the way in which he has moved this Bill, I would like to say that to some of us who are in the legal profession it is sometimes a headache when you go through the Laws of Kenya, the Statute Law, and you come across terminology which is not in keeping with our status in this country. So, I think it is quite fitting that a Bill of this nature should be brought so that all those terms and references to a past period can be removed from our Statute Law.

I am glad also to hear that it is the intention of the Attorney-General to bring later on a more comprehensive Bill which will remove all those terms and references to things which we do not want to remember.

Now, having said that, the only point on which I would request the Attorney-General or the Government to use a certain amount of careful consideration, is this question of amendment to the Penal Code, where powers are given to stop importation of publications from outside. It is quite true that there are some publications which are not for the welfare of this country, but on the other hand the Government should also consider that the tastes of the various individuals may be different. So, the Government should use this authority with all due consideration. Somebody may say a publication is immoral and another person might say he is interested in that kind of publication. So I ask the Attorney-General and the Government to consider that this should be taken into account, that there are various types of interest. However, if there are publications which are not in keeping with the policy of the Government, or what we stand for, of course they should not be allowed to be imported. There may be some publications which may be for scientific or for academic interest which might sometimes conflict with what we stand for, but for the sake of

[Mr. Wariithi]

allowing people to widen their knowledge and understanding of what is happening, they should not be stopped.

I do not think I need speak at length on this Bill. I hope most Members will accept it. In fact, it has been too long overdue and we hope that the Government will continue to remove all the anomalies in the Statute Book for the sake of dignity of our country.

Mr. Jahazi: Mr. Speaker, Sir, I also wish to welcome this Bill. I do not think any Member will find much to complain about because most of these changes have been overdue. Maybe the Attorney-General has a lot of Bills to take care of and change. It seems to be an unending process but whenever he comes here with a little change he can expect our congratulations.

At this juncture, Mr. Speaker, Sir, I thought that the Attorney-General, when considering the public holidays where he changed the public holiday from Commonwealth Day to *Madaraka* Day, with so many requests which he has received from the Muslims, would make Id-ul-Fitr or one of the Ids a public holiday for this country instead of it just being a discriminatory holiday for the Muslims only. He should have considered this so that next Id would be celebrated by all the citizens of this country as a public holiday. Here, however, he has changed only one holiday. I do not know whether this is an oversight or anything else, but I hope that he will reconsider this point because we have cried, screamed and begged the Attorney-General several times to see that Muslims get a fair deal; that they at least get their holidays recognized as public holidays. The Attorney-General is a fair man and the Government is also fair in its dealings and, therefore, I hope—

CONSIDERED RULING

SCOPE OF DEBATE IN AMENDMENT BILLS

The Speaker (Mr. Slade): Order, Mr. Jahazi! I think you have had quite a run on this point so far, but I am afraid it is out of order on this occasion.

I have explained the fact on other occasions, that when the House has brought a Bill to amend an existing law, as opposed to an entirely new Bill, then debate is limited to the amendments proposed. It does not give scope to hon. Members to ask for all kinds of other amendments of the existing law. I am sure that hon. Members will realize the unrivalled lengths we could be driven into if we should allow hon. Members to say how many other things should be amended too.

I am afraid hon. Members have to confine themselves to the actual amendments proposed here, and not to other amendments which we know they would like very much. They can raise those another time.

(Resumption of debate)

Mr. Jahazi: I am grateful for your correction, Mr. Speaker, but with the little lenience you showed I think the message has gone to the Attorney-General without repeating this.

The Speaker (Mr. Slade): I kept deaf long enough to allow you to do that.

Mr. Jahazi: Now, Mr. Speaker, Sir, on the other point of publications, here I would like to support the hon. Wariithi who is himself a learned gentleman. I think if the Attorney-General leaves these publications to a man with very limited tastes, it could interfere with a lot of people's liberty in reading what material is good for the citizens. A man may say that a magazine is not good for this country just because it shows a young girl with a bare breast, but I think a mere publication of a photo like that would not constitute a bad publication or will not mean that this should be banned because I see a lot of postcards of our Turkana girls, Giriama, and all other places, where the mere showing of a bare breast does not offend our tribal customs. Therefore, if we see magazines of that nature, I do not think this law should just cut into that and forget the local scenes here.

Also for political publications, I do not think that any publication that does not dangerously disagree with our policy should be banned because if such publications come, they form a basis for our people to read and discuss intelligently, and argue the policies contained in such publications so that we justify that our policy is better. I do not think the Attorney-General will take this opportunity of closing down every form of political publication that may differ a little without endangering the security of this nation, and justify it by closing it down. I hope that he will be armed with people of various tastes, as we have among film censors, whereby we continue to see mixed types of films where, although a religious man may say that this film is not good for his churchgoers or mosquegoers, yet there is another man who can argue that it is good for a club of this sort or that because everybody is not religious.

I am very pleased with our film censors and I hope that even this publication section will have very good well-balanced people, people of balanced mind and mixed mind who would not

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interfere in banning a publication of any nature just because they personally happen to dislike that. I hope they will always consider the other man's point of view and always try to take a general feeling of the people all over the country, rather than their own selfish feelings.

As I said, with such a Bill or amendment we find very little to quarrel about; we welcome that, and we encourage the Attorney-General to continue digging deep down into his laws and if he sees anything undesirable, anything disrespectful and anything that may reflect badly on our sovereignty that should be eradicated immediately.

With those few words, I beg to support.

Mr. Godia: On a point of order, Mr. Speaker, in view of the fact that these changes are overdue and in view of the fact that there is very little we can say to criticize these changes, and in view of the fact that the whole House supports the Attorney-General's action in these amendments, I propose that the Mover be called upon to reply.

The Speaker (Mr. Slade): It sounds as if you have the support of most Members of the House, Mr. Godia, but I think it is a little premature. We have here some hundred amendments of different laws of the country and I think it is possible that half a dozen Members are interested in at least one of these amendments. I must just wait a little longer, I think, to see whether we are unfairly cutting out any Member by the closure at this stage.

Mr. Mbogoh: Mr. Speaker, Sir, in supporting this amendment, I wish to draw the attention of the Attorney-General to a few facts which, I think, if followed, would help the law to work properly. Mr. Speaker, if the interpretation of this law—

POINT OF ORDER

DISCUSSION OF AMENDMENTS AT SECOND READING

Mr. Shikuku: On a point of order, Mr. Speaker, I am just seeking your guidance. If any Member had any amendments at all or if he disagreed with a clause in the amendments, is it possible during this discussion to suggest such amendments, and if so, will the Attorney-General include them? If it is not so, will it be of any use if we contributed, airing our views as to our dislike of one clause or another in this very amendment? Is there any hope of amending anything here which has already been amended, which the Attorney-General can finally include in the law?

The Speaker (Mr. Slade): Oh, yes, Hon. Members are aware that any Bill, whether it is a principal new substantive legislation or a Bill for

the amendment of the existing law, can be amended at the Committee stage, the only exception being a Bill for amendment of the Constitution. It is quite common practice to suggest possible amendments of the Bill before the House in the course of the Second Reading, so as to give the Government time to consider that, although basically, details should be discussed more in the Committee stage. However, there is no reason why an hon. Member in this Second Reading, apart from suggesting amendments of the amendments of the law now proposed, should not say that they oppose the proposed amendment altogether, and that is properly said on the Second Reading.

(Resumption of debate)

Mr. Mbogoh: Sir, this amendment is very important to the bush lawyers because in most cases they could not find enough material to practise their law on. Some of them, in fact, have been given a very big blow because they have been going round preaching to the people that Kenya law has so many loopholes and it has so many discriminations against Africans. Now that the Attorney-General has found it important to bring this to the House for the betterment of the African people, I think it is high time the Attorney-General considered amending many clauses in our law which usually make Africans suffer instead of giving them enough time to defend themselves.

Mr. Speaker, you find that the interpretation of the law is sometimes left to the illiterate police officers, and I do not think that is the right thing to do—

The Speaker (Mr. Slade): Now, now, Mr. Mbogoh, I think you are forgetting what I told Mr. Jahazi, are you not?

Mr. Mbogoh: I will leave that, Mr. Speaker, and put it that if this law is properly interpreted, then it will be quite fair for everybody without any discrimination. Mr. Speaker, for example the removal of the Produce Act has made very many people suffer, especially in my area, during the famine relief, because everybody interpreted it differently. If somebody had a few bags of maize from his *shamba* and when he was removing that to take to his house he was arrested, you found that he was charged. He lost that maize to the policemen, and never got it back.

So I think the interpretation of such law is very important. It must be able to give people a chance to take their produce from their *shambas*, if they are not living near their *shambas*. Again, when somebody went to sell to the market, the food that he is going to sell, the produce, is also confiscated because he is removing it from one

[Mr. Mbogoh]

district to another, though it is within the district where he is living. I think, Mr. Speaker, this should be specified as to exactly how the removal within the district can be done. It is very difficult sometimes because, for example, in Machakos and Kitui, there was a great famine, and people used to come and work in our *shambas* and then they would be given a few *debes* of maize and when they put these on the bus to take home, it was confiscated and these people were left to die without food while they had worked for that food for quite a long time. So, Mr. Speaker, I think that although we have this law specified, it has not gone far enough to assure those people who are hungry that they can go and get a certain amount of food from another district without being victimized by the wrong interpretation of this law.

Mr. Speaker, I do not want to criticize anything on other clauses except that the Attorney-General did not explain the Asian widows' pension part of it, and I was interested to know exactly how that had been dealt with, because it has often made hon. Members here very angry to find there are Asian widows who can be given separate pensions, and African widows differently, and European widows differently, and we do not know who are getting more than the others. Most likely the Africans will receive the lowest. So, Mr. Speaker, I think that one also needs a lot of explanation.

The other part, Mr. Speaker, is the one concerning the power of local authorities. It has been brought to my notice quite a number of times that a local authority could have a by-law and then send it to the Minister for approval. The Minister could look into this and approve it, but some of the high officials of the local authority would sometimes go to the Minister and change that without the knowledge of the local authority concerned, and I thought that this should be dealt with properly, instead of giving some officers higher powers and greater authority than the local authorities themselves to the benefit of these officers—

The Speaker (Mr. Slade): Mr. Mbogoh, you are dealing with amendments proposed by this Bill are you?

Mr. Mbogoh: Yes, the same amendments, Sir.

The Speaker (Mr. Slade): But which particular amendment are you talking about now?

Mr. Mbogoh: I have only taken it generally so I will not go very far.

Mr. Speaker, I think the Attorney-General could help us very much by interpreting very

much more than that because some of us will not go very far being bush-lawyers, as we are not as qualified as he is.

Mr. Speaker, I support.

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

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am obliged for the comments which have been made by hon. Members who have spoken, but I am sure that the hon. Members have realized that most of the amendments here are technical, and I dare say that is why some of our hon. Members who never miss an opportunity to make contributions to Bills in this House have appeared to be mute this afternoon, as far as this Bill is concerned. It is not a criticism, Mr. Speaker, it is a commendation on the hon. Members.

Mr. Speaker, it is a pity that my hon. and learned friend, Mr. Wariithi is not here, I would have told him and assured him that I have no intention of banning comics which I assume he is interested in, or some of the other horrible things that some people read. What I did say is that what the Government does not wish to see in this country, and I want to repeat this, is scurrilous and derogatory matters which sometimes are being distributed in this country without regard to maintenance and security of this country. Articles sometimes which are intended to attack this country, or printing materials which are intended to bring about conflict between the citizens of this country. This sort of printing materials we do not want in this country, and the intention of this Act is to discourage people who bring in those sort of articles.

As regards to what the hon. Mr. Mbogoh has said about the movement of produce, it is a complicated legislation. Sometimes the police do make mistakes, it was very difficult during this last period when there was a shortage of food, and people were obliged to move produce from one area to another, but I did give instructions to the police that if a person is moving two bags of maize, or two bags of whatever it is, then the law should not be enforced in those circumstances, and I am sure that the police are trying to do all they can to see that the law is obeyed. But, of course, the last person to determine whether a person has committed an offence is not the policeman but the courts.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)**[The Speaker (Mr. Slade) left the Chair]*

IN THE COMMITTEE

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

THE GENERAL LOCAL LOANS (AMENDMENT) BILL

Mr. Shikuku: On a point of order, Mr. Chairman, I seek your ruling on this because I remember that at the Committee stage yesterday, we moved a Motion to the effect that discussions on this Committee be suspended until the following day with the hope—

The Chairman (Dr. De Souza): That is another Bill, I am afraid, Mr. Shikuku.

Mr. Shikuku: Oh, I am sorry.

The Chairman (Dr. De Souza): That is the next Bill to come up.

*(Clause 2 agreed to)**(Schedule agreed to)**(Title agreed to)**(Clause 1 agreed to)*

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Chairman, I beg to move that the Committee report to the House its consideration of the General Local Loans (Amendment) Bill and its approval thereof without amendment.

*(Question proposed)**(Question put and agreed to)*

THE NATIONAL HOSPITAL INSURANCE BILL

Clause 8

The Chairman (Dr. De Souza): As the hon. Members will recall we were, in fact, considering this yesterday, and we had, I think, reached clause 8, when an amendment was moved that consideration be suspended to another day. This being the next day it has obviously to come on the Order Paper, and it is for hon. Members of the House to decide what to do with it. I see the Minister is not here, but it is for the House to decide.

Mr. Shikuku: Mr. Chairman, although the Minister is not here, the main reason for having moved that Motion yesterday was because I wanted the inclusion of the word "wives" instead of "wife". Today looking at the very Bill, all we have received, Mr. Chairman, is further amendments to the Bill, but the word "wives" has not been included. It appears that the Minister has completely ignored the wishes of the House, and in order to teach the Minister some sense, I am of the opinion, Mr. Chairman, I do not know

whether I will be allowed to move it again, that the whole business is again—I am wondering if I could go ahead and move?

In view of the fact that the Minister has intentionally gone against the wishes of the people in this House, representatives of the people here, and instead he gave us further amendments to the very Bill, shows that the Minister does not want to co-operate with Members of this House. Therefore, Mr. Speaker, I being one of the people who passed Sessional Paper No. 10, which I hold up here, may I refer the Minister in question to page 3, of African Socialism, clause 9, almost the last paragraph, where, and I quote—"In fact traditional leaders were regarded as trustees whose influence was circumscribed both in customary law and religion." Now, if the Minister can tell me what our customary law is, or what we mean by customary law, then he should include the word "wives", when one pays a certain number of cattle and he receives a wife, and the next time receives another one. This is customary law. If the Minister who passed this Sessional Paper No. 10 does not want to adhere to this, what we passed here, then what does he think Members of Parliament are? We are not going to be used as persons coming here, not knowing what we say. Mr. Chairman, on page 4, clause 11, which I quote—"Mutual social responsibility is an extension of the African family. . . ." The operative words, Mr. Chairman, are "African family". "The family spirit to the nation as a whole, with the hope that ultimately the same spirit can be extended to ever larger areas". Where we regard African Socialism, we can extend the family and we could have one, two, three, four, five or even ten women, and thereby build the nation. Mr. Chairman, I am going further, if you look on page 5 of the Sessional Paper No. 10, I hope the Assistant Minister is doing so, you will find under clause 15, under the heading Adaptability, which reads "African Socialism must be flexible because the problems it will confront and the incomes and desires of the people will change over time, often quickly and substantially".

Mr. Chairman, this has to be flexible and that is why we say this Bill we are trying to do cannot be made so stiff. Under this clause here, we talk of flexibility, and that is why we are trying to make this Bill flexible by including the word "wives" instead of "wife". Therefore, Mr. Chairman, I think the Minister has ignored—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, is it in order for hon. Members to keep standing next to the speaker?

An hon. Member: You are.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, but I am raising a point of order. I am sure hon. Members would not want me to raise a point of order while I am sitting down.

The Chairman (Dr. De Souza): You are quite right, Mr. McKenzie. I can only think that they were being a little presumptuous, believing that Mr. Shikuku was sitting down.

Mr. Shikuku: I shall not be a long time, Mr. Chairman. My one last point is this. In section 15, page 5, it says, "No matter how pressing immediate problems may be"—I repeat, Mr. Chairman—"no matter how pressing immediate problems may be, progress toward ultimate objectives will be the major consideration—"

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, is it in order for the two pro-wives to be sitting close to the hon. Member who is speaking?

The Chairman (Dr. De Souza): The two what?

The Attorney-General (Mr. Njonjo): Pro-wives.

Mr. Shikuku: Mr. Chairman, I think the president of the bachelors' club will give me a chance and let me just carry on. I am only trying to make a law for him in future.

Mr. Chairman, this clause says, and I repeat, "No matter how pressing immediate problems may be, progress towards ultimate objectives will be the major consideration. In particular, political equality, social justice and human dignity will not be sacrificed to achieve more material ends more quickly."

Mr. Chairman, I feel here is a problem which cannot be just passed on because we want to achieve something immediately, because we want to amalgamate the Europeans, the Indians, the Arabs, and so forth, and therefore we must hurry up and leave out the word "wives". Mr. Chairman, I object to that sort of appeal by the Assistant Minister, that we have to hurry up. We are hurrying up to go where: heaven? No. Therefore, I say the word "wives" should be included and I would like to tell the Minister, in no uncertain terms, that I will oppose this Bill, and the Members of this Parliament, who represent the people in this country and who have more than one wife, will have the right to have those wives and also to look after them.

I would recall, Mr. Chairman, there was a time when we were talking about income tax which is only confined to four children. This is also against African Socialism because we do not restrict our children—

The Chairman (Dr. De Souza): You cannot discuss that now, Mr. Shikuku.

Mr. Shikuku: Therefore, I feel the word "wives" must be included, and if it is not included, it will be a violation of the very document, Sessional Paper No. 10, which we passed in this House, and I am not going to be a party to that unless it includes "wives". By forcing people to have one wife, Mr. Chairman, the Minister is indirectly refusing the freedom of the Africans to have more than one wife, and asking them to marry one wife and forcing them to be Christians if they do not want to be so. We feel that since Kenya is an independent State, anybody can marry as many women as he can and let all enjoy the benefits of this hospital insurance.

With these few remarks, Mr. Chairman, I beg to move that the discussion on this Bill be adjourned again until the inclusion of the word "wives" is made.

(Question proposed)

The Assistant Minister for Health (Mr. Matano): On a point of order, Mr. Chairman, I am sorry I was not here when the discussion started, but I wonder whether it is still in order at the moment to try and alleviate some of the fears that have been expressed by the hon. Members?

The Chairman (Dr. De Souza): You can speak if you want to, certainly.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, the hon. Assistant Minister is now, in fact, taking up some other peoples' times. I saw some other people standing up—when he was still sitting down—who wanted to talk.

The Chairman (Dr. De Souza): But I think as he is the Government Minister and if he wants to speak now, I will give him priority, but he obviously does not.

An hon. Member: You put the question.

The Chairman (Dr. De Souza): No, I have proposed it; I did not put it. I only proposed the question.

Mr. Jahazi: Mr. Chairman, Sir, I would like to support the proposer, the hon. Mr. Shikuku, very strongly, because the Government seem to be very confused on this question. They are pretending to be African on one side and Christian or Roman Catholic on the other side and not Muslim at all on the other side. Mr. Chairman, Sir, we say that our Government is guided by Sessional Paper No. 10, which is the Government's bible.

POINT OF ORDER

REPETITION

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, this is exactly what we heard the hon. previous speaker say, and this is just straight repetition of what was said. I wonder if you could give your ruling whether the hon. Member could not be told to bring forward some new evidence to attack Government with, not the same evidence as the previous speaker?

The Chairman (Dr. De Souza): That is a good point of order. Mr. Jahazi, in fact, the point here is that we do not really want to get into another debate. You know we had a very lengthy debate yesterday on this clause and then we had a very lengthy debate on the question of the amendment, but if the Government speaker does want to reply, I will put the question as soon as he has finished.

Mr. Jahazi: Mr. Chairman, I object to a certain Member planting himself as the Chairman's adviser in this House.

The Chairman (Dr. De Souza): Order! Order! That is my ruling, it is not Mr. McKenzie's. He is entitled to raise a point of order, but once he has raised it and I have accepted it, it is my ruling. So do not repeat what has been said. In fact, a great deal was said yesterday on exactly the same points. Do not repeat everything.

Mr. Jahazi: Mr. Chairman, Sir, this is not our fault. When we object to something and the Government comes back with the same thing we objected to, without even giving reasons, they are expecting us to fight the whole issue all over again. I do not see why we should be blamed. I forgot what we said yesterday, but the Government has brought the same paper back, as it was, and now we are going to attack it from the very beginning to the end.

The Chairman (Dr. De Souza): I think you are entitled to do so, so long as you do not repeat everything you have said yesterday, or what Mr. Shikuku has said. You can make the point now that the Government has brought it without any amendment; I do not think you have to repeat everything that was said yesterday.

Mr. Jahazi: Mr. Chairman, I have no intention of repeating what Mr. Shikuku said or what was said yesterday, for that matter.

(Resumption of debate)

Mr. Jahazi: Mr. Chairman, Sir, we—

The Attorney-General (Mr. Njonjo): Who is, "We"?

Mr. Jahazi: We, the polygamists. Mr. Chairman, Sir, we, the polygamists who intend to be more polygamist than we are, oppose very strongly the exclusion of religious and African traditions from the Kenya laws. Mr. Chairman, Sir, as a Muslim—this is not repeating—I am entitled to four wives; four wives, not one, not two, not three but four. I am entitled to four by the law of this land. Mr. Chairman, Sir, this Bill excludes—if I am intending to marry four wives—the other three wives, and it strikes at the foundation of the whole marriage institution, because out of all our wives we are told to pick one. Which one? Which of the four wives am I told to pick? Mr. Chairman, Sir, the Assistant Minister said yesterday that we can have all the dependants, we can have all the children of the second wife, but not the second wife. Of all the people, does it mean to say that the second wife will always be sick, that always she will be a burden to this fund? Why should she be excluded from this Bill?

Mr. Chairman, Sir, we, the polygamists, and their representatives here, are determined to block this Bill. The Assistant Minister always says he sympathizes with us—perhaps he has some self-interest in the Bill—but we say that whether he sympathizes with us or not, we are not going to pass this Bill, unless we see the word "wives" instead of "wife".

Therefore, Mr. Chairman, I beg to support and there is no need for further talk. We can vote.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie) Mr. Chairman, Sir, I find myself in very great difficulty in this matter because, representing and being involved with the farmers of the country, I feel that a lot of sense has been said by the last two speakers. Most of the farmers have more than one wife and we need to have more than one wife for them and more children, so that they can help on the properties.

So I would ask the Assistant Minister to give this due consideration, but, naturally, if he does turn it down, then I must take the Government Whip and will support the Assistant Minister.

The Assistant Minister for Health (Mr. Matano): Mr. Chairman, I would not like to repeat what I said yesterday. However, I would like to add just one point to remove the fears of the hon. Members.

Mr. Chairman, we were just at the beginning of this Act and we reached clause 8, but if we go further in this Act, in some of the paragraphs that we are going to discuss Members will find that an advisory committee will be formed almost

[The Assistant Minister for Health]

immediately. Mr. Chairman, this advisory committee will advise the Minister as to how this Bill can be put into operation, and therefore their recommendations will be considered very seriously by the Minister. I would like to quote here some of the sections that we shall consider later on, but for the sake of clarification I think I should quote some of them.

On page 70 of this Act, it says, "Part V—National Hospital Insurance Advisory Council". As to the duties of this advisory council, it says in subparagraph (3):—

"(3) The Minister may from time to time refer to the advisory council for consideration and advice such questions relating to the operation of this Act as he thinks fit (including questions as to the advisability of amending this Act)."

Therefore, Mr. Chairman, the door is still open. If, the moment this Act is put into operation, cases come up of hardship because we have only included one wife, this advisory council will be able to advise the Minister as to how best it can be put into effect.

Mr. Chairman, there is also another point which I would like to bring to the notice of the Members. Members may be interested to know what the composition of this advisory council is. In the Schedule of this Act, it shows quite clearly that "at least four shall be persons appointed to represent contributors to the National Hospital Insurance Fund;". If contributors are going to be represented, I think some of these contributors are going to be polygamists and they will face this problem. Surely, Mr. Chairman, they will be able to bring this problem to the Minister and the Minister will be able to—

Mr. Chairman, if only hon. Members would be quiet and allow me to explain my point.

The advisory council is in a position to try and go into the whole question. Therefore, Mr. Chairman, the law is flexible. The hon. Mr. Shikuku said that this law is not flexible. I am trying to show that it is flexible. There will be an advisory council which will be able to advise the Minister, and if there are any cases of hardship, whereby more wives should be included, the advisory council will be there to advise the Minister.

So I do not see any fear at all in passing this Act. I hope hon. Members will really support this, to enable the Act to go through.

The Chairman (Dr. De Souza): I will now put the question. It is a procedural Motion, whether, in fact, we are going to adjourn the debate or not, so there is no need to have a full-scale debate on this point.

(Question that the debate be adjourned put and agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, I think you took the vote when we were not a quorum.

The Chairman (Dr. De Souza): It is a bit late now.

(The House resumed)

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

QUORUM

Mr. Balala: On a point of order, Mr. Speaker, I wonder if we have a quorum.

The Speaker (Mr. Slade): No, we have not, but I do not think it makes any difference because if we no quorum within a certain time, we adjourn, and I think we are going to adjourn anyhow, are we not? I think we might as well just hear the Report from the Committee.

REPORT AND THIRD READING**THE GENERAL LOCAL LOANS (AMENDMENT)
BILL**

Dr. De Souza: Mr. Speaker, Sir, I have been directed by the Committee of the whole House to report its consideration of the General Local Loans (Amendment) Bill and its approval thereof without amendment.

The Speaker (Mr. Slade): Ah, sorry; well, we cannot deal with that without a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. I will call on the Chairman again to report.

Dr. De Souza: Mr. Speaker, I am directed by the Committee of the whole House to report its consideration of the General Local Loans (Amendment) Bill and its approval thereof without amendment.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Power and Communications (Mr. Masinde) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the General Local Loans (Amendment) Bill be now read the Third Time.

The Assistant Minister for Health (Mr. Matano) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, I had something to say on this Bill on page 100, the last paragraph but one, where it says, "The amount which can be borrowed will still be subject to the control of Parliament but this Bill will enable the Minister to act with greater speed and economy."

Here, Mr. Speaker, we do not know how much that amount which has been mentioned is going to be, and if it is going to be beyond what we can approve, I just do not know how the Parliament is going to control this when the Minister has already negotiated and probably signed. I was wondering if the Minister could enlighten me as to how we shall be able to control and what amount we have in mind which should be reported to us. That is all I had, Mr. Speaker, if the Minister could explain.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, this Bill really alters the procedure for borrowing. As regards the actual amount that will be borrowed, we will need the specific authority of Parliament to borrow. The point, Mr. Speaker, is that in the annual Appropriation Act, the Minister for Finance is normally given powers to borrow within Kenya. Up to now, Mr. Speaker, he has only been able to borrow through the issue of bonds and stock. What this Bill does do is to allow him a third way of borrowing, that is by negotiating a loan with any body or any institution, any finance house, that could lend in this country: in other words, a block loan, instead of issuing bonds and stock. He will therefore have three methods of borrowing.

In the Appropriation Act or in any other Act authorizing borrowing, the limit to which the

Minister may borrow is stipulated, and each time that there is an agreement over any loan, as the Members know, the whole agreement has to be brought to this House for ratification. So Parliament will retain the financial control of what is done, but the Minister will have more flexibility, greater freedom, and that is why we talk about speed and economy.

Mr. Speaker, Sir, I beg to reply.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

PROGRESS REPORTED

THE NATIONAL HOSPITAL INSURANCE BILL

Dr. De Souza: Mr. Speaker, I am directed by the Committee of the whole House to report progress in its consideration of the National Hospital Insurance Bill and beg leave to sit on another day.

The Speaker (Mr. Slade): It will sit on another day.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Friday, 10th June, at 9 a.m.

The House rose at Five o'clock.

Friday, 10th June 1966

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 155

COASTAL STRIP FARMERS: LOSS OF CROPS

Mr. Mwatsama asked the Minister of State, President's Office, whether he was aware that many Africans in the former Coastal Strip had lost their cashew nut, coconut and mango trees during colonial days without compensation. If so, was he now prepared to set up a commission of inquiry to investigate this matter and order the landlords concerned to compensate same?

The Speaker (Mr. Slade): I do not know whether Mr. Ngei is in a position to answer this, otherwise we will leave it.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I am not in a position to answer that.

The Speaker (Mr. Slade): We will have to leave it and hope that the Minister will come.

Question No. 127

IMPROVEMENTS TO DISTRICT COMMISSIONER'S HOUSE, MERU

Mr. Mate asked the Minister for Works how much money had been spent by Government on the recent improvements to the district commissioner's house at Meru, and when the work of building a new district commissioner's office at Meru would commence.

The Speaker (Mr. Slade): No Minister to answer that either?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. The sum spent on improvement of the district commissioner's house and guest house at Meru totalled Sh. 20,000. There is no plan, at the moment, for building a new district commissioner's office at Meru.

Mr. Mate: Mr. Speaker, Sir, would the Minister tell this House when that Sh. 20,000 was spent? I want to know the date. When was it done?

Mr. Ngei: Mr. Speaker, Sir, I am not in a position to reply to that one, but the Member wanted to know the money which was spent on the improvement of the house and I have said it is Sh. 20,000.

Mr. Mate: Mr. Speaker, Sir, in my question there is an English word "recent". Would the Minister read the word "recent" and give me the date?

The Speaker (Mr. Slade): No, he said he cannot give you the date, and in fact you did not ask the date in your question; your question implied that you knew the date. I do not think you can expect this of the Minister.

Mr. Mate: Mr. Speaker, Sir, in view of the earlier reply by the Minister, would the Government consider improving the district commissioner's house in Meru, because it is too old, and the office is too old? Will the Government consider that?

Mr. Ngei: Mr. Speaker, Sir, as far as I know, the House is quite habitable and there is no use wasting public money to refurbish the house.

Mr. Mate: Mr. Speaker, Sir, I refer to the office. Would the Government consider the district headquarter's office?

Mr. Ngei: Mr. Speaker, Sir, the Government will consider the office, if the Government finds that the office accommodation is not adequate. At the moment, the office is quite adequate; it is a very good office for the district.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's earlier reply, bearing in mind that he is doing nothing to the Meru office because it is an old-established office, could the Minister consider allocating money to improve the offices of the district commissioner in Busia, which is a new district, rather than Meru, which is very old?

The Speaker (Mr. Slade): No, that is another question.

Question No. 128

CONSTRUCTION OF KAZITA BRIDGE

Mr. Mate asked the Minister for Works to tell the House how much money had been set aside for the construction of the new Kazita Bridge at Meru, and also, for the realignment of the Meru to Nkubu Road.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of the Minister for Works, I beg to reply. I am happy to inform the hon. Member that £21,000 has been set aside, so far, for the construction of the Kazita Bridge and approaches at Meru. In addition, I hope to find about a further £4,000 for the bituminization of this length of road bringing the total project value to £25,000.

[The Minister for Housing]

The Development Plan indicates that £120,000 may be provided during the planning period, for improvement work on the whole Ena River-Nkubu-Meru Road. This will be allocated according to need over the whole length of the road when detailed survey work, which is now in progress, has been completed.

Mr. Mate: Mr. Speaker, Sir, arising from the Minister's reply, since the work has been started—that is, from Meru towards Nkubu, which is coming to Chuka—will the Minister assure this House that the survey will not stop, because people in Meru think that the Government are going to stop it very soon?

Mr. Ngei: Mr. Speaker, the Government does not act on rumours; the Government has plans which are laid down and which are carried out. The fast progress of the Government has been indicated in my reply when I said that £25,000 has been set aside for building this road.

Question No. 113

ELECTRICITY SUPPLIES IN WESTERN PROVINCE

Mr. Ochwada asked the Minister for Power and Communications to tell the House whether his Ministry had carried out any survey to determine the demand for the supply and consumption of electricity in the remaining townships and rural areas of the Western Province. If so, what had been the results.

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. I am happy to inform the hon. Member that investigations into the feasibility of providing electricity supplies for the following places have been carried out: Bungoma: Malikisi, Broderick Falls, Mumias, Misidhu, Lugulu, Bokoli, Chwele Kibabii, Kimilili, Nambare, Ndere, Butere, Luanda, Chavakale, Khayega, Mudete, Sabatia, Margo, Musasa and Cheptulu Markets.

As a result of this investigation, developments at Chavakali and Khayega are being planned. Other places near to the recently constructed lines to Kakamega and Kaimosi will be investigated soon.

Some of the places listed above have potential as economic electric power consumers and might become viable propositions if substantial industrial development were to come about in the area. Unfortunately, none of the places listed is viable by itself. Most of them are scattered over a wide area and, collectively, would need a very expensive system of inter-connected transmission lines which economics of the venture could not justify.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Minister's reply, in which he says that it would need a very wide network to cover all the areas that he has listed as having been surveyed, and realizing the fact that electricity is a vital item in the economic development of any given area, is the Ministry prepared to forego the high costs by subsidizing the cost of electrifying the surveyed areas in order to enable the people of the Western Province also to bring economic development in the area to the level of Central and Rift Valley Provinces?

Mr. Mwendwa: Mr. Speaker, it is a very good suggestion that the Government should subsidize the consumption of electricity, but I want to inform the Members that it is also the wish of Government that electricity should be spread as widely as possible, not only to this area but to other parts, but, at the moment, the Government has no funds. However, Mr. Speaker, again I want the hon. Members to realize that electricity will be spread, not only to the areas which I have mentioned here but to other parts when our Kindaruma project is finished.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister not agree with me that, Western Province being a highly agricultural province, power in that area is very essential for industrial development, because, without power, industrialization of the province cannot take place?

Mr. Mwendwa: Mr. Speaker, I do agree with the Member that electricity in Western Province is very important, and that is the reason why investigations have already been carried out.

Mr. Shikuku: Mr. Speaker, the Minister agrees with the question put by the hon. Member for Trans Nzoia, Mr. Muliro, to the effect that power is required, but he tends to say that it is because of money. Is the Minister aware of the fact that we cannot progress in that part of the world and it should be given preference, because it is the granary of Kenya? All food in Machakos and everywhere comes from that area, and it should get preference as it is the granary of Kenya.

Mr. Mwendwa: Mr. Speaker, I agree with the first part of the question, that Western Province should have electricity as soon as possible, because of the agricultural development, but I do not agree with the second part which says that every bit of food which comes to Kitui and Machakos comes from Western Province, because that is not correct.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Minister's original and supplementary replies, can the Minister then give this House an idea

[Mr. Ochwada]

or assure this House that when the Kindaruma project is ready to start supplying electricity—I do not know when it is going to be ready—when it has started supplying electricity, the Western Province will be given priority number one in the extension of electricity to all other areas?

Mr. Mwendwa: Mr. Speaker, Sir, I have been told that, by the end of 1967, electricity will start flowing from our project, but I think the hon. Members do also realize that once we get the electricity coming out, then some time will be required to put up pylons from Kindaruma to Western Province, which may very well take another six months or so.

The Speaker (Mr. Slade): I think you were asked, Mr. Mwendwa, whether in that event you were prepared to give the Western Province priority number one.

Mr. Mwendwa: Mr. Speaker, Sir, it is very easy for me to ask the experts to give priority to the Western Region, but it will depend entirely on their studies.

Question No. 134

AMENDMENTS TO THE SOCIETIES RULES

Mr. Ngala-Abok asked the Attorney-General if he could tell the House whether he was aware that he had promised last year in this House to bring societies and political organizations under the same law and rules as the trade unions. If the answer was in the affirmative, would the Attorney-General bring in immediate amendments to the laws of Kenya to effect this proposal.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague, the Attorney-General, I beg to reply. It is intended to amend the law in respect of the registration of societies, so as to provide for stricter control. This includes political organizations. The drafting of the necessary Bill is at an advanced stage and I shall, in due course, introduce it into this honourable House.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell us when it is going to be introduced, because the same promise was made last year and it has not been introduced so far?

Mr. Ngei: Mr. Speaker, Sir, a promise was not made but a statement was made in the House and I reiterate again that the Bill is at an advanced stage, and very soon it will be introduced into the House.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply given by the Minister, could he assure the House whether this law is going to be so rigid as to infringe the freedom of the workers to organize themselves?

Mr. Ngei: Mr. Speaker, Sir, it is very difficult to speculate on a Bill. It is the duty of the House, if they feel that there is too severe rigidity in a Bill, to reduce it to the degree of rigidity they like.

Question No. 135

FOREIGN AID FOR HOMA BAY TEXTILE INDUSTRY

Mr. Ngala-Abok asked the Minister for Commerce and Industry if he could tell the House which country was going to establish the Homa Bay textile industry which was to have been established by Russia but which had been rejected due to commodity credit difficulty.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Mr. Speaker, Sir, I beg to reply. I should, perhaps, recall to the hon. Member the answer which was given to him on 1st March, in reply to a question asked by him on the same subject. It was thus, "The establishment of a cotton textile factory at Homa Bay which was to be aided by Russia which was originally proposed for 1965/66, has now been deferred indefinitely by an agreement between the Kenya Government and the United Soviet Socialist Republic Government." It is one of the main loan credit projects in respect that they pay for the establishment and it was left open at the pleasure of our Government. The market survey for the textile products to be manufactured in connexion with this project has revealed that the capacity already licensed by East African Industrial Licensing Council is just about adequate for the period up to 1970.

Therefore, Sir, the Government thinks that, until the marketing situation improves, the project will not be viable at the present time. The hon. Member will, therefore, see that it is not correct to say that the establishment of this textile industry by Russia has been rejected. It depends on the economic factors now obtained in the textile factory as a whole. The Government of Kenya will review the market of textile products from time to time with a view to ascertaining when a viable textile factory could be established. Since the establishment of the project has only been deferred, it is still the Government's hope that, at a time when it becomes economically possible to have it established, the United Soviet Socialist Republic Government will still be willing to help fulfil this intention.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister assure me that this double talk is not helping this House or my constituency at all? Will the Assistant Minister also tell me whether the United Soviet Socialist Republic are still willing to fulfil the particular establishment of this industry or not?

Mr. Kerich: Mr. Speaker, Sir, it is written here, and I have just said, that the United Soviet Socialist Republic Government is willing to fulfil this intention when the internal consumption of these products manufactured by this textile industry expands.

Mr. Ngala-Abok: Mr. Speaker, Sir, what is the Government's expansion plan for this particular textile industry?

Mr. Kerich: Mr. Speaker, Sir, I have already said that the Government is reviewing the market. Also I would like to urge the Member to encourage his people to buy more material so that on the whole the consumption in this industry could be expanded.

Mr. Muliro: Mr. Speaker, Sir, would the Assistant Minister not agree with me that since countries which require investment are competing together, the Russians, because of the delay by the Kenya Government to establish this Homa Bay industry, might and could well invest their money elsewhere rather than in Kenya?

Mr. Kerich: While replying to the hon. Member who has specialized in trying to tantalize the new Assistant Ministers, Mr. Speaker, Sir, I would like to tell him that the Government is in touch with the United Soviet Socialist Republic Government and also the Government is doing its best to expand the market for these products to be manufactured by this textile industry.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the Government is in touch with the Russian Government, with regard to this particular project, can he tell the House what the difficulty is if the Government is in touch with the United Soviet Socialist Republic Government?

Mr. Kerich: Mr. Speaker, Sir, I would like to tell the Member that the internal production of the textile is consumed. The Kenya Government consumes ninety-one million square yards of the products, Uganda seventy-seven and Tanzania 177. Therefore, Sir, the Government finds it difficult to encourage this textile industry to be established at this time.

Mr. Kamuren: Mr. Speaker, Sir, arising from that reply, and since the Kenya Government is consuming so much, will the Assistant Minister

tell the House why his Ministry has not tried to find out where such textiles would be taken by other foreign countries?

Mr. Kerich: Mr. Speaker, Sir, I think the question is irrelevant and the hon. Member is trying to lead me astray.

The Speaker (Mr. Slade): I do not think it is, Mr. Kerich, because you, yourself, referred to the study of markets in your reply.

Mr. Kerich: Mr. Speaker, Sir, if the hon. Member was listening, I said that the Government is reviewing the position of the market, both internally and externally.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 135:
FOREIGN AID FOR HOMA BAY TEXTILE INDUSTRY

Mr. Ngala-Abok: Mr. Speaker, Sir, on a point of order, if you would allow me to put the Minister right, I would like to raise this matter on adjournment because there is confusion arising.

ORAL ANSWERS TO QUESTIONS

Question No. 155

COASTAL FARMERS: CROP LOSSES

Mr. Mwatsama asked the Minister of State, President's Office, if he could tell the House whether he was aware that many Africans in the former Coastal Strip had lost their cashew nut, coconut and mango trees during the colonial days without compensation. If the answer was in the affirmative, would he be prepared to set up a commission of inquiry to investigate this matter and order the landlords concerned to compensate the same.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Mwatsama: Mr. Speaker, Sir, is the Minister aware that there was a time when these Africans were refusing to plant coconut trees and cashew nut trees and that the Government had to take action against them?

The Speaker (Mr. Slade): I think, perhaps, Mr. Nyamweya you could clarify that. There were two questions here actually. The first one was whether you were aware and the second one, if that was so, if you would do something. Which question were you saying "No" to?

Mr. Nyamweya: Mr. Speaker, Sir, I can certainly clarify the position. As to the question whether the Government is aware that many

[Mr. Nyamweya]

Africans in the former Coastal Strip had lost their cashew nut, coconut and mango trees during the colonial days without compensation, it is almost impracticable and impossible for the Government to know how many mango trees the people at the Coast Strip have lost. There is no registration of mango trees, cashew nuts or coconut palms or trees of such a nature.

If the alleged loss occurred as a result of some criminal acts of the other people, then it is proper that the aggrieved party has the right to take the complaint to the courts and claim compensation. Alternatively, he can report to the district commissioner whose instructions are to assist in every way to defend the weak by carrying out investigations and recommending action to the Government. There is no need for a commission of inquiry into this.

As to the question of the Government compensating the people who have lost their mango trees, Mr. Speaker, Sir, if it is the intention of the question, or the hon. Member, to make the Government accept the responsibility for the actions of the former Colonial Government, then the Government will not entertain such claims or accept the responsibility.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, to the effect that the Government would not accept the responsibility for compensating these people, could the Minister assure the House that this being a nationalist Government, the Government of the people, it is his responsibility and the Government's responsibility to restore all the farms that were taken with the coconut and mango trees of these people and give them back to them and apologize on behalf of the colonialists?

Mr. Nyamweya: Mr. Speaker, Sir, the present Government does not carry vicarious liability of the criminal activities of the people in the colonial régime. I think, Sir, the hon. Member for Butere must be patient and keep his seat warm while I finish.

Mr. Speaker, Sir, the Government cannot accept the responsibility for the trees, if any, which were destroyed or lost during the colonial rule. The difficulty of compensation here is that when you speak of "compensation", you must be in a position to ascertain the value of the property or the subject matter which is to be compensated for. The difficulty here is that it would be impracticable to establish the value of the property or the subject matter which the hon. Member wishes the Government to compensate.

Mr. Muruli: Mr. Speaker, Sir, is the Minister aware of any circumstances where people living at the Coast have lost their cashew nuts, coconut and mango trees?

Mr. Nyamweya: Mr. Speaker, Sir, I have already dealt with this particular part of the question. I said that it is almost impossible to know how many trees have been destroyed or lost in the Coast Province.

Mr. Tuva: Mr. Speaker, Sir, do we understand that what is involved in the question the problem of these trees, do we then take it from the Minister that he is replying on behalf of the ministerial sub-committee?

The Speaker (Mr. Slade): I think you will have to repeat your question, Mr. Tuva.

Mr. Tuva: Mr. Speaker, Sir, when Mr. Mwamzindi spoke on a Motion concerning the Coastal Strip, in his reply the Minister told him that it was the duty of the ministerial sub-committee which was appointed by the President to study the problems of the Coastal Strip concerning all these people in the Strip. Do we, therefore, take it from the Minister now that he is replying on behalf of the ministerial committee?

Mr. Nyamweya: Mr. Speaker, Sir, I am a member of the Cabinet Ministerial Sub-committee on this and, according to our terms of reference. I cannot recollect that we were requested to ascertain the loss of coconut trees. What the sub-committee is studying is very different from what is being asked in this question.

Secondly, Mr. Speaker, Sir, the hon. Member for Malindi should know that I am replying on behalf of the Government.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

KARURA FOREST WORKERS: SETTLEMENT

The Speaker (Mr. Slade): Hon. Members will recall that last Tuesday Dr. De Souza was to have raised on the adjournment the matter of the forest employees at Karura. He was prevented from doing so by the premature adjournment of the House for lack of quorum. So, I have fixed that he will raise that matter on the adjournment next Tuesday.

I think Mr. Khaoya you wish to withdraw your Motion on the Order Paper today. Would you like to tell the House your reasons for doing so?

PERSONAL STATEMENT

WITHDRAWAL OF MOTION: RELEASE OF ELIJAH MASINDE

Mr. Khaoya: Mr. Speaker, Sir, I wish to confirm my intention of withdrawing my Motion, Order No. 8. While saying this, I would like to mention that there is no happier man than myself. Only yesterday, when I was driving from Busia District, I heard over the radio that our beloved Government had released Elija Masinde—in fact, the President had done so—and I am very pleased indeed because of this. I am quite sure that this is a clear demonstration that, in this country, we have a Government of men who are prepared to understand the problems of other men.

With these few words I would like to wish our Government well and would like to say, "Long live the President".

The Speaker (Mr. Slade): Mr. arap Soi, perhaps before you begin, you might like to learn who is going to speak for Government on this Motion, because you will want to speak towards him possibly. The Attorney-General informed me yesterday that he was going to be unavoidably absent but that he would ask another Minister to deal with the debate on his behalf. It is Mr. Ngei.

Mr. Muruli: On a point of order, Mr. Speaker, I would like to know from you whether according to the Motion, Order No. 8, which asks that *Diniya Misambwa* should be registered, whether it has, in fact, been registered?

The Speaker (Mr. Slade): No, the Motion has been withdrawn and the reason given by Mr. Khaoya is that Mr. Masinde has been released. He says nothing about the registration of his religion.

POINT OF ORDER

RAISING MATTERS UNDER STANDING ORDER 14

Mr. arap Too: I wonder, Sir, whether I would be in order at this stage to raise a matter of national importance? This, Sir, concerns the statement which I saw in yesterday's paper, made by the Minister for Finance, that many teachers in the country are anti-Kanu. I would like to know whether you would allow me to raise this matter under our Standing Order 14.

The Speaker (Mr. Slade): No, I am afraid I could not allow that. As hon. Members realize, the case for application under Standing Order 14, that is, interruption of all business of the House for a Motion of adjournment to discuss a matter, only exists where there is, in the opinion of the

Speaker, a matter of definite urgent public importance. He has to be satisfied that it is both definite and urgent, and then he usually leaves it to the House to judge by the measure of their support whether it is really of public importance. Well, this statement is far too indefinite to be appropriate for this procedure. I am afraid I could not allow it.

Mr. arap Too: On a point of order, Mr. Speaker, Sir, in this connexion, I would like to say something. Perhaps I should mention, Sir, that the statement said that many teachers were against our Government and the party. The statement was made by a Minister—

The Speaker (Mr. Slade): I understand entirely what you are referring to, Mr. arap Too. I saw the statement myself. However, I say it is far too indefinite to be the subject of an adjournment Motion under Standing Order 14.

POINT OF ORDER

MEMBERS ABSENTING THEMSELVES FROM THE HOUSE

Mr. Ochwada: On a point of order, Mr. Speaker, I rise to seek your guidance on this matter which I regard as very vital. We have amended the Constitution to the effect that when a Member wants to absent himself for more than eight days, he has to apply to the Speaker. I am not quite sure whether such an application could be read to this House or is it only up to the Speaker to decide to grant him permission or refuse him permission?

The Speaker (Mr. Slade): It is entirely the responsibility of the Speaker to decide whether or not to grant leave of absence, although he might, on certain occasions, be prepared to take the advice of hon. Members. However, it would not be right to raise in this House the desirability of a Member being given leave of absence or not being given leave of absence, unless it be by way of substantive Motion to criticize the refusal of the Speaker to give leave of absence in a particular case.

The actual application of the law is the Speaker's responsibility, of course; to check from time to time as to whether any Members have been absent from this House for more than eight consecutive days without leave.

I am inclined to think that that is the position at this moment, and it was only yesterday that I asked the Clerk to get a complete record of absences, so that, in an appropriate case, I may declare the seat vacant. That is, of course, subject to the overriding power of the President to exempt the Member concerned from the operation of the law.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, it has been the practice of some Ministers not to come to the Chamber. Are they also affected by this law, that Members who are absent without leave for more than eight days can be dismissed?

The Speaker (Mr. Slade): The law applies to every Member of this House.

MOTION

AMENDMENT TO THE TRESPASS ACT

Mr. arap Soi: Mr. Speaker, Sir, I beg to move:—

THAT this House urges the Government to introduce an amendment Bill to the Trespass Act (Cap. 294) with the purpose of deleting the whole of subsection (4) of section 12, which provides for the confiscation and sale of stock by order of a court.

Mr. Speaker, Sir, before I go on, I would like to explain my intention in asking the Government to bring this amendment to this particular law. I think the House must understand, especially the Members who may want to speak—as I am sure many Members will be interested in speaking on this Motion—that I am not actually asking the Government to repeal or abolish the whole of the Trespass Act. My question, Mr. Speaker, is to bring it into conformity with the standard of the Kenya people and African Socialism.

Now, this part, Sir, is completely irrelevant to African Socialism which we want to maintain at the present time. This law is very old. The Trespass Act contains some very good sections such as not allowing people to go on to somebody's farm where he can steal cattle or crops.

Mr. Speaker, Sir, I will read the part of the section which I would like deleted from the Act. Subsection (4) of section 12 of Cap. 294 reads as follows: "Where any stock is found grazing on private land in contravention of the provisions of this Act, the court may, in addition to imposing any other penalty, order that such stock be confiscated and sold and may direct that the proceeds of sale thereof or such part of such proceeds, as it may determine, shall be paid to any person appearing to be the owner of such stock: Provided that where no such direction is given or where the court directs that only a part of such proceeds be paid to the person appearing to be the owner thereof, the proceeds of sale or such part thereof as has not been directed by the court to be paid to the person appearing to be the owner thereof, shall be paid into the consolidated fund." Now, Mr. Speaker, Sir, this means any animal owned by any other person if it is found on somebody's farm is liable to be sold. In some cases,

according to this section, all the proceeds that accrues from the sale of the animals will completely disappear, will go to the Government. This will leave people very poor. I would like to mention to hon. Members that this has happened several times in Kericho District where there were some European farms, and these people arrested the cattle that had come on to their farms by mistake. Now, when the court heard the cases, most of all of the cattle—that was in 1964—were sold and the owners lost as many as even 200 head of cattle. According to the Kipsigis way of life they lost all their property and were faced with a calamity in consequence. They could not send their children to school because they had no money for the fees, they could not pay taxes. Over and above this, they were taken to court, fined and even imprisoned because they could not pay the fines.

Mr. Speaker, Sir, if this is deleted, it will not mean that if a person allows his cattle to enter another farm should not be fined. He can even be given some other form of penalty.

Another section, Mr. Speaker, of the Act provides for the penalty for the offences committed under this Act. Section 11 of the same chapter reads as follows: "Any person guilty of an offence under this Act for which no penalty is expressly provided for shall be liable to a fine not exceeding Sh. 500 or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment."

Mr. Speaker, if this is deleted, it still means that anybody who may allow his cattle to go and illegally graze in somebody else's farm, will be liable to a fine or imprisonment, and his animals will be left for his children to provide food for them.

Mr. Speaker, this is the difference of my intention. What I want is the Act to provide for a fine or imprisonment, and this is acceptable to our people and will agree with our African Socialism, because if Government allow this chapter on confiscation of cattle and sale of these animals, it means that they will sometimes have to provide food for these people because, Mr. Speaker, Sir, where it always happens is where the country, in this case, is very dry. For example, in Chebalung, where this happened in 1964, the place is dry; they cannot grow the other ordinary crops. They do not get any other source of income and what they do is to keep large herds of cattle and sell quite a number of them to relieve them from famine, to pay for their fees and taxes, and even to provide food: everything.

[Mr. arap Soi]

Mr. Speaker, Sir, I am not going to labour this very much because this is an Act which is well explained, the aims of which are well known. The Trespass Act is very old, but there are very good parts of it which will guard the people. For example, Mr. Speaker, under the same Act, for tampering with a fence or entering through a fence, the person is liable to a fine or he will be regarded as if he has committed a mistake. Mr. Speaker, Sir, this is something which is not even understood by our people, but they still regard the Act as if it was a colonial kind of thing where they wanted to destroy the wealth of an individual who may, by mistake, allow his cattle to graze on or pass through their farms. They do not mind anything that would happen to the owner of the cattle, but it was just something passed and nobody could argue about it on behalf of the African.

Mr. Speaker, Sir, this law is our law now, it is to affect us, and we do not want to see persons crying, going home, or even sometimes being fined when all their cattle have gone. This has happened and it is a serious case. People still ask, why can the Government not really abolish this law, because when you go to court the judge reads it? When you go and argue and say that 200 cattle belonging to So-and-so were sold, the judge reads you the chapter and then you go home; it is terrible.

Mr. Speaker, Sir, yesterday there were so many amendments introduced by the Attorney-General which were very good, and I hope Government will simply accept this Motion and begin to draft a good amending Bill, just to amend it and not to abolish the whole thing. This is my point. I am not trying to say whether the Trespass Act is a wrong Act; it is good for a few reasons, but all the sections are not suitable to our way of life or to our standard of life nowadays.

So, Mr. Speaker, Sir, I beg to move.

Mr. arap Biy: Mr. Speaker, Sir, I congratulate my hon. friend for bringing this Motion to this House urging the Government to amend the Act, in order to save a good number of people whose cattle have been confiscated and sold, particularly in Kericho District where very many European settlers acquired large tracts of land and left our brothers on very arid land where there was no water, etc.

Mr. Speaker, Sir, this subsection, which has already been very clearly quoted by the hon. Mover—that is, subsection (4)—was made in order to protect settlers owning thousands and thousands of acres of land in various parts of this country. In fact, Sir, it was a deterrent punish-

ment which, in other words, was to take revenge against the Africans who owned a good number of cattle. Over 2,000 head of cattle have been confiscated and sold by order of the court roughly between 1963 and 1966 in various parts of this country.

Sir, the Kalenjii, for example, are a pastoral tribe and they mostly own cattle. Therefore, if this subsection (4) which provides for confiscation and sale of cattle has to continue in the country, a good number of Kalenjii are going to be exploited and have no cattle in future. So we are asking the Government—the Government of the people, the popularly-elected Government—to bring an amending Bill to delete this subsection (4).

I would point out, Mr. Speaker, that each head of cattle has been sold at a very insulting price, which is somewhere around only Sh. 50. If the owner was to sell his own cow or ox, the price could not come down as far as Sh. 50; it is always somewhere around Sh. 200, Sh. 400, Sh. 500, etc. But with an order of the court it is always sold at a very disappointing price. Therefore, in order to protect the poor people of this country, we are asking the Government to think about it very, very seriously.

My hon. colleague, the president of the poor, the hon. Shikuku, I hope, will support the deletion of this section wholeheartedly.

Mr. Speaker, Sir, most of these cattle which I have been speaking about belong to agricultural families whose income always depends on that and that alone. So, we are going to labour, in order to ask the Government to request the Attorney-General, on behalf of the Government, to introduce this amending Bill. The land of these people, for example, Sir, in Chobolungu which has been mentioned by the hon. Mover of the Motion is a dry location of the district. There are no rivers in that division, rivers are only found in the former European settled areas and the people of Chobolungu therefore, Sir, are tempted to take their cattle across to these former White Highlands in order to water them. When they are found there, their cattle are confiscated by the police and taken as far as Sotik Police Station which is about fifty miles away from the area. This, Sir, has brought about a lot of loss on the part of these people with regard to their cattle. Mr. Speaker, Sir, such confiscation has been viewed with very, very great concern by the people and the representatives of the people in this House and elsewhere.

Mr. Speaker, Sir, I hope the Motion is self-explanatory and therefore, the hon. Members of this House will have to join with us in asking the

[Mr. arap Biy]

Attorney-General, on behalf of the Government, to introduce this amending Bill as soon as possible in order to safeguard the rights of these people as far as their cattle are concerned so that more will not be confiscated and sold. What, in fact, I am saying is that we are not going to protect these people who go on committing crimes or grazing their cattle illegally on other people's land, but what we are doing is to ask the Government to delete this subsection which enables the court or the courts to confiscate cattle and sell them without the owner's agreement.

Mr. Speaker, Sir, I hope the Minister who is going to reply on behalf of the Government will accept this Motion with no amendments.

Mr. Speaker, Sir, I beg to support.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, of course, being the president of the poor people, I wish to register my feelings on this Motion. I recall the case very well where, for a long time, we have had this notorious law here made by the imperialists and it is just unfortunate that when the Attorney-General was yesterday repealing some of these horrible laws and changing some things here and there he did not consider this one. It is awkward because—

Mr. Kamau: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to call himself the president of the poor people while we know that there is no society known as the poor society in Kenya?

The Speaker (Mr. Slade): I think an hon. Member can call himself what he likes, as long as he is not impersonating somebody else. It is not uncommon for people to adopt grandiose titles which no one else takes very seriously.

Mr. Shikuku: Mr. Speaker, Sir, thank you very much for your ruling. I am definitely not impersonating anybody else.

Mr. Kamuren: On a point of order, Mr. Speaker, Sir, may I seek your ruling as to whether a Member of Parliament in this House should nickname himself in such illegal society?

The Speaker (Mr. Slade): Yes, the only offence comes when he nicknames other people.

Mr. Shikuku: Thank you, Mr. Speaker. I think the hon. Members have nothing to say, I still remain the president.

Now, Mr. Speaker, Sir, it is definite that I am not impersonating anybody else, but I just speak the mind of the poor people. Now, Sir, I say that this law is a notorious one because—Mr. Speaker, Sir, the hon. Minister for Housing is

shouting at me and asking me whether I am poor, that, Sir, shows the House just how limited his intelligence is, because you do not have to suffer from tuberculosis in order to treat people who have tuberculosis. The doctors have never suffered from tuberculosis but yet they cure it. In other words, Sir, I do not have to be poor in order to speak the mind of the poor.

Now, Mr. Speaker, Sir, I would like to come back to this notorious law. I remember, and during the Kadu times also, a lot of people called in at the Kadu office and complained their cattle having been confiscated, them having been fined and on top of that them having been imprisoned. Mr. Speaker, Sir, that way the person loses three things, his freedom by being locked up, his cattle—the only cattle he possesses—and he has to be fined. Now, Sir, why are we punishing these people like that? We do not even punish murderers in such a way. I feel, Sir, it is making these people completely poor, which they should not be. However, Sir, why I feel I should speak on this Motion is because the Government of today, which is a nationalist Government, should consider this case and review it. We should make our law to suit our people, because the law which is now in that law book of ours was made by the imperialists. The aim of the imperialists was to exploit the Africans and also at the same time, protect themselves and enrich themselves. We are not that type of people. We are people to take care of our own people. We should make laws to suit our people in the interest of our people, and, at the same time, for the protection of our people. Therefore, Sir, I feel that it is opportune that this Government must consider this law and repeal it whereby, in my opinion—although I am not a lawyer, I am intelligent—it would be intelligent for the Government to say that any person who trespasses and is found guilty will have to be fined for so doing, or have his cattle confiscated in failure to pay such a fine, but not, Sir, to fine him, confiscate his cattle and imprison him. This, Sir, I do not support. I do not support the idea that these people in the area concerned should have the freedom to go on grazing on anybody's land, because Kenya is independent. I am sure that the hon. Mover of the Motion is not advocating that.

Therefore, Sir, the law as far as trespassing is concerned must stand. Mr. Speaker, Sir, at any rate, even before the imperialists came, if you tried to play about in my farm you would be dead. Our rule was too rigid. Therefore, Sir, I support the idea that there must be no trespassing on anybody's land at all, and if such trespassing is committed, then he should be fined. If he is to be fined, then he will be fined. If he is to be

[Mr. Shikuku]

imprisoned, then he will be imprisoned, and if his cattle is to be confiscated, then it will be confiscated, but, Sir, not for him to be punished with all three punishments.

Therefore, Sir, I hope the Government will find the intentions of the Motion are that it is for us to decide if the fine is to be made, it is to be made very heavy in order to teach these people a lesson, then let it be a fine, and if it is to be imprisonment, then let this fellow be imprisoned, but we should not take his property, because by so doing we make these people very poor. We want the country to progress and we cannot progress unless the people have something of their own.

Therefore, Mr. Speaker, Sir, I do not want to labour much on this. The case has been ably put. The intention is not to do away with the Trespass Law, but only to look into the question of the punishment of those trespassers.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I would like to say a few words before I come to the main context of the Motion. It has been the habit of many politicians, and also hon. Members of the House, a few of them, perhaps, to go on blaming the Colonial Government. Anything that has been done must be blamed on the Colonial Government, but they have never taken the pains to examine the problem itself, the demerits and the merits of that problem. They have just stood, proclaimed that this is a colonial law, this is colonial this, and this law was made by the colonial people for exploitation. It is high time, Mr. Speaker, Sir, we behaved responsibly and by that I am not insinuating that the hon. Members of the House are not behaving as such, but, Sir, it is high time we were bold enough to face the truth and see why a law is made. If we say that the laws were made by a colonial government, then there are many laws in this book, in fact, most of the laws of Kenya originate from the English law. Part of it has been made because of our customs, because the customs that were prevalent before the established governmental machinery of any State was made, and to stand up and say that this is a colonial government perpetuated to carry out a colonial exploitation policy is not facing the truth. The Members of Parliament—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the Minister in order to insinuate that I said that this Government is here to perpetuate the colonial law, when I said that this is

one of the laws which was made by the colonialists specifically talking with regard to this law, which should be repealed, is he in order to make a mountain out of nothing?

The Speaker (Mr. Slade): I do not think the hon. Member attributed any remark to you in particular. He is dealing with a general trend of talks which has been heard. He is entitled to do so.

The Minister for Housing (Mr. Ngei): Thank you, Mr. Speaker. If the hon. Member for Butere could be patient enough and have some guts and listen to the truth, I would be only too pleased. Mr. Speaker, Sir, I have said that it has been a generalization when anybody is to be blamed the Colonial Government is blamed. There is no question of reason. I know that there are some things which we can blame the Colonial Government for, but to blame the Colonial Government because it governed you, is a true admission that you have no courage to tell the British Government, or whatever colonial power it governed you by, that you no longer want to be governed.

Now, Mr. Speaker, Sir, let me come to a few points before I deal with the main Motion. I have said that many laws in the Kenya law originated from the English law, but we cannot say today, because, of course, some of the laws still exist in the Kenya law that it is actually fallacious for us to say that everything which is in that book, in Kenya law, is colonial, and therefore we do not want it. Law is made for the convenience of the subjects of a nation, or a citizen in that case, of a nation. Law is made to protect those who need protection. There are those who need protection from marauding trespassers, if I may say that: people who have nowhere to graze but are determined to keep their cattle.

Now, Sir, let me deal rather placidly with the whole case. The Trespass Act was passed in a Kenya Legislative Council, or perhaps, in the Parliament. It has been suggested that the Attorney-General, who was here yesterday, giving numerous amendments to the Statute Laws of Kenya, could do something about this Act. It must be remembered that these amendments must be made in conjunction with the prevailing conditions. The Act itself, as we see it, is a protective Act. Even section 4 of the Act is very protective. Some of the Members here have their own farms, they want convenience and also they want to see that their grazing or their pasture is not interfered with by somebody who wants to graze his farm.

Mr. Speaker, Sir, what I am trying to say is that the law is made for the convenience of the people of Kenya. It is not made for the severity to punish some offenders. If I may, Mr. Speaker,

[The Minister for Housing]

Sir, quote the famous quotation of our Chief Justice of Kenya, he said this when he was discussing this Act, "Orders of this particular kind are not intended necessarily to be punitive. It must be remembered that landless men, men whose lands are far away, and men without sufficient land of their own to pasture their trespassing herds, commit these offences. Something must be done with the cattle lest they stay where they are or are driven elsewhere in breach of the Animal Disease Act, and so on. It is not very realistic to suppose that an African cattle owner will part with his cattle voluntarily. These orders are, in many cases, necessary in the merest common sense." Now, Sir, this is what I am saying. There is no severity as far as this subsection is concerned.

Mr. Speaker, Sir, we know this because it is common sense and the hon. Members who are the law makers also know it very well; that severity of any sentence depends on the facts presented to the court. I think the hon. Member for Butere knows this. Therefore, Sir, the question of raising the penalty of an offender, somebody who has broken this law must be punished, but the severity of his sentence must depend on the facts presented to the court.

Now, Mr. Speaker, Sir, this law was made a long time ago, that is true, but the conditions have not changed. It was made when the Africans had areas of common grazing, and therefore some cattle owners did not need to have their own farms to pasture what herd of cattle they had. However, Sir, we have now moved up in the modern world and people have taken to the modern ways of agriculture and they would like to keep their farms in order that they better their own herd so that they may improve economically. Therefore, Mr. Speaker, Sir, if we examine the conditions we will find that the conditions have not warranted an amendment of this subsection of the Trespass Act.

Mr. Speaker, Sir, there is another aspect of this. The Diseases Act provides that the law shall stop any person who has, perhaps, diseased cattle, from moving them, and the Trespass Act itself protects those people who want to have their own cattle free from disease. If cattle were just moved around, the danger of spreading animal diseases to some farms would be far greater than if this Act was not there.

Therefore, the two Acts, the Animal Diseases Act and the Trespass Act do work together to see that the farmers are protected. So, Sir, to suggest that the Trespass Act must be removed or that subsection (4) should be—

The Speaker (Mr. Slade): Mr. Ngei, hon. Members are complaining that that is not what is proposed. They are not asking that the Trespass Act should be repealed; it is only this particular provision.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, if subsection (4) is amended today, then we will go back to a more serious condition than if it remained there. The hon. Mover of this Motion has suggested that this is in conformity with our policy of African Socialism. I want to make it quite clear that law breaking is not embodied in the paper on African Socialism. Law must not be broken. I have not read anywhere in the paper on African Socialism any statement that the Government encourages law breaking as a part of its scheme to advance African Socialism.

Mr. arap Soi: On a point of order, Mr. Speaker, is it in order for the Minister to impute that during my speech I said that in the paper on African Socialism it is stated that the law should be broken, while I was only dealing with the way of punishing individuals?

The Speaker (Mr. Slade): Yes, you certainly must not misrepresent in that way. Were you saying that, Mr. Ngei?

The Minister for Housing (Mr. Ngei): No, Mr. Speaker. Mr. Speaker, the Mover said that this will be in conformity with African Socialism and I was arguing that this section prevents law breaking. I was saying that law breaking was not embodied in African Socialism, not in our Government policy.

The Speaker (Mr. Slade): However, you must acknowledge that the hon. Mover never suggested that it was. He never suggested that it was, no.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I did suggest that, perhaps he did not listen to my arguments.

The Speaker (Mr. Slade): Order! Order! What you have just told me of your own remark does imply that the Mover had suggested that law-breaking was consistent with African Socialism. You did not mean to imply that, did you?

The Minister for Housing (Mr. Ngei): No, Mr. Speaker, I did not.

The Speaker (Mr. Slade): That is all right then.

The Minister for Housing (Mr. Ngei): So, Mr. Speaker, I will not labour on that particular thing.

If we also examine this—and I am not saying this without due respect to the hon. Mover—I know that in the areas where the Mover comes from, especially the area he has mentioned, this problem is there. If the hon. Mover, however,

[The Minister for Housing]

could agree with me, he would realize that amending this section would bring a bigger problem than we have at present.

Mr. Speaker, I have pointed out to the hon. Mover of this Motion the seriousness of amending this subsection of the Act, and I believe he will agree with me entirely that whenever the time warrants it the Attorney-General and the Government will amend the law accordingly. At the moment conditions have not warranted an amendment of this Act because it will create more problems which I have listed.

Therefore, I do not want to further the argument on this Motion. I would like to say that when the time comes the Attorney-General will be in a position to amend this subsection as necessary. Therefore, I beg to oppose the Motion.

Mr. Kamau: Mr. Speaker, Sir, it is very surprising to see that in all reality it is a tendency for our Government—I must make it clear that it is probably due to the fact that we, as a Government, and the people of Kenya, have purchased a very big tract of land, that we sometimes ignore the interest of our oppressed people. It would be fantastic for our Government to oppose this Motion because we know the Mover of the Motion had no intention whatsoever to encourage general trespass of certain areas. What he is trying to ask the Government to do is only to amend this section so as to enable the people of that area to graze their cattle on good land.

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

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

The whole area was formerly enjoyed by the colonialists, and the Government knows this very well, although the Minister who is here, the Minister for Housing, the hon. Mr. Ngei, has tried to say that the Members are trying to condemn anything which was done during colonial days. It is not a question of condemning for condemnation's sake, it is for special reasons. I am glad to say that the man who has condemned colonial activity more than any other Member in this House is my hon. friend, Mr. Paul Ngei. I am not attacking my hon. friend at all, but it is surprising to see that the hon. Ngei today is the first man to stand for colonialist activity in this House. If the hon. Minister—

The Minister for Housing (Mr. Ngei): On a point of information, Mr. Deputy Speaker—

Mr. Kamau: No, Sir, I do not give way because I do not want any information, I know my friend very well.

The Minister for Housing (Mr. Ngei): Is it in order for an hon. Member to impute that I am still colonial-minded when I carried out my colonial activities during the struggle and fight for independence?

The Deputy Speaker (Dr. De Souza): I do not think he said you were colonial-minded.

Mr. Kamau: What I was saying, Mr. Deputy Speaker—and I will repeat it for the hon. Minister to understand—is that I was not imputing that he is colonial-minded, only that he is defending some serious activities which were done by the colonialists. That is what I am saying.

Today, Mr. Deputy Speaker, Sir, if we refer to the Rift Valley itself we know that it was a paradise for the white settlers at that time. The laws they passed in this House at that time banned the Africans, the sons of the soil, from grazing their cattle in those areas. Their cattle were subjected to remain in very remote areas while the places where there was good grass were reserved for the white settlers. It is for that reason, Sir, that my hon. friend, Mr. arap Soi, has brought this Motion, requesting the Government to amend this section so as to enable our people to graze their cattle in those areas.

Now, in this connexion there are two ways open to the Government; either the Government can buy out all the rich and good areas in order to allocate them to the people who will be able to graze their cattle in that area. It would be a very bad thing at the moment, and with our own Government, to see that the people are penalized in those areas.

Therefore, Mr. Deputy Speaker, without saying very much more I would like to support this Motion very strongly.

Mr. Muruli: Mr. Deputy Speaker, Sir, I wish to comment on this Motion. I would like to say that before we insist on deleting any of the subsections in any of our laws, the first thing we should do is to study carefully why these sections are included in our laws, because I feel that one of the most important things that we have to think of is, why were these laws made? Were they made intentionally because the people who made them were colonialists or were they made to help the people in this country? One thing is that I feel, personally, as the Member for Ikolomani, that this law was made because grazing of cattle from place to place was a bad thing because it helps to spread disease. As far as I know, I live with the Kalenjins and their cattle always carry so many diseases.

Mr. Kamuren: On a point of order, Mr. Deputy Speaker, this is a very serious allegation. Is it in order for the hon. Member to impute that he lives with the Kalenjins and normally their cattle carry a lot of disease.

The Deputy Speaker (Dr. De Souza): It is not an imputation, it is a matter of opinion, and I think he is entitled to his own opinion.

Mr. Muruli: So, I think this section should be retained.

The other thing is this. If we talk of African Socialism I do not think anybody would go about grazing on my land, and I have to accept him just because I have to agree with what is called African Socialism. I have to reject this thought, because I am sure one African would quarrel with another if you trespass over his land. He would be cruel and would fight you. So, this covers the point of us Africans living within African Socialism.

The hon. Member who has just spoken said that Rift Valley was a paradise for the Europeans. I do not think that at this time it is a paradise for Europeans. It is now our land, we live in what used to be called the White Highlands. The hon. Member for Butere has a farm there.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, can the hon. Member substantiate that the hon. Member for Butere has a farm in Rift Valley?

The Deputy Speaker (Dr. De Souza): I do not know whether that is strictly an allegation, but if you are denying it, then we will accept it.

Mr. Muruli: Mr. Deputy Speaker, Sir, I did not talk of the Rift Valley, I talked of what used to be the White Highlands, and that includes Kitale.

The Deputy Speaker (Dr. De Souza): Order! Order! I think, Mr. Shikuku, if you are denying that you have a farm in the White Highlands, even though that is not relevant to this debate, I am sure you will deny it and Mr. Muruli will accept your denial.

Mr. Shikuku: I am denying it, Sir.

The Deputy Speaker (Dr. De Souza): Well, I think you had better accept, Mr. Muruli, that you are mistaken. You do accept that you are mistaken, that you thought that Mr. Shikuku has a farm anywhere in the White Highlands? Mr. Shikuku has denied it and I think it is better for you to accept that you were wrong, unless you are willing to substantiate.

Mr. Muruli: I cannot accept that because I know he has.

Mr. Shikuku: On a point of order, the hon. Member talks of my having a farm in the White Highlands. Can I be allowed to request him to substantiate that?

The Deputy Speaker (Dr. De Souza): Yes, Mr. Muruli, can you give us details about this farm?

Mr. Muruli: Mr. Deputy Speaker, Sir, the land around Kitale was actually termed the White Highlands. Therefore, I say he has a farm somewhere around Kitale.

The Deputy Speaker (Dr. De Souza): Mr. Muruli is that all the details you can give?

Mr. Muruli: Yes, Sir.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, the hon. Member talks of my having a farm around Kitale. That is not true, Sir.

The Deputy Speaker (Dr. De Souza): All right, we will accept that, Mr. Shikuku, that you do not have a farm around Kitale.

Please proceed now, Mr. Muruli.

Mr. G. G. Kariuki: On a point of order, can you make this clear for us, whether an hon. Member is allowed to allege something which is not correct, and still you allow the House to accept that. Why should he not be made to withdraw such a serious allegation?

The Deputy Speaker (Dr. De Souza): Order! Order! I have never heard it said that to say that somebody has a farm is a serious allegation against him. In fact, some people will proudly say that they have a farm here or a farm there. If I understand our policy of Government, it is to encourage everybody to own farms. So, I do not think that anybody who says, So-and-so has a farm there is, in fact, making an allegation imputing motives or being offensive.

However, if Mr. Shikuku has denied that he has a farm, and he thinks that to be alleged or to be given ownership as it were of a farm that he does not have is wrong, I am sure Mr. Muruli will accept that he is mistaken, and the House will proceed. We do not want to go into, as it were, a court of law, to decide whether Mr. Shikuku has a farm or not. At the moment, it is quite irrelevant as far as this particular debate is concerned. The only reason I think it was raised is to show his possible interest in so far as it exists in this particular debate.

Mr. Muruli, if you cannot prove it, as you obviously cannot, please withdraw and we will proceed.

Mr. Muruli: Mr. Deputy Speaker, Sir, I beg to withdraw if the hon. Member thinks his farm is a long distance away from Kitale. In that case I will withdraw.

[Mr. Muruli]

What I wanted to say was that this law was there to protect the Members, and the Africans who own such farms; it did not any longer protect the colonialists. So, we should accept it as such. I do not, therefore, see why we should delete it from our laws.

I beg to oppose the Motion.

Mr. Seroney: Mr. Deputy Speaker, I am surprised at the speech of the Minister, because obviously he was talking with his tongue in his cheek, and as such he was terribly unconvincing. In fact, I am surprised at how modest the Mover was because if I had my way I would say that the whole Act should go.

Trespass, normally, is a civil matter unless there is an element of force involved, and here we have an Act which does not bother even to distinguish between cattle straying involuntarily and those which trespass deliberately. I do not see why there should be special provisions for trespass as a criminal offence at all. If the owner of the farm feels that his land is being encroached upon, he has several remedies which he should take. However, to suggest that owners of land should be put in a category, peculiar, if I may say so, in Kenya, is indeed very surprising.

The hon. Minister has made a remark about the Animal Diseases Act. I am sure the hon. Mover had no intention whatsoever of interfering with the Animal Diseases Act. That Act was passed and serves reasonable objectives and that Act can exist independently of this Trespass Act. Therefore, Mr. Deputy Speaker, I would suggest, in view of what the hon. Mover has said, that there should really be no difficulty whatsoever about this particular section being deleted completely. As I have said, if I had my way, the whole Act would go.

Therefore, Mr. Deputy Speaker, I beg to support the Motion.

Mr. Wariithi: Mr. Deputy Speaker, Sir, as a member of the learned profession—

Mr. Deputy Speaker, to come to a more serious vein, I remember that when I was a member of the Discriminating Laws Committee we strongly recommended that the Trespass Act should be one of the Acts to be amended. The reason was, it was felt by this working party that some of its provisions would not have necessary application in our Kenya today.

Now, I do not want to repeat what other Members have said, but I would just like to inform the House what this section 12 provides. In fact, what the hon. Member is asking is a very liberal

request. He is only asking that one of the ways of punishment should be removed. This section provides four ways of punishing a person, his property and family found trespassing on somebody's land, and what the Member is asking is that one of the ways—that is, the last one—which is more severe and more unnecessary, should be removed.

Section 3 of the Trespass Act provides that "Any person without reasonable excuse . . .": in other words, if you are found trespassing on somebody's land with your property, without the consent of the owner, you should be punished. We all agree, nobody can support the idea of somebody going to build or stay on somebody's land without permission.

Then, section 4 provides that if you are passing through somebody's land, without his permission, or you are found tampering with the fence, you should also be punished.

Section 12 is the punishing section for those two categories of persons. Section 12 (1) provides that if you are found trespassing on somebody's land with your family, with your stock and property, without permission, you shall be punished, and the punishment provided is that you should be removed; the court should order that you remove yourself with your property from that person's land. It goes—

The Assistant Minister for Natural Resources (Mr. Malinda): What is wrong with that?

Mr. Wariithi: I am not opposing this, I support this wholeheartedly.

Then it goes further and gives the court even more powers. If you do not remove yourself with your property within the time specified by the court, it gives the police authority to force you to leave, even to take all your property; to take you and your family and your belongings by force.

An hon. Member: Where to?

Mr. Wariithi: They take you wherever you are supposed to go.

Then subsection (3) also says that if you do not comply with (1) or (2), then you can even be fined up to Sh. 1,000. In other words, subsection (1) provides that the court would order you to be removed, for you to go away with your property, your stock. The second part provides that if you do not move, you can be forced to move. Subsection (3) provides that if you do not obey, then you can be fined Sh. 1,000 or twelve months' imprisonment.

[Mr. Wariithi]

Now, the last one, subsection (4), which the hon. Member is asking to be amended, is the one which provides that, "Where any stock is found grazing on private land in contravention of the provisions of this Ordinance, the court may, in addition . . ." to other provisions of penalizing you, order the sale of the stock. All the Member is asking, as I understand this Motion, is that subsection (4) should be removed, in that the Act has sufficient other remedies through which it can deal with the person who is trespassing on somebody's land.

I think the idea in olden times was that it was to protect the settlers. They wanted to protect them and to penalize unnecessarily the people whose property had to be sold by public auction. So, Mr. Deputy Speaker, I would like to support this Motion, not because anybody is encouraging lawlessness or anybody is encouraging that diseases should not be controlled or people should trespass on other people's land, but simply because the penalty provided by this subsection is too severe and unnecessary, in that the Act has sufficient provisions through which it can deal with the people who trespass on other people's property.

With these few words, I beg to support.

Mr. G. G. Kariuki: Mr. Deputy Speaker, I have very few points to make (Inaudible.) because instead of the Minister telling us the reasons why the Government feels that this particular Act should continue (Inaudible.) telling us that we are trying to criticize (Inaudible.) has done, we are going to blame everything on colonialism.

Mr. Deputy Speaker, Sir, I expected this law not to be in existence up to this day, and yesterday, when we had a number of amendments, I waited and I even (Inaudible.) from the Attorney-General to find out whether this particular amendment would be brought in. But, unfortunately, the Attorney-General was too busy dealing with what he calls constitutional matters to bring such a kind of law into conformity with African Socialism and the Constitution, which, in fact, was not all that necessary. What is necessary, and what is really affecting our people and what (Inaudible.) our people unnecessarily.

Mr. Deputy Speaker, since all that I know in the Rift Valley Province, where the white farmers had large farms (Inaudible.) there was not a single European who had ever been charged for this kind of offence because this kind of law was really made for African people.

The Deputy Speaker (Dr. De Souza): Mr. Kariuki, will you come near the microphone.

Mr. G. G. Kariuki: This law was particularly made to penalize Africans and this is what one could regard as a discriminatory law.

Therefore, Mr. Deputy Speaker, the whole of the Trespass Ordinance should not exist, it should be deleted, because people like the Wadorobo and Pokot have farms which are not fenced, bordering with European farms, and in most cases their cattle usually trespass into the European farmers' land and that really forces the Europeans to convince the authority to sell their cattle. Mr. Deputy Speaker, I thought the Minister should have laboured the point of telling European farmers and the people with big farms to fence their farms, so as to stop cattle from other people's land trespassing on their land.

Therefore, Mr. Deputy Speaker, this was necessary and the Minister should have really explained this in greater detail, so as to enable the House to accept his ideas, but since we know that this was supposed to be removed forthwith, he is not going to get anywhere. This House, I am sure, will not support him and we will see that this particular section is deleted; and we will try to go into further detail and remove the subsections which are not really helping our people.

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

Mr. Ochwada: Mr. Deputy Speaker, it is true that we must protect the poor people of this country, and it is also quite true that we must protect our property, in order to enhance our economy, but, Mr. Deputy Speaker, is it absolutely necessary that any punishment should be punitive? I think that the time has come when we should consider punishment to be deterrent and not necessarily punitive.

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

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

Mr. Speaker, when the Minister stood up, I thought he was going to support the Motion. Unfortunately, when he ended up, he opposed the Motion for the sake of opposing it. He did not even give the House an idea of why he was

[Mr. Ochwada]

opposing the Motion. The only thing he said was that it was because hon. Members who have spoken have expressed an opinion that all colonial laws were bad laws, but we have never said so. We are only saying that some of the colonial laws were discriminatory and the penalties were punitive, and that the time had come when we should revise such punishment to be deterrent.

Mr. Speaker, let us look at the purpose for which this punishment was placed in the law. It was to protect the interest of a certain category of people who were occupying land in certain areas of this country. I am quite sure that they were quite right in passing this law at that time, the reason being that they had taken all the good land from the African and given it to some other people. In order that an African could feed his cattle properly, he had to infringe on somebody's property, but that time has now gone, Mr. Speaker, we have bought most of the land, it is now occupied by Africans. Against whom do we need such a punitive punishment? Who is going to bother to leave his piece of land which he has bought, and on which he has spent a lot of money, to go and graze on somebody else's land? That time when Africans used to trespass on other people's land is gone, and gone forever. The time has come that we should now look at the facts as they are at the present moment and revise most of these laws, and particularly this section which is highly punitive, so as to allow deterrent punishments to exist in our laws.

That discrimination which existed has now gone and I am sure that no African, wherever he is, will, for the sake of just disappointing another person, drive his cattle on to his land, because he knows that that will not only be a crime but will be immoral, and that all of us would like to contribute as much as we can to the economic development of this country.

No person, knowing very well that his cattle have foot-and-mouth disease, would drive the cattle from his own area to somebody else's area for the sake of infecting that particular person's cattle with the same disease. I mean, we are now mature enough, we are independent; we have heard what His Excellency the President has told us. What we are out to do is in the spirit of *Harambee*, to work together for the sake of the economic development of this country. Where we think there is something wrong in any part of the law, it is our duty in this House to draw the attention of the Government to that particular section. It is no use keeping on our Statute Books some laws when we know very well that a person from outside Kenya looks at them, he will think

we are small children, we are keeping these laws just for the sake of keeping them on our Statute Books. Mr. Speaker, Sir, that time has gone and I would like to urge the Minister, who is here now representing the Government, before it is too late, to change his mind and go along with us by supporting this Motion.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, I have only two points to make on this Motion and in making the points I want to state quite categorically, right from the beginning, that I oppose the intentions of the Motion, because—

Hon. Members: Shame, shame.

The Assistant Minister for Natural Resources (Mr. Malinda): There is nothing to be ashamed of and I am going to tell the hon. Members the reasons why there is nothing to be ashamed of.

One hon. Member here said that this particular subsection was intended to protect the Europeans, but, now that a lot of the Europeans have sold the land to Africans or some of the land has been taken over by Africans, it is no longer necessary to have this section in our Statute Book. Mr. Speaker, I want to give an example here of Koma Rock where only Africans are grazing. They have obtained a piece of land of about 40,000 acres and it is in the hands of a co-operative society, because, as is known, no African could own that piece of land alone. So the land was taken over by a co-operative society. That co-operative society is doing a lot of good work in producing good cattle for beef. Recently, the trespassing of cattle from the reserves—the cattle which are not looked after and which do not get dipped every week—into the Koma Rock Ranch caused the death of 250 head of cattle, at the rate of £35 a piece—

Mr. Ochwada: On a point of information, Mr. Speaker, would the—

The Assistant Minister for Natural Resources (Mr. Malinda): I do not wish to give way, Mr. Speaker.

Mr. Speaker, I was saying that the Koma Rock Ranch lost 250 head of cattle at a cost of £35 a piece, which is over £8,000. Mr. Speaker, if we really intend to protect our people, are those who lost that £8,000 not Africans; do they not need protection? If they do, then this section is essential in the Statute Book, because those people who trespassed had to pay for the £8,000 loss, although it was not possible for them to cover the whole amount of money that was lost.

The other thing I want to say, Mr. Speaker, is this. How does this trespass occur? How is it, as some Members seem to say, that only Africans

[The Assistant Minister for Natural Resources] are the persons who suffer from trespass? There is another ranch adjacent to the particular place I am talking about and it also herds quite a lot of cattle. There has never been one occasion that cattle have trespassed from this ranch—Lukenya Ranch to Koma Rock Ranch. Why? Because the people there are looking after their cattle properly. The only thing which makes cattle trespass from the reserves into these other protected areas is that Africans, mostly, have completely ignored the correct way of looking after their cattle. They keep too many cattle when they do not have enough grazing, and when they overgraze their own places, then they go over and start trespassing on other people's land.

Sir, I submit that Africans have to learn, and we have to learn the way to keep our cattle. We should only keep cattle commensurate with the grazing that is available in our own land. If we want to graze more cattle, well, Mr. Speaker, there is every chance for all enterprising Africans to get into co-operatives or even to buy large farms, as quite a number of Members in this House have done. For that reason, Mr. Speaker, I submit that it is necessary for those people who have farms and who look after them properly, put in a lot of development funds, make a great effort in constructing dips, to rotate the grazing of their fields, to fence in paddocks, and all that, to be protected, so that they can raise the best quality stock—whether it is beef or milk cattle—that is possible. Without that, Mr. Speaker, I cannot see how this country can say that it is going to progress.

Mr. Speaker, I want to say one thing in connexion with what was said by my friend, the hon. Member for Butere. He said that before the Europeans came here, an African would not go and graze or would not go and trespass on another African's land because, if he did so, he would probably be dead. If that was so before the Europeans came and this section here does not say kill the owner of the cattle, it just says that the court may—and this is optional—order confiscation of some of the stock, then why does he complain that this is too harsh? Is confiscation of cattle more serious than killing a person, because he himself said that? In that case, Mr. Speaker, then, I say that the arguments advanced here are not convincing at all, for anybody to agree that the section should be amended.

Mr. Speaker, I think it is quite clear that if we want to advance, if we want to develop our agricultural potentiality in this country—which is one of the mainstays of our economic development—then, Mr. Speaker, we must also guard those who are engaged in producing the stuff that is necessary for our development.

Mr. Speaker, with those few remarks, I wish to oppose this Motion as it stands.

Mr. Kamuren: Mr. Speaker, I stand to support this Motion.

It is funny that some Members, including a few Ministers, have stood to oppose the Motion. I know very well that the Member from Ikolomani may have only been keeping *kukus* in his own area where he has no cattle, and therefore he has not a bitter heart on this particular Act.

Mr. Speaker, I remember a time when there was a person, by name—

Mr. Muruli: On a point of order, Mr. Speaker, can the hon. Member substantiate that I have no cattle?

Mr. Kamuren: Mr. Speaker, I did not mean that he does not have any cattle; I only meant that possibly he has no cattle in his own area, because he opposed the Motion.

The Speaker (Mr. Slade): He has challenged you on that. It is difficult to substantiate a negative statement; the usual way is to allow the Member concerned to correct, so if you would like to tell us the true position, Mr. Muruli, you may.

Mr. Muruli: Mr. Speaker, the hon. Member should know that I keep cattle and I did not oppose it just because I do not keep them. I only opposed the Motion because it will spread diseases; that was my main point.

The Speaker (Mr. Slade): Mr. Kamuren, in view of that, you must withdraw your suggestion, must you not, that Mr. Muruli has no cattle?

Mr. Kamuren: I withdraw, Mr. Speaker.

The Speaker (Mr. Slade): That is right.

Mr. Kamuren: Mr. Speaker, I want to give an example to the House. I remember there was a person in 1963 by the name of Kamerikan, who came from East Pokot. This person had fifty cattle within his own area, and he was living somewhere adjacent to Laikipia Ranching Company. He happened, one day, to take his cattle to a place where they could get some water, and this place was known as El Kassem. On his way to the borehole, he met a European who was in charge of the ranching company and then the European, of course, had to confiscate the fifty cattle he had and then took him to Limuru to the police. Mr. Speaker, I remember, when the case ended, the person was imprisoned, and I understand a few cattle from his fifty were sold. This, of course, caused complete poverty for the person concerned.

If we are not going to delete the whole of this section, are we really serving the people who

[Mr. Kamuren]

elected us to this House, or are we going to come and go on deceiving them that there are some amendments, as far as some Acts made by the colonial régime are concerned? I thought we were unloading some of the heavy luggage which was placed on the shoulders of our people during the colonial days, and we have to see that our people are informed and that Members of this House have come to a stage of getting rid of it. Now, if we are representing all people who have cattle and who live in dry areas where they have no water, then we have to make sure that some Acts, such as this one, are abolished, so that they are not prevented from grazing their cattle within their own respective areas.

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

Mr. arap Too: Mr. Speaker, Sir, I do not have much to say, but I just want to record my support of the Motion.

First of all, Mr. Speaker, Sir, I want to say—and I want to say this to the Government—that large-scale farmers require protection and, equally, small-scale farmers require the same protection. I come from an area where the large-scale farmers are adjacent to the reserves and we have had the trouble of confiscation and sale of stock just because the farmer would like to benefit from the other poor people. I would like the Government to do something about this section, this one particular section, because there are so many other sections in this chapter—294—which protect the large-scale farmers and also the small-scale farmers, but this one is killing one side. Which side is that? It is the poor farmers who have a very small number of stock and who depend on this stock. Perhaps they live on mountains and all the good land has been taken by either large-scale African farmers or by Europeans. If the Government is going to continue with this law, which allows the court to sell all the cattle of a poor farmer, where is he going to get some other cattle? How is he going to educate his children?

Mr. Speaker, Sir, I think our Government must think twice before they reject this Motion. For this reason only, Sir, I beg to support the Motion very strongly.

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. arap Soi.

QUORUM

Mr. arap Biy: On a point of order, Mr. Speaker, we have no quorum.

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum.

Mr. arap Soi: I am glad, Sir, to be able to reply to the Motion, but there is one thing which I would like to say in my reply and that is that I was very surprised with the Minister who seems to have misunderstood the whole aim of the Motion.

Mr. Speaker, Sir, in the first place, the hon. Minister, Mr. Ngei, blamed the Members for usually mentioning the colonialists whenever they speak. This, Sir, is not true, because even the Ministers themselves have been complaining about the colonialists. For example, Sir, they have stood here in this House and stated that *Majimbo* was a colonialist idea. Now, Sir, when we mention these laws, and mention the word, "colonialist", we do not mean that all the laws which they made were wrong.

Now, Mr. Speaker, Sir, the same Minister went on to quote a very dangerous quotation of, as he put it, a famous Chief Justice, a famous colonialist. Now, Sir, his quotation went as far as—

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to say that the Chief Justice whose words were quoted by the Minister is a colonialist now when Kenya is independent?

The Speaker (Mr. Slade): It would be out of order for an hon. Member to criticize the particular judgement of any court at the present time, but when we come to past history the judgements of courts or the sayings of judges can, I think, be criticized as having been biased by such considerations, whether or not justly is another matter. I think it is in order.

Mr. arap Soi: Mr. Speaker, Sir, I mentioned this quotation because, as I understood it, it remains that the people with less land should not keep cattle. Now, Sir, this is what the Minister would like to have happen today. This is a new kind of idea which is also a colonialist idea.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, I did not say that people should not own land, but it is common sense that when you have land you must have a place in which to graze.

Mr. arap Soi: Mr. Speaker, Sir, I think this is what the quotation meant and this is very dangerous. Sir, this is my main reason why I brought this Motion into the House. I want the

[Mr. arap Soi]

poor people, the people who depend on cattle alone, to be protected by all these laws. When the Bill was introduced into this House to establish this same law, we were not here. The people who are to protect those poor people were not in this House when this Bill was introduced and passed, and now we therefore want to change the whole thing.

Now, Mr. Speaker, Sir, the hon. Member for Othaya, Mr. Wariithi, said that during their committee meeting, which was established to collect the discriminatory laws, they recommended that this law be amended, and now it has been left. Yesterday, Sir, we read so many amendments to different laws, but this law was left. Is this because more Africans are obtaining land in the former Scheduled Areas? Mr. Speaker, Sir, I have a farm in the former White Highlands, and I want those people to be protected. Mr. Speaker, Sir, it does not mean that because I have cattle those are the people who should be punished in this manner. This is the wrong idea. It is not a very good policy of African Socialism.

Now, Mr. Speaker, Sir, many Members, especially the Ministers, did not know that the Trespass Act has many other sections which protect different farms or private property. Firstly, Sir, in one section it says that if somebody goes into somebody else's farm and lives there the police have the right to go and remove them and that person taken to court and fined. I have read section 11 where penalties of offences under this Act are catered for.

So, Mr. Speaker, Sir, I would like to point out to the Minister that even though they ignorantly oppose this Motion, this Motion will be passed in this House. I want also to tell them, the Ministers, and the Government, that they must change these laws, otherwise, Sir, they are only driving the largest population of Kenya against the Government, because this law is very discriminatory. It was only made for the Africans. Mr. Speaker, Sir, some hon. Members said that this law was to protect one African against another one. I would like to say that any any hon. Member in this House knows where some African cows were confiscated and sold because they trespassed into another person's farm they should tell me now in this House. This law was never applied to with regard to Africans, or to work between the Africans, it was only a question of it applying between a European and an African. These people were fined, but the Europeans wanted to destroy that man because he was not rich enough to fence in his farm, and so he did not want to see this African.

So, Mr. Speaker, Sir, these gentlemen, these hon. Ministers, must not come blindly to the House and oppose something which is genuine and something which is moved for the sake of the people, for the sake of the majority of the people in the country. They must be very careful. It does not mean that when you reach a certain position, whether in Parliament or outside, you change your mind. This is very dangerous because it might create division. This might create a division of the people in the country. These laws must be amended, Mr. Speaker. There are many, many other laws which are being left, but, Sir, we must tell the Attorney-General that it does not mean that through the amendments which were brought to this House yesterday we have completed the requirements of the amendments to the Kenya laws. There are so many Kenya laws which are so discriminatory and which were made against the people; the people who are not represented in this House.

Mr. Speaker, Sir, I was wondering what the hon. Member, Mr. Muruli, was speaking about because I do not think he realized what he was talking about, because he said that this law only applied to the African. This, Sir, was an ignorant statement, but I now know that he has realized the fact and he is going to support this Motion.

Now, Mr. Speaker, Sir, another statement by the Minister was that this law brings with it a problem. Mr. Speaker, Sir, he said that if we were to amend this law it would bring a problem. This, Sir, was said by the hon. Minister who replied on behalf of the Government. This was said through pure ignorance, a misunderstanding of the whole Act. I wonder whether the hon. Minister ever read the Trespass Act, or the Trespass Ordinance. It is still an Ordinance. I have never known us pass Ordinances in this House, we are passing Acts. Even in the Kenya Laws it is Ordinance, Trespass Ordinance.

The Speaker (Mr. Slade): Actually, Mr. arap Soi, I think you are overlooking a piece of legislation at about the time of independence when all the laws, formerly called Ordinances, became Acts. Even if you find them described as Ordinances, they are, by law, Acts now.

Mr. arap Soi: So, Mr. Speaker, Sir, I would like to tell the Minister that there is no problem that will be brought after this amendment. It is just a question of making everything suitable for the Africans and citizens of Kenya. There should be no confiscation of the main wealth of a farmer, of an individual. If this were done it would be very serious.

So, Mr. Speaker, I beg to move.

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, I am seeking your guidance; this question which is about to be put. If it is carried when the House is not in quorum, does that pass as a binding Motion which has passed through this House?

The Speaker (Mr. Slade): Mr. Malinda has raised two questions. As to what is the effect of taking a vote when there is no quorum, the answer is that a vote by Ayes and Noes is valid without a quorum unless an hon. Member has drawn attention to the absence of a quorum before the vote is taken; but a division cannot be taken without a quorum.

Now, as to the effect of a Motion of this kind if it is carried, it has no legal or constitutional effect. It is merely urging the Government to do something. It is not a Motion for amendment of the law. It is urging the Government to introduce a Bill for the amendment of the law. Quite often the House will pass a resolution as to what Government should do. Government is not bound by law to act accordingly. The only thing is that if Government persistently ignores the advice of the House, it may eventually forfeit the confidence of the House, and so forfeit its own office.

I will now put the question on this Motion.

(Question put and agreed to)

The Speaker (Mr. Slade): Mr. Clerk, will you now please call out the next Order.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that hon. Member has had a first chance, will it not be in order for us now to request him to by-pass his Motion so that we take Order No. 7 now and his Motion becomes Order No. 7?

The Speaker (Mr. Slade): It is in order to request him to do that, but we should have to be sure that we are ready to take the next Motion, otherwise we might suffer through lack of business.

What is your feeling about this Mr. arap Soi?

Mr. arap Soi: In view of the very good and important support from the Members which I received on my previous Motion, Mr. Speaker, I am happy to accede to the request.

The Speaker (Mr. Slade): Mr. Barasa, are you ready to proceed with your Motion?

Mr. Barasa: Yes, Sir.

The Speaker (Mr. Slade): Is Government ready to deal with it? What do you say, Mr. Ngei?

The Minister for Housing (Mr. Ngei): Yes, Mr. Speaker, I am ready.

The Speaker (Mr. Slade): In that case we will transpose these two items on the Order Paper and now take Order No. 7.

Will you please call that Order now, Mr. Clerk?

MOTION

ADJUSTMENT TO BOUNDARIES: RIFT VALLEY/ WESTERN REGIONS

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

WHEREAS on the 11th October 1963, the presidents of the regional assemblies of the Rift Valley Region and the Western Region respectively agreed in writing to certain alterations of the common boundary of those two regions, including the transfer of Kitale Township to the Western Region;

AND WHEREAS the said agreement was thereafter approved by laws made by both of the said regional assemblies in accordance with section 239 of the Constitution of Kenya, namely, the Rift Valley Region (Alteration of Regional Boundaries) Enactment, 1963, and the West Regional (Alteration of Regional Boundaries) Enactment, 1963: Now this House approves the said agreement to alter the common boundary of the Rift Valley and the Western Region as described in the schedule of the said Enactment.

Mr. Speaker, Sir, in 1963 there was an agreement made in both regional assemblies, the Western Region and the Rift Valley Region, and the agreement was signed by both presidents, that is, the hon. arap Moi and the hon. Wabuge. This was signed on the 11th October 1963 and gazetted on the 26th November 1963.

At that time we had internal self-government constitution and the Order-in-Council which, of course, stated that if two regions agree, both, in writing and in the House of that time about the common boundary, there was a possibility of altering the common boundary of the two regions in agreement. This, Mr. Speaker, Sir, was agreed upon and it was gazetted by the Government.

So, Mr. Speaker, up to this moment most of us feel that Kitale has already been transferred to the Western Province, except that the Government has never really transferred the powers to the Western Province.

Trans Nzoia historically, is our land, it belongs to the people of Western Province and this is why we would like to say that Trans Nzoia or Kitale be transferred administratively. By law we know that it was agreed upon to have been transferred

[Mr. Barasa]

to Western Province by now. Imagine someone coming from Kitale to Nakuru, which is about 130 miles. If he has any business he is confronted with a lot of expense coming to Nakuru whereas the people's interest is that they could just as well go to Kakamega.

We would like now this Government to approve the said agreement which was already accepted. Not only that, but it was on the air as well. Everyone is quite aware of the fact that it was on the air. The only thing we do not know what decisions Government wants to take on this matter. I feel that the Government should tell us now that Kitale is to be transferred or not to be transferred. If it is not transferred, Government will be doing quite a lot of disservice to the people of Western Province.

We know that in the Western Province Government has not given all the rights or the demands of the people. Kitale is one of the things that the people have been demanding. Although it was an agreement which was signed by the then Presidents nothing has been done. The regions are there.

Mr. Kamuren: (Inaudible.)

Mr. Barasa: The hon. Member who is interrupting is looking at Kitale as though this was a flower to him.

Now, we cannot really expect to look at Kitale as if it was Rift Valley, a province, to have vast land from Lake Rudolf up to the Indian Ocean, to think that this is our possession and yet the demands of the people within that particular place the Trans Nzoia are not unreasonable, and they are neglected.

Now, Mr. Speaker, Sir, if we could ask for a referendum of the people of Trans Nzoia, the majority of them would say that we should sever the Western Province right away. Whenever we go home these are the questions. We know that the Members of the Western Province are not given big posts in the Government. We do not mind that we are not given either Ministerial or other big posts in the Government but the one thing we want is Kitale. Kitale is our own place.

Mr. Kamuren: It is not.

Mr. Barasa: Mr. Speaker, the hon. Member speaking does not know the history of Kitale. He is only there to interject while I am speaking. He lives far away from Kitale.

Mr. Kamuren: On a point of order, Mr. Speaker, is it in order for the hon. Member to say that I live away from Kitale when Kitale is within Rift Valley and is Kalenjin land?

The Speaker (Mr. Slade): The hon. Member is entitled to say that you live very far away from Kitale, if he thinks you do. It is a matter of opinion what is far away. You must let him continue.

Mr. Barasa: Mr. Speaker, Sir, before our ex-masters came to Trans Nzoia some years back, our people, the Abuluhya, were predominant in Trans Nzoia. These people were deliberately evicted and moved away with their cattle to the Western Province. We had two rivers which had confusing names. One was the Kwywa and other was Kamukuywa. When they pushed us towards the Kuywa River which was twelve miles away from the present boundary. We told them that they had fixed the boundaries along the Kamukuywa River and not along the Kuywa River. This confusion of river names lost us twelve miles.

We would like to say that this is the biggest demand of the people of Western Province. We do not mind if we miss anything from the Government, today or tomorrow. All the people want is the administrative transfer of Kitale to the Western Province.

Mr. Kamuren: You will never get it.

Mr. Barasa: I would like to say this, Sir, that the Member who is interested in interjecting all the time is the Member who would like to make intimidation of some sort, but we are ready for anything. We have been patient all this time. This agreement was signed and gazetted by the Government. If the Government was a different one from the present Government, we could think differently, but the people who signed this agreement are the same people who are carrying our policy. We would like Kitale to be transferred immediately.

POINT OF ORDER

THREATS OF ILLEGAL ACTION

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, I am getting a bit bewildered in view of the procedural matter touching the sections in the question here, which have been referred to by the hon. Mover of this Motion.

In view of the fact, also, that he has answered with what I term a mild threat, by giving another bigger threat, is it in order, Mr. Speaker, that we should carry on knowing what the country is going through at the moment? Is it all right to make threats in the House?

The Speaker (Mr. Slade): If your point, Mr. Ngei, is that this Motion is no longer in order in view of the subsequent changes in the Constitution, I do not think that is so, although it is quite

[The Speaker]

a good thing that you brought it to the notice of the Mover, that there have been these constitutional changes. I say this because the Mover is referring to certain agreements that were made, and although those agreements may no longer have any constitutional effect, he is still entitled to ask the House to support the substance or spirit of those agreements. He is entitled to come here and ask still, what he has asked by this Motion, that the House approves the agreements, because if he received that approval it would give him considerable moral support to ask the Government to make the changes that those agreements contemplated.

However, when it comes to the other point Mr. Ngei mentioned, that there was the start of threats from one side of the House to another, as to what can be done, of course, any hon. Member who is suggesting any illegal action whatsoever is completely out of order.

(Resumption of debate)

Mr. Barasa: What I would like to know from the Government now. According to the great demand of the people of Kitale, and their long wait, with regard to the transfer of Kitale to the Western Province, what the people are waiting for is the transfer of administrative powers to the Western Province. Even though the Abaluhya live in Trans Nzoia, most of them do not pay their graduated personal tax to the Sirikwa County Council, but they take it to Kakamega, Busia, Bungoma. If the Government is not prepared to take any action on this matter, Mr. Speaker, then, even though at present we do not pay our graduated personal tax to the Sirikwa County Council, we shall continue paying this tax to the county councils to which we belong.

Mr. Kamuren: On a point of order, Mr. Speaker, people within Trans Nzoia, as far as I know, pay their graduated personal tax to Sirikwa County Council. So, I do not know if it is in order for the hon. Member to allege that people in Trans Nzoia pay their graduated personal tax to Kakamega County Council?

The Speaker (Mr. Slade): It is in order for him to state a fact. You can require him to substantiate it. If not, he can continue with his speech.

Mr. Barasa: Mr. Speaker, that is why I said the hon. Member is ignorant about the affairs of Trans Nzoia, because I have evidence to show that even there are Members in this House who are paying their graduated personal tax to the county councils of Western Province. That is why I say that he lives very far from Kitale.

The only thing the Government is doing is to continue to sit on this decision which has been passed by your regional assemblies. The hon. arap Moi is one of the people who signed. In this hon. House we still have enactments which were signed before the President. If the Government still wants to sit on these decisions, we would continue to demand that the Government should take a referendum in order to see how strong we are in the area.

As to the remarks of the hon. Member there, I am sorry but we cannot make Trans Nzoia a flower for him to look at. It is my flower.

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

Mr. Khaoya: Mr. Speaker, Sir, I rise to second this Motion but in doing this I would like to warn the hon. Members of this House that this is a very touchy Motion indeed. In fact, it is a very emotional issue indeed. However, I know, Sir, that the hon. Members are big enough to sit with their senses level in their heads, so that we can calmly deal with this situation.

I know that at this time when we are about to have the elections in the country, it is indeed a very big question and one might be accused of giving away his land. I know that, I know that the hon. Members here who come from the Rift Valley Province are afraid that this might be levelled against them, but, Mr. Speaker, I would like to draw the attention of the House to the fact that this is a matter which has already been decided. As we say, it is *res adjudicata*. You lose nothing by now urging the Government to effect what you have already given. I am proud of the people in the Rift Valley Province. I am proud in particular of the then president of the regional assembly in the Rift Valley, Mr. arap Moi, and all the Members who were in that House because they were very brave indeed. In fact, I have to congratulate them for the fact that they took the initiative to give. We know that in the Bible it says that it is more blessed to give than to receive. We in the Western Province were the receivers; we are very grateful.

However, after these gentlemen have given, what annoys us is that the Government, which has nothing to lose, has decided to sit on this until now and that we have to come and question what the Government is, in fact, doing. I know, Mr. Speaker, that a few fellows who were in the Government previously were sitting on this deliberately, and I should mention this. Since then we have had a few changes. I am glad that now they are out of the Government, now this is the time that some of the back-log should be swept away so that our house is clean.

[Mr. Khaoya]

Looking at this Motion, Mr. Speaker, there is a very straightforward request to this House. We are asking for this House to urge the Government to give administrative effect to what this House has already agreed to.

I know, Mr. Speaker, that, historically, Laibon Lenana was a great friend of our old Mumia, and this, of course, represents the present Rift Valley and Western Province. Laibon Lenana was on very good terms with Mumia. I know that at one time their boundary was around Naivasha, so that Laibon Lenana, taking this part of Kenya and Mumia, representing the Western area, was, in fact, taking the whole part of what is now in the Rift Valley.

I know also, Mr. Speaker, the circumstances which brought about these regions and, in particular, the circumstances which led to this abnormally big region of Rift Valley; it was not the intention of our comrades in the Rift Valley. I know that the intention behind it was—and, in fact, it must have been—that Kenya would have had another Katanga whereby all the Europeans in Kenya would have to go. But now that that idea has failed, in that the European in this country did not get what he wanted (and that is why he gave himself a very big region from Lake Rudolf right down to Kilimanjaro), and now that the white man has realized that he has failed to get that, is it not really in order for us now as friends to come to terms and say, “Hallo, *Bwana*, you have a very big share and we have been living together, why not share this with us?”

Mr. Speaker, I know—and I repeat—that this is a very touchy Motion, but I also know that Members here are big enough and I am sure they will have to lose nothing if only they can be brave enough and say, “Yes, we gave, and because we gave, we would like to see our brethren get what we have, in fact, given.”

Mr. Speaker, a few of the Members are making some noise here. I know that their worry is understandable, but, Mr. Speaker, do we not have machinery whereby one can be absolved from any blame in a case like this one? I think we have. If you were told that you were the people responsible for giving away this land, you would say, “We had nothing to do with this, it was passed in 1963, and we were only effecting what you had already passed.” Mr. Speaker, it is a very difficult question, but I am sure hon. Members, especially from the Rift Valley, will agree with us and so give us what we want.

With these few remarks, Mr. Speaker, I would like to second.

(Question proposed)

Mr. arap Biy: Mr. Speaker, Sir, I rise to oppose this Motion very strongly.

Mr. Speaker, Sir, I am not going to be intimidated by a few hon. gentlemen who are trying to shout at the top of their voices, so that I fail to give the reasons why I am opposing this Motion. Mr. Speaker, Sir—

An hon. Member: But you are a Kipsigis.

Mr. arap Biy: Thank you very much, that is known historically; I am a Kipsigis and I shall continue being a Kipsigis for ever.

The reason why this part of Rift Valley—which is Kitale and the rest of it—was to be transferred to the Western Region was because the Kenya African Democratic Union, Kadu, wanted to continue having strength day and night, to dominate the two provinces: the Rift Valley and the Western Provinces. Since Kadu is no longer in existence, Kenya is one, I do not see any more reason for urging the Government to transfer any part of the Rift Valley to the Western Province. Mr. Speaker, Sir, giving away a piece of land means giving away some blood of the people of the province. My own friend here, Mr. Muliro, was a very strong supporter, and even leader, of Kadu, and the same thing applied to hon. arap Moi. These gentlemen coming together thought of discussing the matter and, having a mutual agreement, they had to influence the two regional assemblies to pass enactments allowing the transfer of Kitale, so that hon. Muliro would continue being the king of the Western Province. Now, Mr. Speaker, there is no more kingdom which will enable the hon. Muliro to be the only paramount king in the area, and I beg to say there is no more reason for transferring Kitale to the Western Province.

Mr. Speaker, Sir, Kitale, as I understand, was to be transferred to the Western Province, so that another part of Western Province—that is, along the Hamisi Constituency, which was represented by an ex-Member of this House, hon. Choge—was to be transferred to the Rift Valley. Now hon. Godia, who is the Member representing that area of Hamisi Constituency, is opposed to that very strongly: there is not even a portion of that constituency which is going to be transferred to the Rift Valley. Now it means then that these hon. gentlemen are going to confuse the issue. Therefore, we are not going to allow any part of our Rift Valley to be transferred.

[Mr. arap Biy]

Mr. Speaker, we are going, in the near future, I know, to ask the Government to divide the Rift Valley, the biggest province in Kenya, into two or even more provinces, so that it could be easily administered provincially.

An hon. Member: Trans Nzoia first.

Mr. arap Biy: Thank you very much. I am coming to that.

Mr. Speaker, Sir, I think the Government is going to accept that the Rift Valley has to be divided into two and, therefore, there is no need for our hon. colleagues from the Western Province to say that the Rift Valley is big and so another part of it should be given to the Western Province.

Mr. Speaker, Sir, I do not want to labour on this very much. I beg to oppose the Motion wholeheartedly, even, if possible, physically.

Mr. Muliro: Mr. Speaker, Sir, I am not speaking with any emotion on this Motion. The problem here is quite simple.

An hon. Member: Really?

Mr. Muliro: Yes. The facts are that under the section which is quoted in this Motion, any two provinces—then called regions—with a common boundary could agree to alter that common boundary, as long as they could pass it in their respective regional assemblies by a 75 per cent majority.

This was a relevant clause in the Kenya Constitution which started operating from 1st June 1963 to 12th December 1963, before Kenya's independence. The then presidents of the provincial councils of the Rift Valley and Western Province—the hon. D. T. arap Moi, who is today Minister for Home Affairs, and the hon. Wafula Wabuge, who is today still the chairman of Western Province Provincial Council—agreed in October of that year, and on 25th November 1963, the two regional assemblies enacted laws transferring certain areas of Western Province to Rift Valley and certain areas, including the town of Kitale, to Western Province. This was gazetted in the *Kenya Gazette* of 26th November 1963. In other words, the requirement under the Kenya Constitution at that time was fulfilled.

When it came to the administrative implementation of the Act, we were moving to independence in December. The Minister for Constitutional Affairs then, Mr. Mboya, who is the Minister for Economic Planning and Development today, and the Minister for Home Affairs, who is today the KPU president, both agreed that we could not transfer it at that time

administratively until the celebration of independence. They did not want to cause any emotion at that time. They said, "Look, leave it like that." That was the agreement.

After the celebration of independence, we have continued to celebrate independence, and then we went on to celebrate the formation of the Republic. We have now celebrated the first year of the Republic and this Act has still not been implemented administratively.

There was a clause in the Republican Constitution that any enactments passed by two regions are treated as Acts of the Kenya Government, as Kenya laws, until they are repealed by the President. The President, Sir, had the right to repeal the Act between 12th December 1964 and 12th December 1965. The President of the Republic of Kenya never repealed that enactment. Therefore, the facts are very plain. What the Motion seeks to do is to tell the district commissioner in Kitale that matters affecting the western ward of Kitale, Trans Nzoia, and the town of Kitale, should be reported at Kakamega, and all matters east of Kitale should be reported at Nakuru. This is the only thing which this Motion is seeking. Mr. Speaker, for anyone to say anything else, I think, is out of the question. If I had to say anything more than that, I would be out of place.

Let it be clear that Rift Valley today—as the hon. Member, Mr. arap Biy, says—should be divided. Of course, it provides one of the largest provinces and there is hardly anyone who can administer it effectively today. But that is not what we are looking for. What the Motion is looking for is the implementation of the law which, up to today, up to the minutes I am speaking, Mr. Speaker, is a law of Kenya. Therefore, a constitutional Government is acting unconstitutionally by not ordering the district commissioner in Kitale to implement this administrative Act. We want to uphold the Kenya Constitution, but we do not want to abuse the Kenya Constitution ourselves. I would hate to see the Government which I support wholeheartedly behaving in the way it is behaving.

With these remarks, Mr. Speaker, I do not want to provoke any hon. Members from Rift Valley. In fact, among hon. Members who are talking from Rift Valley, the hon. Member from Tugen comes from 200 miles away from Kitale, and he does not even know what is there.

If this is not implemented, Mr. Speaker, what I would request the Government to do is to apply a referendum to the portion of Kitale which is still out of Western Province, because, as far as the western part is concerned, it is already part

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of Western Province. If the Government does not do anything, the only thing the Western Province has to do is to file a case in the Supreme Court and the Supreme Court will make the judgement in favour of Western Province.

With these remarks, Mr. Speaker, I beg to support and support very strongly.

Mr. Kamuren: Mr. Speaker, Sir, I stand to oppose entirely a Motion which is intended to give a piece of Rift Valley to a tribe which is not supposed to enjoy that part of the province.

Mr. Speaker, it was during the time of Kadu that the complication came about. It was during the time of Kanu/Kadu, which were competing during the last general election—

Mr. Muruli: On a point of information—

Mr. Kamuren: I am not going to give way, Sir.

Mr. Speaker, the Abaluhya who were living in Trans Nzoia were fewer and they were only working for the settlers during the colonial days. As they produced more children they happened to spread within the district as they have become more, they now demand for Trans Nzoia to go to Western Province historically.

Mr. Speaker, we are not going to accept this and—I am repeating again—it is Kalenjin land and the Kalenjin will never offer the Baluhya a piece of land which they do not deserve to have in their own province. They have been complaining here that Western Province is more or less as small as a location. Why do they not disband that province and then we will have a part of it in Nyanza Province and a part of it in the Rift Valley Province?

Mr. Shikuku: On a point of order, Mr. Speaker, could the hon. Member who is speaking a lot of emotional nonsense substantiate that hon. Members from Western Province have been complaining that Western Province is so small, it is like a location, and it should be disbanded? Could he substantiate that any hon. Member from Western Province has so stated in this House?

The Speaker (Mr. Slade): You might like to refer to the complaints that you have in mind, Mr. Kamuren.

Mr. Kamuren: Mr. Speaker, I think I am right in saying that, because I remember several times some Members here from Western Province saying they want to have Kakamega, the headquarters of the province, enlarged because it is becoming as small—I mean, this is what has been said here several times.

The Speaker (Mr. Slade): I do not think we ought to spend much time on this. Certainly, I seem to recollect I have heard this from Members myself: that the Western Province is very small in area compared with other parts of the country. I see nothing wrong in that statement, or in other hon. Members saying it has been made. Let us get on, I think.

Mr. arap Soi: On a point of order, Mr. Speaker, is it in order for an hon. Member of this House to say that what another hon. Member is saying is emotional nonsense?

The Speaker (Mr. Slade): The word “nonsense” is out of order. I did not hear it, though. “Emotional” I heard, and that is not out of order.

Mr. Kamuren: Mr. Speaker, I remember that the Baluhya, who today come and say they want Trans Nzoia to be transferred to Western Province, did not have such an idea before Kadu came into operation, which was competing with the ruling party today. Mr. Speaker, Sir, some of the Abaluhya Regional Assembly Members were, of course, in the position of crossing the Floor to Kanu during the Kadu days before even negotiating with Kalenjin Regional Assembly Members. Then they came here from Western Province and said, “Unless we are given a bit of the Rift Valley, which is Kalenjin land, for our own, to form a province, we Abaluhya will not then be in the position of remaining in Kadu.” These people were promised, “All right, if we are to be together and you wish to remain in Kadu, for the sake of retaining Kadu, we accept your suggestion that there is a piece of land.” This was, of course, the White Highlands and was occupied by the European settlers then. That was Kitale. Afterwards, when Kadu was disbanded in favour of joining the ruling party, we all said Trans Nzoia is in Rift Valley and it is Kalenjin land, and that is why today the Abaluhya are confusing and saying they want Trans Nzoia. This is the headache.

Another thing, Mr. Speaker, which I am surprised to have heard from the Mover of the Motion, is that Graduated Personal Tax from Trans Nzoia, which comes to Sirikwa County Council, is termed to be going to Bungoma. Now, Sir, this is, of course, a misleading statement in the House. If regional assemblies had the power of passing that enactment and had Trans Nzoia transferred to Western Province, why do you come and ask for it here, if it had the right? It was passed and implemented, but it has not yet been implemented to the effect that Kitale should go to Western Province. Mr. Speaker, I remember the reason why Members for the

[Mr. Kamuren]

Baluhya tribe demand Trans Nzoia to go to Western Province. It is because Bungoma is the smallest town that would not even warrant being the headquarters of that province; they want Kitale to be it. Why do you demand Kitale in Kalenjin land?

Mr. Shikuku: On a point of order, Mr. Speaker, could the hon. Member address the Chair instead of shouting at us?

The Speaker (Mr. Slade): I think the hon. Member is addressing the Chair. That requirement does not imply that he has to keep his eyes glued on the Speaker's face. He can look around. He is not expected to turn his back on the Speaker too often; that is all.

Mr. Kamuren: Mr. Speaker, I am glad the Chairman of the Provincial Council, Rift Valley, is here. Of course, with the effort of the Masai and Kalenjin, we are prepared today even to face the Abaluhya Members in this House if they want us to wrestle a little bit. Sirikwa County Council, Mr. Speaker, as far as I know, receives Graduated Personal Tax from all Abaluhya in Trans Nzoia, but not only from the Baluhya. The West Pokot also in Kitale pay their Graduated Personal Tax to Sirikwa County Council, and they go on shouting and saying, "I come from several miles away." How can it be far, that Baringo and Kitale could be 200 miles away? This is dreaming.

Now, Sir, because I do not want to occupy most of the time, I would only make a statement that I oppose entirely the question of Kitale and Trans Nzoia going to Western Province. I ask my colleagues, the Baluhya Members, to go back and inform their people that now Baluhya, a part of Sirisia, and all that area, should come to Rift Valley, if they feel it is becoming a bit of a headache, by having a provincial commissioner situated in Bungoma which was the headquarters of the district commissioner. I would then say that the Kalenjin and Masai are prepared any time to see that Trans Nzoia will never, never be seized by the Abaluhya. If they have no land, then they should go to Nyanza and ask for some from the Luo.

With these few remarks, I beg to oppose very strongly such a Motion, and it should never be brought to this House again.

Mr. Godia: Mr. Speaker, Sir, I think our brothers, the Kalenjin, should consider us as true Africans. We are brothers and, therefore—I know what to say! Therefore, there is no reason why we should be touched with a point which is of interest, not only to one particular tribe or person but to the whole country.

Mr. Speaker, Sir, it must be realized that in this House we have already approved a Motion asking the Government to adjust the provincial boundaries and districts, in accordance with the wish of the people. That Motion went through unopposed. Therefore, my brothers, who are Kalenjin, must realize that the purpose of that Motion was to effect the transfer of a place like Kitale, which is predominantly Abaluhya, to Western Province. I do not see any reason why my brothers who are Kalenjin should be very cross when they hear that, because even now, if you go to Kitale, you will get nobody but Abaluhya staying there and working there. For that reason, I think we should not be annoyed when we come to this point. My hon. friend should listen until he is allowed to speak.

I think, therefore, Mr. Speaker, we should appeal to the House to consider asking the Government to authorize the transfer of Kitale administratively from Rift Valley to the Western Province. Also, it is not a mistake for Members of the Abaluhya to request Government to consider this. There is that very large area of Uasin Gishu and Trans Nzoia, which is enormous, and if we request the Government to reconsider this area, including Western Province as it forms part of Western Province, it is not a mistake. Even if there are Kalenjin there, they will be cared for. It does not mean that if this area is transferred to the Western Province, then the Kalenjin will be mistreated; definitely not. Therefore, I think this is merely for administrative purposes and it merely means that if this area is transferred to Western Province, the Kalenjin who are there will get their share, and they will have a voice on all political issues to see that their people are given a fair deal in whatever they want for education, for medical services and other forms of development in their particular area.

Therefore, Sir, when we put this Motion we put it fairly. I do not think it is fair for people to think that when we were Kadu and we did things that we were trying to fight Kanu. Now, Sir, we are now one; all members of Kanu, and we should all think for the good of the country, and the good of the nation. We should not divide ourselves into small groups, and that when we make a national demand it is for the good of the nation and not for a particular person. Mr. Speaker, Sir, when we talk about the people in the Western Province we do not mean that anybody who is Kalenjin there will be thrown away, no, they will all grow together. If there is any injustice, a court of law will be there to attend to it.

[Mr. Godia]

Now Mr. Speaker, Sir, the Member for Bomet, Mr. arap Biy, who spoke here said that part of Kapsengari and Girimackwa, which are within my area—

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, is there another Member for Bomet apart from me? The hon. Member now speaking says that the hon. Mr. arap Biy is the Member for Bomet, when I am the Member for Bomet.

The Speaker (Mr. Slade): I think you have mistaken the constituencies, have you not, Mr. Godia?

Mr. Godia: Actually, Mr. Speaker, Sir, I forgot. I think it should be Buret, is that right? I really do not know. I must be excused for that.

The Speaker (Mr. Slade): You accept the correction?

Mr. Godia: Mr. Speaker, Sir, it is the Member for Buret. Now, Sir, the Member for Buret suggested that it was the intention of Kadu to transfer Kapsengari and Girimackwa to the Rift Valley. I think, though, Mr. Speaker, Sir, that Kapsengari and Girimackwa, as they are areas in the Hamisi Constituency, they are not touched by this Motion. This Motion is concerned with the transfer of Kitale and therefore Girimackwa and Kapsengari should not be mentioned at all.

Now, Mr. Speaker, Sir, I think, as a whole, the Kalenjin brothers in the Rift Valley who have a bigger province will consider our position by seeing that the Kitale area is transferred administratively into the Western Province. However, Sir, should there be any arguments over this, then I will go back to what the hon. Masinde Muliro said, that we should call for a referendum to see what the majority want. If the majority in Kitale want to be transferred to the Western Province, then there is no reason why they should remain there just because a Member of Parliament has refused. I think, Mr. Speaker, Sir, we should give the people the right to make their own decisions.

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

The Speaker (Mr. Slade): Mr. Mate, are you going to offer us a detached point of view?

Mr. Mate: Mr. Speaker, Sir, I am speaking on this Motion as a neutral. I do believe, Mr. Speaker, Sir, that in this Kenya of today, when we have *Umoja*, that the whole question of Kitale, which is a bone of contention, perhaps imaginary, should not affect anybody so seriously. The hon. Member for Hamisi has admitted that

the Baluhya are farming in Kitale, they also live there. What therefore does he want? Does he want land to farm on, because he already has it?

Now, Sir, if that is the case; that the Baluhya are farming in Kitale, they must also live there. Mr. Speaker, Sir, just because it is in the Rift Valley they object, because it is in the Rift Valley, then they are asking too much from good people. Mr. Speaker, Sir, much as I would have liked to support my friend the Member for Elgon East I do think it is a storm in a teacup. Mr. Speaker, Sir, with all due respect to the hon. Member for Trans Nzoia, Masinde Muliro, I do believe that the Member for Hamisi has defeated his own arguments by saying that the Baluhya want an Abaluhya district commissioner in Kitale.

Furthermore, Sir, he wants Kitale transferred due only to the district officer. So, Sir, with all due respects as a neutralist, I do believe even the Member for Butere would not have the guts, or even the courage, to defeat logic.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I do not remember having spoken on this, is the hon. Member therefore in order to attack me when I have not even spoken on the Motion?

The Speaker (Mr. Slade): No. Mr. Mate, the hon. Member is pointing out that you are attacking him for having spoken something when he has not spoken at all.

Mr. Mate: I apologize to the hon. Member for Butere for having referred to him. However, Sir, the logic is this. The Member for Trans Nzoia is an Abaluhya. There are a few Meru people who sell tobacco there. Yes, Mr. Speaker, Sir, they sell tobacco in Kitale. Kisii people are also selling tobacco there. They are traders.

So, Mr. Speaker, Sir, my position is this. I do not know who to support, with due respects, but I do feel that the Member for Hamisi is a bit, you know, off the mark and the Member for Elgon East, but I feel that Kitale is in the proper place.

Mr. Speaker, Sir, it should belong to where it is now.

The Speaker (Mr. Slade): I was just wondering whether anyone would be ready to speak on behalf of the Government soon, because the time for this Motion is beginning to run out. It is not essential, there is just room for one other Member to speak and still room for the Government, or would you like to speak now, Mr. Ngei?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I would like to say that when this

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agreement was reached it was reached during the internal self-government period, with an internal self-government constitution which was only given a period of six months, 1st June to 12th December 1963. It is true that an agreement was reached between the two presidents of the two regions in regard to this phoney matter which has been brought by the hon. Member for Elgon East, Mr. Barasa. However, Sir, when the agreement was reached by the two presidents, there was no reference at all done with the Central Government or the Parliament. Therefore, Sir, the question of legality of the situation does not arise.

Mr. Speaker, Sir, I want to tell the hon. Mover of this Motion that I do not intend to speak on the merits or the demerits of his Motion referring to the matter in question; that is the boundaries which serve the two regions.

I want to tell the hon. Member, with all due respect, that even if this Motion was passed in the House, it would have no legality at all for the proposed transfer of the area between the Rift Valley and the Western Province.

When this agreement was reached was a long time ago. In our present Constitution there is no machinery for giving effect to this agreement which was entered by the two presidents prior to independence.

Also, Mr. Speaker, I would like to draw the attention of the hon. Mover of this Motion to an amendment of this section in our Republican Constitution, which sets out the procedure which is to be followed when matters of this nature do arise. Mr. Speaker, if I may be allowed, I would like to quote from the Kenya Republican Constitution, section 239. It says *inter alia*:—

“(1) Subject to provision of this chapter, the boundary between any two regions may be altered by an Act of Parliament.

(2) A Bill providing for any alteration of the boundary between two regions shall not be proceeded upon by either House of the National Assembly unless the question of an alteration to that boundary has been referred to a commissioner appointed under subsection (3) of this section, and the commissioner has recommended to the President that the alteration provided for in the Bill ought to be made, and the report and recommendation of the commissioner has been laid on the Table of each House of the National Assembly.

(3) If the President considers that the question of making any alteration to the boundary

between the two regions ought to be investigated, then—

(a) the President shall appoint a commissioner who shall be selected by the Chief Justice from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and

(b) the commissioner shall inquire into the matter, and hold such public inquiries in the area or areas likely to be affected by the boundary alteration under investigation as he considers necessary, and shall report on the facts of the matter to the President and recommend to him what alteration (if any) ought to be made to the boundary under investigation.

(4) A Bill providing for any alteration of the boundary between two regions shall include such provision as may seem to Parliament to be necessary or expedient for the local government of the area or areas affected by the alteration of the boundary.”

Mr. Speaker, I do not want to read the whole thing. The procedure is set in black and white and it is obvious the way in which this problem should be tackled.

Now, Sir, I want to ask the Mover of this Motion, Mr. Barasa, to withdraw the Motion and then follow the procedure which has been set aside for this. Therefore, I do not want to say much because I have said that there is new procedure for such matters as have been introduced by the Mover. I would be most grateful if the hon. Member could withdraw this Motion and then take action according to what I have said.

I will not sit down, Mr. Speaker, without saying one or two other things. The hon. Mr. Masinde has, of course, referred to this and said that agreement had been reached, and if the Government does not heed the agreement which was signed by the regional presidents, then they are prepared to take the matter to court. Perhaps the hon. Mr. Masinde did not know that the former agreement will not have any legal bearing if it was taken to court, because that was done during the time of internal self-government. Since then we have a new Republican Constitution for Kenya and this is the one which has a bearing on this matter.

I am sure that the hon. Mover of this Motion will realize that the Government has no intention whatsoever of bulldozing what he terms as

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the wishes of members of the Western Province, and I humbly ask the Member to bring the matter in the right way. Let him make representation to the President of the Republic. No one in this House will doubt that the President is very fair. Recently, as a matter of fact, only yesterday, the President demonstrated very clearly that he was out for justice, when after representations were made to him he saw fit that the beloved leader of *Dini ya Msambwa*, *Mbwana Elija Masinde* should be released. This is a clear indication of the spirit of justice that is within our President.

If the noisy hon. Member for Butere could be a little bit patient I would be grateful because I have been listening to all the debates on this Motion quietly.

Therefore, the Government's humble request is that the hon. Mover now withdraw his Motion and then follow the procedure laid down so that the matter can receive attention along the right lines.

Mr. arap Too: On a point of order, Mr. Speaker, in view of the fact that the Minister who is replying on behalf of the Government has appealed to the Mover to withdraw this Motion, could we not allow the hon. Member to either accept or reject the Minister's suggestion?

The Speaker (Mr. Slade): Not as a point of order. The Minister is entitled to finish his speech before we see the reaction of the Mover.

The Minister for Housing (Mr. Ngei): I think I have made the point very clear.

Another point on which I want to say something is this. The hon. Members in this House, the representatives who have the corporate will of the people, people who elected them to come to this House, have a duty of responsibility not only to the constituents but to the nation. I have been listening here to some remarks which have been made by some of the hon. Members which, in my own judgement, amount to altercations. Now, if these altercations, Mr. Speaker, are read outside, in the newspapers, then, of course, we are painting another picture of disunity among our own people. It should not look as if we are going to encourage altercations which may culminate in threats and which may also sow the seed of tribalism, thus making the whole situation worse, thereby causing further disunity which we do not want in this country.

Therefore, Mr. Speaker, Government asks hon. Members to bring their cases in the most orderly manner, the usual manner of an hon. Member. Their title is honourable and, therefore, it would

not be fitting if they indulged in activities which were considered to be dishonourable, especially when it amounts to altercation between an hon. Member of one region and another.

I do not intend, Mr. Speaker, to keep the House much longer but I would like to ask the hon. Mover of this Motion, Member for Elgon East to agree to approach the Government according to the proper procedure. If this is done Government will look into the matter efficiently.

The Speaker (Mr. Slade): It is now time for the interruption of business, but I think we will inquire first whether the Mover wishes to withdraw.

Mr. Barasa: Mr. Speaker, Sir, I respect the request from the Government and I also respect the demand of my people who gave me the licence to come here. I will put forward an amendment when this Motion comes up again for discussion but I will not withdraw the Motion.

The Speaker (Mr. Slade): Well, I reckon there is another twenty-five minutes to go on this debate which will allow time for an amendment to be moved before the Mover replies.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. So, the House is adjourned until Tuesday, 14th June, at 2.30 p.m.

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

WRITTEN REPLIES TO QUESTIONS

Question No. 4

STUDENTS' AMENITIES VOTE FUNDS

Mr. Shikuku asked the Minister for Education if he would tell the House:

- (a) How many private students in London had been given funds by the Kenya Office in London from the Students' Amenities Vote Fund, between June 1963 and June 1965.
- (b) What were the terms and circumstances under which private students could be given such funds as mentioned above.
- (c) What the breakdown was of the students so far who had received such funds, according to their provinces.

The Minister for Education (Mr. Nyagah):
 (a) About 112 names appear in the account books of the Kenya Education Attaché in London, representing the number of students who got financial assistance from the Students' Amenities Fund.

(b) Students have been given assistance on various grounds depending on the discretion of the Kenya Education Attaché. The normal grounds are those of "emergency rescue" to students, when they unexpectedly run out of pocket while waiting to find money in the usual ways. At times, the student attaché could give money from this fund, if he felt a student might be expelled from a college or hostel or any lodgings, due to failure to meet his financial commitments.

(c) It is not possible to give an accurate breakdown by provinces. The available statistics have not been kept by provinces, but an analysis by names of beneficiaries would seem to show that of the 112 students concerned, 40 came from Central; 20 from Nyanza; 13 from Eastern; 7 from Western; 3 from the Rift Valley; 1 from Coast; and 28 others. (Asians and Europeans included).

Question No. 5

PROMOTION OF UNTRAINED TEACHERS

Mr. Godia asked the Minister for Education if he would give the House the breakdown of the number of untrained teachers who had been promoted to trained status as a result of their long service, experience, honesty and hard work, as P1, P2, P3 and P4, for the years 1963, 1964 and 1965.

The Minister for Education (Mr. Nyagah):
 The number of teachers promoted to trained status on merit:—

	1963	1964	1965
From untrained to P4 ..	17	30	20
From untrained to P3 ..	107	22	22
From untrained to P2 ..	—	—	—
From untrained to P1 ..	—	1	—
Total ..	124	53	42

The above figures relate to those teachers, who are promoted to "trained" status purely as a result of their performance in the classroom as unqualified teachers.

As long service, experience, honesty and hard work are good qualities, but not substitutes, for professional training, the policy of the Ministry of Education is to provide training for all teachers. Training colleges, therefore, recruit suitable candidates every year from among unqualified teachers, thus giving them a chance to become trained and certificated teachers. However, the shortage of teacher-training facilities makes it impossible for all unqualified candidates to enter teacher training, and so, some worthy candidates, unavoidably, remain in the service as unqualified teachers.

To facilitate the training of unqualified teachers, the Ministry has designed a programme to be implemented with effect from this year, whereby unqualified teachers who have taught for a period of four years will receive in-service training in their fifth year, during which, they will be given a concentrated form of training, after which, an assessment of their ability and suitability for certification will be made.

Tuesday, 14th June 1966

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Vote on account—Financial year 1966/67.

(By the Minister for Finance (Mr. Gichuru))

Economic Survey, 1966.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister for Economic Planning and Development (Mr. Mboya))

NOTICE OF MOTION

VOTE ON ACCOUNT

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

THAT in accordance with section 194 of the Constitution the withdrawal from the Consolidated Fund of the sum of £30,605,505 made up in the manner set out in the Vote on Account laid before the House of Representatives, 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 1967, until such time as the Appropriation Act for that year comes into operation.

The President's consent has been signified to this Motion.

ORAL ANSWERS TO QUESTIONS

Question No. 137

AGRICULTURAL FINANCE CORPORATION LOANS: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Agriculture and Animal Husbandry if he would explain to the House how many African farmers without land title deeds and those with land title had been given loans by the Agricultural Finance Corporation of Kenya during the year 1965 in South Nyanza.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. The reply to the first part of the question is, seven large-scale and thirty-seven small-scale loans.

No farmers in South Nyanza hold title deeds as yet and, therefore, this part of the question does not apply.

Mr. Ngala-Abok: Mr. Speaker, if that does not apply, will the Assistant Minister tell us when that will apply, when will these people have the title deeds and whose mistake is it?

Mr. Khasakhala: Mr. Speaker, Sir, as soon as land is consolidated in that area, this will apply.

Mr. Shikuku: Arising from the Assistant Minister's reply, Sir, to the effect that it will be as soon as these people have land title deeds, is he aware that there are parts in Kenya—particularly in Butere—where people have land title deeds and yet they have not had this?

Mr. Khasakhala: Mr. Speaker, Sir, that is another question.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister aware that almost the entire Kabondo Constituency has had land consolidated and that the Government is dragging on giving the title deeds, so as to enable the people in the area to get the loans necessary?

Mr. Khasakhala: Mr. Speaker, Sir, the Ministry is going into that and if the Member can assist, it will be very valuable to this House.

Question No. 163

SHORTAGE OF BEDS: COAST GENERAL HOSPITAL

Mr. Omar asked the Minister for Health if he was aware that the number of beds in the Coast General Hospital, Mombasa, were inadequate. If the answer was in the affirmative, what did he intend to do in order to improve the situation.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. I am aware that the total number of beds throughout the Republic are inadequate and it is not only at the Coast General Hospital. This Hospital has 243 general beds and 25 amenity beds, amounting to a total of 268 beds. The Member will also appreciate that Mombasa is in a luckier position than other places because there are a number of hospitals in that area. Some are private and some are Government, but we look upon health as one subject and we look upon a geographical area, and looking at all the available beds in that area, although they are not enough, they are quite ample for the time being.

Nairobi is the only other place in Kenya which beats Mombasa in number of beds per person because it is the headquarters of the

[The Minister for Health]

Republic. Otherwise Mombasa would be in the very happy position of being first, but we are trying, during the 1966/70 Development Plan, to increase the number of beds. There are 741,000 people at the Coast and, therefore, if you work it out, you will see there is one bed per 1,000 people in that area. It has 1.01 Government beds per person and 1.72 beds available altogether per 1,000 people, compared with the Eastern Province which has only 0.89, Nyanza 0.59, Rift 1.15, Western 1.74, Central 1.19 and North-Eastern Province which has 0.40 only.

Mr. Jahazi: Mr. Speaker, Sir, would the Minister agree with me that the quickest way to alleviate this situation is to remove the nurses who are, at the moment, occupying one big wing of the hospital, by constructing a different nurses' home? If he does agree, would he indicate as to when he will make the nurses vacate the wing that was intended for wards and make it free to add more beds?

Mr. Otiende: Mr. Speaker, Sir, I appreciate the interest which the hon. Member takes in Mombasa Hospital; he seems to know exactly what is wrong. If I can be assured of funds right now from this House, I will remove the nurses immediately.

Mr. Balala: Mr. Speaker, Sir, is the Minister aware that on some occasions two patients sleep on one bed, on a single bed?

Mr. Otiende: Mr. Speaker, Sir, we have what we call peak periods of sickness in June and July sometimes in Kenya, and it is not a very strange thing to have two patients on one bed.

Mr. Shikuku: Arising from the reply by the Minister for Health, Mr. Speaker, where he agrees that there are two patients who sleep in one bed, could the Minister tell the House whether this is done with the full consent of the two patients or is it just a question of forcing people into one bed?

Mr. Otiende: Mr. Speaker, I do not know whether the hon. Member would like us to send away a very sick patient, but it is a point on which doctors are very touchy; they would not like to send away a sick person, they would rather have two facing different ways.

Question No. 156

RATEPAYERS' SEATS: MOMBASA MUNICIPAL COUNCIL

Mr. Balala asked the Minister for Local Government when the ratepayers' seats would be abolished in the Mombasa Municipal Council.

The Assistant Minister for Local Government

(Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. In July 1965, the Municipal Council of Mombasa asked the Ministry to amend their constitution to abolish the ratepayers' seats. The Members of Parliament also requested my Ministry to abolish the seats. Unfortunately, Mr. Speaker, the matter has been taken over by the Ministry and at present the Commission of Inquiry into Local Government is now investigating the matter and the answers will be coming shortly.

Mr. Omar: Mr. Speaker, Sir, does the Assistant Minister agree that the ratepayers' seats are only in Mombasa District and do not exist anywhere else? If so, why is it necessary that he should wait until the report of the commission of inquiry comes out?

Mr. Njiiri: Mr. Speaker, Sir, the matter has been taken over and I would not like to add any further suggestion to that until we get the report.

Question No. 161

NAMING REGULATIONS FOR TOWNSHIPS AND STREETS

Mr. ole Tialal asked the Minister for Local Government if he would inform the House what regulations existed that controlled and directed local authorities when naming or renaming streets in townships.

The Assistant Minister for Local Government

(Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. In September 1965, I was asked a similar question and the position is still the same. Under the Local Government Regulations, a municipal, urban and area council is empowered to name or rename any streets in its area of jurisdiction without my Ministry's approval, except in the Rift Valley and Coast Provinces. Members should remember that during *Majimbo* the regional assemblies of the Rift Valley and the Coast Provinces did amend the Local Government Regulations. Since *Majimbo* was abolished, now the matter is handled by my Ministry.

Mr. ole Tialal: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would it not be a good suggestion to his Ministry that he takes our advice and follows the example of the then Rift Valley Regional Assembly, so that when the local authorities name or rename streets they have to be approved by the Ministry before they become operative?

Mr. Njiiri: Mr. Speaker, Sir, as I have already mentioned, according to the Local Government Regulations, the county councillors have the power to do that, although the Ministry is always interested with any suggestions, but as far as that

[Mr. Njiiri]

power, which is given to the county councils or municipalities, is concerned they have to abide by it.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that some streets in the country are named after some of the members of the dissident group, for example, the leader of the KPU, what power has his Ministry got over such local authorities, which still leave the names of members of the dissident group up? Can he recommend their abolition forthwith?

Mr. Njiiri: Mr. Speaker, Sir, since these county councils have the power with which to do things, if the hon. Member can bring this question or put a notice in to the Ministry, then we will be able to find out what will be able to be done.

Mr. Mate: Mr. Speaker, Sir, with regard to the question by the hon. Member for Masai, would the Ministry consider giving numbers to the streets, for example, 12 Kimathi Street, or 30 River Road, so that the hon. Tialal will be able to identify them?

The Speaker (Mr. Slade): That is another question.

POINT OF ORDER

CORRECT DRESS IN THE CHAMBER

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, Sir, I had not wanted to rise on this because I had hoped that I would be able to find it from Erskine May. What I wanted to ask, Mr. Speaker, Sir, was, is it correct for the hon. Member for Nyandarua, when Kenya is not at war, to come into this House in a uniform? I have been looking in Erskine May and I see that normally an officer is supposed to have permission from his regiment before he can come into the House in a uniform. Therefore, Mr. Speaker, Sir, firstly, I would like to know whether he is in order, and secondly, whether he has that permission.

The Speaker (Mr. Slade): I am not concerned with what permission hon. Members may have from any authority outside this House, but as far as the order of this House is concerned, it is not out of order for the Member to appear in uniform.

ORAL ANSWERS TO QUESTIONS

Question No. 166

SENIOR POSTS IN THE EAST AFRICA CARGO HANDLING SERVICE

Mr. Omar asked the Minister for Power and Communications if he could tell the House the reasons why the two brothers, Halwenge, held

senior posts in the East Africa Cargo Handling Service Ltd.: viz. the post of General Manager and Assistant Mombasa Branch Manager. Could the Minister also state the reasons why most of the senior posts in the East Africa Cargo Handling Service Ltd., Mombasa Branch, were held by the same tribe as the general manager.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. I must say at the outset that this question is phrased in a most unfortunate way and that I doubt very much whether it is strictly in order. In the first place, the East African Cargo Handling Services Limited is a public company administered by an independent board of directors whose policies are not subject to the direct control of Government. Secondly, I think it is quite wrong that two senior officers of the company should be named in public and subjected to a personal attack of this nature.

Nevertheless, I am fortunately, in a position to assure the House that the hon. Member's charges of nepotism and tribalism are altogether unwarranted and without foundation. As to the first part of the question, Mr. James Halwenge was appointed Assistant Branch Manager, Mombasa (Designate) many months before the post of General Manager was Africanized. The fact that Mr. Edward Halwenge was subsequently appointed general manager was a coincidence and nothing more.

The charge of tribalism contained in the second part of the question is equally absurd. The majority of senior posts in the company are not held by officers of the general manager's tribe. They are held for the time being, by expatriate officers of the European tribe.

The Speaker (Mr. Slade): Since Mr. Masinde has questioned whether this particular question was in order, I think I should explain that, under Standing Order 25, questions may be put to a Minister not only relating to matters for which he is actually responsible, but also to public affairs with which he is officially connected, and I think it can be said that the Minister is officially connected in some way with the affairs of a public company; and so I would not say that the question is out of order, though whether it is a desirable type of question is another matter.

Mr. Omar: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister in which he says that most of the senior posts are held by expatriates, can he give me the number of senior posts occupied by expatriates, and the number of senior posts which are held by close relations of the general manager and the assistant manager?

Mr. Masinde: Mr. Speaker, Sir, we are just now being told of the number of relatives, or people closely related to the general manager, who are holding senior posts. However, Sir, if the hon. Member has any names of people holding posts, and I know most of the posts, then we would be glad to hear, because all of them, apart from the general manager, are held by Europeans.

Mr. Omar: Mr. Speaker, Sir, is the Assistant Minister aware that the Coast Members' Parliamentary Group visited the harbour last year, and some time early this year, and we happened to meet the general manager, discussed the matter and he, himself, was convinced that his tribesmen were in many of the senior posts and the majority of the employees in that industry were people of his tribe, and he assured us that this matter would be rectified, but up to now it has not been rectified?

Mr. Masinde: Mr. Speaker, Sir, I am very pleased to hear that, but I would like confirmation that the general manager himself was convinced that the majority of the Africans holding senior posts were of his tribe. One thing the hon. Member does not appear to want to accept is this: that I know for sure that they have expatriate officers of the European tribe, and when we get Africans, then let us get them from his constituency.

Mr. Jahazi: Mr. Speaker, Sir, the hon. Member has just made a collective statement about the Coast Members of Parliament having sat down with the general manager and that the general manager accepted the fact that the majority of the employees there were of his own tribe. Mr. Speaker, Sir, I was one of the Coast Members of Parliament present and I wish to dissociate myself from such a—

The Speaker (Mr. Slade): Mr. Jahazi, would you please repeat the last sentence?

Mr. Jahazi: Mr. Speaker, Sir, I wish to dissociate myself from such a statement.

Mr. Balala: On a point of order, Mr. Speaker, Sir, in view of the fact that the hon. Omar alleged that at a meeting of the Coast Parliamentary Group with the general manager of the harbour, he had agreed, or he had complained that what they had alleged was true; now, Sir, being a member of the Coast Parliamentary Group and not being aware of this—

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

Mr. Balala: My point of order, Mr. Speaker, Sir, is this. Is it in order to ask the hon. Member to substantiate his allegation which he made before this House and which I believe is untrue?

The Speaker (Mr. Slade): I was not aware that the hon. Member made any allegation. I think he said he wanted verification of what he had heard. That is quite in order.

Mr. Omar: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance with regard to this matter which has been raised by the hon. Jahazi and hon. Balala, because after this allegation, I went into the matter by corresponding—

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

Mr. Omar: Mr. Speaker, Sir, my point of order is this. With regard to the statements that have been made by Mr. Jahazi and Mr. Balala, Mr. Jahazi has dissociated himself from what I said and also Balala stood up to indicate that what I had said was probably not correct. Now, Sir, I personally—

The Speaker (Mr. Slade): Now, Mr. Omar, what is your point of order? You cannot rise on a point of order, just to tell a long story.

Mr. Omar: I only want to say that I can substantiate.

The Speaker (Mr. Slade): You have not been asked, in this House, to substantiate as far as I know. We will go on.

Question No. 162

DELAYED TELEPHONE CALLS

Mr. Tialal asked the Minister for Power and Communications if he would tell the House whether he was aware of the current serious delays to telephone calls in Kenya. Could he also tell the House what steps he had in mind to improve the situation.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The Postmaster-General is very much aware of the current delays on telephone calls in Kenya. The traffic conditions on all trunk and junction circuits are observed very carefully and forward planning is made to avoid serious congestion where possible by the provision of additional circuits and improved equipment. Unfortunately, it has not always been financially possible to provide these additional circuits when they are required and this delay in their provision has been aggravated by delays by the manufacturers to provide the required equipment quickly, coupled with delays in shipping. It is hoped, however, that the most seriously congested circuits will be improved and augmented by the end of this year, and the rest of the circuits by the end of next year, subject to availability of funds.

Mr. ole Tialal: Mr. Speaker, Sir, would the Assistant Minister not agree with me that most of the delays over telephone calls are caused by the inefficiency of the staff employed by the Post Office?

Mr. Moss: Mr. Speaker, Sir, I cannot accept that remark by the hon. Member, because most of our staff in the Post Office are trained for their jobs. If any of them is found to be inefficient, he will be dealt with according to the regulations governing the Post Office.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister agree with me that there is extreme lack of a sense of urgency within the Post Office staff, and also there is extreme lack of discipline, and these are the main causes of these delays? Sometimes they are very rude to the public, and that is true.

Mr. Moss: Mr. Speaker, Sir, I would welcome any complaints in my office and will look into them carefully.

Mr. Kiprotich: Mr. Speaker, Sir, will the Assistant Minister agree with me that since Africanization took place in the Post Office, all these delays have been going on and have been causing so many people very serious delay? Will the Minister do something to see that these delays do not continue any longer?

Mr. Moss: There is no question to answer, Mr. Speaker.

Mr. Shikuku: Arising from the Assistant Minister's almost rude answer, "There is no question to answer," could he tell the House whether there was any question in this Parliament during the colonial time that there was delay? Is it not true that, since the colonialists have gone, the inefficiency in the Post Office has become abominable?

Mr. Moss: In the first place, Mr. Speaker, I was never in this Parliament during the colonial days. In reply to the second part of the question, I think it is the hon. Members who have always alleged that Africanization must be speeded up as quickly as possible.

Mr. Balala: Mr. Speaker, Sir, will the Assistant Minister agree with me that a refresher course is necessary for the employees of his exchange in order that they feel the responsibility of their jobs?

Mr. Moss: If the hon. Member did some homework thoroughly, he would find that we have so many training centres for refresher courses which have been going on for several years.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 162: DELAYED TELEPHONE CALLS

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the unsatisfactory reply to the question and also in view of the abominable situation in the Post Office, I beg to raise this matter on adjournment.

The Speaker (Mr. Slade): Mr. ole Tialal has the first claim to raise it. Do you concede it to Mr. Shikuku, Mr. Tialal?

Mr. ole Tialal: I have no objections, Sir. I agree.

The Speaker (Mr. Slade): All right, then, Mr. Shikuku.

ORAL ANSWERS TO QUESTIONS

Question No. 136

LEASES AND TITLE DEEDS FOR AFRICAN SHOP OWNERS

Mr. Ngala-Abok asked the Minister for Lands and Settlement if the Minister would tell the House what his policy was regarding the immediate issuing of leases or title deeds to all permanently built African shops throughout Kenya as was done to Asians and Europeans during colonial days.

The Speaker (Mr. Slade): Who answers for the Ministry of Lands and Settlement? If there is no Minister here to answer, we will go on to the next question for the time being, Mr. Balala, your question.

POINT OF ORDER

ABSENCE OF MINISTER AT QUESTION TIME

Mr. Ngala-Abok: On a point of order, Mr. Speaker, what happens if a Ministry knows that a particular question is appearing in Parliament and not even one Assistant Minister out of so many Assistant Ministers, not even a Minister comes here to reply on behalf of that particular Ministry? What action can I take, what should I do?

The Speaker (Mr. Slade): I think hon. Members are well aware of what they can do if they are dissatisfied with the response of Government to questions in this House. If, in the course of Question Time, we find that there is not a Minister here to answer, we leave it to the end in the hope that he will come in before the end to answer.

[The Speaker]

If, in a morning or an afternoon, there is such a conspicuous lack of Ministers on the Front Benches that one question after another goes unanswered, the House registers its disapproval in the usual manner, right up to the point, sometimes, of adjourning the House. Hon Members will recall Motions for the adjournment of the House on that very account. That is all Members can do.

Mr. Mate: On a point of order, Mr. Speaker, in the usual way if one man can object to a House sitting because a Minister is absent—and Ministers are busy people—I believe that Member will be out of order to call for the adjournment of the House when some of us have not even been able to ask our questions. That is why I am asking if the hon. Member for Homa Bay is trying to cut down through two?

The Speaker (Mr. Slade): Order, Mr. Mate! I think, Mr. Mate, you had better keep your point of order to yourself.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, now that the Minister for Lands and Settlement has just come in—

The Speaker (Mr. Slade): Order! Order! No, Mr. Ngala-Abok, you have already raised a point of order and I have just answered that. You cannot have another one.

ORAL ANSWERS TO QUESTIONS

Question No. 157

NON-CITIZENS VOTING IN NATIONAL AND LOCAL GOVERNMENT ELECTIONS

Mr. Balala asked the Attorney-General whether, in view of the fact that the citizenship grace period had already expired on the 12th December 1965, he could assure the House that those people on the voters' roll who were not citizens of Kenya would neither be allowed to vote nor contest a seat in any elections, either for the National Assembly or for local councils.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply on behalf of my colleague, the Attorney-General, who has unavoidably had to leave the Chamber.

At present, non-citizens who are on voters' rolls may vote at all elections and may be elected as councillors of local authorities.

I am informed that the Electoral Commission has instructed that a new voters' roll be prepared in the course of the next few months which will

exclude all non-citizens, and that legislation will shortly be drafted to provide that councillors of local authorities must be citizens.

I am further informed, Mr. Speaker, that the delay in this has been because of these by-elections; also, that preparation of a voters' roll is normally done in the holidays, so that use can be made of school children.

Mr. Balala: Arising from that reply, Mr. Speaker, could the Minister who is replying on behalf of the Attorney-General, tell the House what the position of those non-citizens will be who have been elected on to local government councils when such legislation is introduced?

Mr. McKenzie: That will depend, Sir, entirely upon the wording of the legislation which is ultimately passed by this House and the Senate.

Mr. Balala: Mr. Speaker, Sir, can the Minister assure this House, or convey to the Attorney-General, that when that legislation comes, those who are non-citizens and who are members of such councils, such legislation will affect them and they will be required to vacate their seats when that legislation is passed?

Mr. McKenzie: Mr. Speaker, undoubtedly that is what will be put forward, but I sincerely hope that the hon. Member will speak in the debate and will put that view forward strongly.

Question No. 160

LAW QUALIFICATIONS THROUGH CORRESPONDENCE COURSES

Mr. Shikuku asked the Attorney-General if the Attorney-General would tell the House why his Chambers did not recognize qualifications in Law achieved by Kenya citizens through correspondence colleges, for example, the British Tutorial College.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on behalf of the Attorney-General I beg to reply. Professional qualifications in Law acquired with the help of correspondence courses, or otherwise, are certainly recognized in the Kenya Chambers. Diplomas in Law awarded by correspondence colleges are not professional qualifications and are not recognized as such by Kenya or by anyone.

Mr. Shikuku: Arising from that reply, Sir, what is the Ministry doing to help those people who are trying to study through correspondence courses, to advise them what sort of training courses they should take in order to receive promotion?

Mr. McKenzie: Mr. Speaker, Sir, I am advised that the Kenya School of Law are fully qualified to advise these people and are, in fact, advising a great number. Over and above that, anybody who comes to the Attorney-General's Chambers, requesting this information, is given an officer to explain fully to him the best correspondence aid to have to obtain a degree.

Mr. Shikuku: Arising from that reply, could the Minister tell us what facilities are now made available to these people who would like to have promotion and cannot get promotion unless they have higher qualifications in law? What provisions have they made, because people have already paid a lot of money to the colleges only to find that their qualifications are useless? Will the Ministry refund the money?

Mr. McKenzie: Mr. Speaker, Sir, that is another question, but I would suggest that the hon. Member talks to any person who has had a raw deal and asks him to go to the Attorney-General's Chambers to put this problem to the officer who deals with the problem. He will be shown this officer when he goes to the inquiry desk at the Attorney-General's office. I sincerely hope, Mr. Speaker, that the hon. Member is not talking about his own difficulties.

Question No. 152

CHUKA BULGE FOREST: TIMBER, AREA AND DEVELOPMENT

Mr. Mate asked the Minister for Natural Resources if he could tell the House what the approximate size was of the area of forest reserve commonly known as the Chuka Bulge in Meru District, following a line from Kianjokoma in Embu, via Kiria in Chuka, Kajogu in Mwimbi, to Uruku in Nkuene.

Could he also tell the House—

- (a) what timber trees were to be found there; and
- (b) whether he would consider releasing this bit of forest for agricultural development.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The portion of the Mount Kenya Forest Reserve commonly known as the Chuka Bulge is on the south-eastern side of an inspection and enumeration line running from Rukithia to the Chogoria Track. The acreage of this piece of forest reserve is about 24,000 acres.

A large number of indigenous trees grow in this area, including Camphor (or *Muziti*), Meru Oak (or *Muhuru*) and Podo.

The then Minister for Natural Resources, Wildlife and Tourism stated in reply to Question No. 2315 last year what the policy was concerning the release of parts of this forest area for agricultural development. This policy remains unchanged.

Mr. Mate: Mr. Speaker, Sir, is the Assistant Minister aware that as far as the south of Meru is concerned, this is the tea line from Kianjokoma to Uruka? Is he aware of this?

Mr. Malinda: I am not aware of what the hon. Member for Meru Central is trying to suggest. What I am aware of, Mr. Speaker, is that an inspection and enumeration line across the top of the bulge, from numbers HZS 085738 to HZS 002612 was cut way back in 1948 and 1949, and that is not the position as the hon. Member is suggesting.

The Speaker (Mr. Slade): Next question. We will go back now to Mr. Mate's other question.

Question No. 129

MEDICAL COLLEGE FOR NAIROBI

Mr. Mate asked the Minister for Health if he could tell the House what progress had been made with regard to plans for the establishment of a full medical university college at Nairobi and when the actual building was going to start.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The establishment of a full medical school within the University College, Nairobi, is under very active consideration. It is proposed that the school should commence in 1967/68, with an initial intake of thirty students. If funds are obtained, we can expect some of the buildings to commence during the current financial year.

Mr. Mate: Mr. Speaker, Sir, with all due respect to the Minister, is he aware that Tanzania has different money and in Kenya we should be moving up?

Mr. Otiende: Mr. Speaker, Sir, with all due respect I do not see how that affects us here. If Tanzania has gone on to another type of coinage, we will still continue building our University College without them.

Question No. 130

MAKERERE MEDICAL GRADUATES

Mr. Mate asked the Minister for Health if he would tell the House how many Kenya students at Makerere College were due to complete their medical studies and to become doctors this

[Mr. Mate]

year, 1966. What gap would they be able to fill, as far as the shortage of doctors in Kenya was concerned.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. There are nine Kenya students doing their final medical year at Mulago/Makerere University College this year.

Subject to their passing these final examinations, all nine medical students will be offered pre-registration training posts by this Ministry. This pre-registration training lasts for one year, during which time, they will serve as Medical Officers (Intern). On satisfactory completion of their one year's internship, they will be eligible for employment as fully registered medical officers. Thus, as far as the present shortage of medical officers in Kenya is concerned, these nine Kenya medical students will not be able to fill any gap at all until April 1967, when they will be employed as junior medical officers, probably in our provincial general and larger district hospitals.

Mr. Mate: Mr. Speaker, Sir, with all due respect to the Minister, is he aware that there is more good will for Kenya in this line and that he could send people to Canada, Australia, and other countries, to go and train and come back as doctors, and rather than wait for whatever Uganda can give us in terms of whatever they have; and would he consider sending our students to Canada or Australia or even Britain or Wales?

Mr. Otiende: Mr. Speaker, Sir, the hon. Member will be aware that up to now we have depended on foreign countries for training our medical officers. While we train our doctors at Makerere, and in future here, we shall still be able to send doctors abroad for training. What happens now is that we send them out for specialist training in far-away countries which the hon. Member has mentioned, including New Zealand and Australia.

Question No. 136

LEASE AND TITLE DEEDS FOR AFRICAN SHOP OWNERS

Mr. Ngala-Abok asked the Minister for Lands and Settlement if he would tell the House what his policy was regarding the immediate issue of leases or title deeds to all permanently built African shops throughout Kenya, as had been done to Asians and Europeans during colonial days.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, before I reply, I would like to apologize to the House for being absent earlier on when this question was first called.

The policy of the Government is to issue title deeds to all developers who construct approved buildings in permanent materials on properly planned and surveyed or demarcated plots. This policy is being continuously implemented.

It is not the Government's policy to issue leases to holders of temporary occupation licences who have, at their own risk, built in permanent materials on the plots, unless the plots are in accordance with an approved development plan. However, where possible, planning will take into consideration the existence of permanent buildings even when they have been erected on land held on a temporary occupation licence, and if there are any particular areas that the hon. Member has in mind in this question, I should be grateful if he would let me have details and I will undertake to see if I can help in expediting the issue of title deeds.

Mr. Ngala-Abok: Mr. Speaker, Sir, if the Minister says that his Ministry's policy is to issue title deeds to those permanently built shops, which have been planned, and so on, will he tell me what he will do with the present permanently built shops which do not have title deeds, since the basic principle in our Development Plan is to give loans to traders and we must get leases or title deeds in order to obtain these loans?

Mr. Angaine: Mr. Speaker, Sir, I do not think we are considering temporary buildings at all; but if the hon. Member who asked this question can tell me which plot or plots he is referring to, I can look into the matter.

Mr. Ngala-Abok: Mr. Speaker, Sir, I am referring to all permanently built plots in Kenya, in African areas, which have not been given title deeds. Plenty of them are in South Nyanza. He knows them, they have no title deeds and yet they are permanent.

What is your policy, Sir? Tell us.

Mr. Angaine: Mr. Speaker, Sir, I have already mentioned that the Government policy is to issue title deeds to plot-holders who have complied with our laws.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 136:
LEASES AND TITLE DEEDS FOR AFRICAN SHOP OWNERS

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I would like to raise this on an adjournment to give the Minister the details he requires.

The Speaker (Mr. Slade): Mr. Barasa, you have—

Mr. Makone: On a point of order, Mr. Speaker, in view of the very unsatisfactory reply to the question of Mr. Ngala-Abok, I would like to raise this matter on an adjournment.

The Speaker (Mr. Slade): Mr. Ngala-Abok has said he is going to raise it.

Mr. Makone: I beg your pardon, Sir.

QUESTION BY PRIVATE NOTICE

CLEARING THE WEST KENYA MARKETING BOARD'S MAIZE STORES

The Speaker (Mr. Slade): Mr. Barasa, you have a question by private notice?

Mr. Barasa: Mr. Speaker, Sir, I rise to put the following question.

In view of the fact that all the West Kenya Marketing Board's maize stores are full and there is a lot of maize held by farmers and traders in their own stores outside, would the Minister consider ways of clearing the present maize storage so that the maize traders and farmers can clear their own stores completely in preparation for the new maize crop which is now almost ready?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the hon. Member's information is not quite correct. There is available at this moment in the Western Kenya Marketing Board's sphere of influence 240,000 bags' space empty. At Kisumu there is 40,000, Yala 45,000, Butere 5,000, Kendu Bay 129,000, and Homa Bay 12,000.

But, Mr. Speaker, it is true that certain stores are full, but arrangements over the last five days have already been set in motion to divert deliveries direct to Butere where there is still a great deal of spare capacity and from whence transfers can be made by rail to Yala and Kisumu. I can give the hon. Member an assurance that by the time the 1966 crop is ready to take—and it must be dry this year because we do not intend taking wet maize like was taken by the Marketing Board last year, which ran us into great financial loss—and when the crop is dry, there will be ample space for the crop to go into.

Mr. Barasa: Mr. Speaker, Sir, is the Minister aware that Mr. Opembe was sent to Western Province to make an investigation as to whether the stores were quite full of maize, and that he found that it was true that they were full of maize? Then he had to go to Kitale and he found that the store there was also full of maize and that he had no alternative storage space?

Mr. McKenzie: No, Sir, this is not correct.

Mr. Shikuku: Mr. Speaker, arising from the last reply, that it is not correct, is the Minister aware that in some years we have more yield than in other years? Will he not agree with me on a provisional basis that we should also encourage those people who want to build their own small stores, so that they can keep this extra maize, particularly in the Butere area where a lot of maize is grown?

Mr. McKenzie: No, Sir. What, in fact, we are doing is that we are now looking at plans to build an extra storage capacity of at least half a million bags. I would also like to inform the hon. Members that because of talking to various people we have available now, with hired storage, 2.6 million bags' storage and, as I have said, we are now actively negotiating to obtain a further half a million bags' storage. So there will be ample storage in the country, just so long as the railways work, so that we can move it.

Mr. Barasa: Mr. Speaker, Sir, would the Minister tell the House why it is that our school boarders are forced to eat this yellow maize from Kisumu and yet we have a lot of food in the country?

NOTICE OF MOTION FOR THE ADJOURNMENT

KARURA FOREST RESIDENTS AND WORKERS

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today, Dr. De Souza is to raise the matter noted on the Order Paper.

MOTION

LIMITATION OF DEBATE: SPEECHES IN BUDGET DEBATE

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT speeches in the debate on the Financial Statement on the Annual Estimates be limited to thirty minutes, excluding Mover's speech and reply.

As the hon. Members know, tomorrow the Minister for Finance will be making a Financial Statement and after that it will be for the hon. Members of this House to make the comments they may feel desirable on the Minister's Financial Statement. In the past, the speeches of hon. Members had been restricted to twenty minutes. This, Mr. Speaker, gave about ninety Members of this House an opportunity to debate the Budget, but subsequent to developments in this House, the Members themselves felt it was necessary to give the Members a longer time to debate and argue on the Financial Statement of the Minister for Finance.

[The Minister of State, President's Office]

Consequently, the previous arrangements were abrogated and in their place the Members agreed that the speeches be limited to thirty minutes. It should be appreciated by the hon. Members that this will give fewer Members an opportunity to debate the Budget. According to our calculation, we have fifteen days allotted for this sort of debate and that would give us a maximum of thirty hours, and about sixty Members would be able to speak on the Financial Statement on the Annual Estimates.

It is the wish of Members that their speeches should be limited to thirty minutes. Also, I think they should appreciate that having accepted that, the maximum number of Members to speak will be reduced by thirty: from ninety to sixty. But that is the decision of this House—

Hon. Members: Question, question.

The Minister of State, President's Office (Mr. Nyamweya): Well, Mr. Speaker, Sir, the memory of some Members can be very short. Having accepted last year that the speeches of the Members on the Financial Statement on the Annual Estimates should be limited to thirty minutes, Mr. Speaker, Sir—

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

The Minister of State, President's Office (Mr. Nyamweya): I stand corrected if it was the suggestion. But then I was only trying to point out what the natural consequences are if we adopt this Motion, which is the wish of the Members, that Members should have thirty minutes on the Budget debate.

This being purely a procedural Motion, Mr. Speaker, Sir, I do not wish to labour on this point and I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

Mr. Kamau: Mr. Speaker, Sir, I will take a very short time on this Motion, but I would draw the attention of the Minister concerned to the fact that here we have come from different constituencies and to limit the number of Members to sixty, in my view, is not fair.

I would say very briefly that each Member should have at least twenty minutes. That would be enough for a Member just to express the wishes of the people he represents in his own constituency, but if we say that we will restrict it to thirty minutes, it means that we are going to curtail most of the Members from expressing their views on this Budget. Therefore, Mr. Speaker, Sir, I would oppose thirty minutes and

amend this by saying that we would prefer to have twenty minutes as sufficient for a Member to express himself.

Therefore, I oppose the Motion and suggest twenty minutes instead of thirty.

The Speaker (Mr. Slade): I am afraid I cannot entertain any Motion for amendment of this from thirty to twenty, or any other figure, without having it in writing before the amendment is moved.

Mr. Balala: Mr. Speaker, Sir, briefly, I would like to support this Motion as brought by the Minister and to enlighten the hon. Members on their suggestions and proposals last year.

It has been proposed from time to time by Members of this House that twenty minutes is insufficient for them to express their views in the Budget debate on different subjects. Mr. Speaker, I must congratulate the Minister for bringing this Motion and for his consideration in extending the time for Members from twenty minutes to thirty, because I believe that by increasing the time from twenty to thirty minutes, it will give Members ample time to express their views on the different aspects of the Budget debate. This will, in fact, give wider scope for Members to speak on different subjects.

The last speaker, the hon. Mr. Kamau, has said that this will deprive other Members of the chance of speaking in this debate, but I would like to say here that it is not necessary for Members to speak for thirty minutes. Some Members may speak for ten minutes, others may speak for fifteen minutes, others for twenty minutes and others for thirty, and this will enable other Members also to take their chance to speak for a longer time and others to speak for a shorter time; this will not only give a chance to sixty Members to speak. We may be able to get ninety Members to speak in this debate, for that matter, because others will not be able to speak for thirty minutes.

With these few remarks, Mr. Speaker, I would very strongly like to support the Motion as it is before this House.

Mr. Mbogoh: On a point of order, Mr. Speaker, this being a procedural Motion, I wish to move that the Mover be called upon to reply.

CONSIDERED RULING

EXPLANATION OF BUDGET AND ESTIMATES DEBATES

The Speaker (Mr. Slade): No. I think quite a number of Members have views on this, and it does concern a debate that will last for five

[The Speaker]

days. It might be advisable for me to make quite clear to the House what is in issue here; it is a little confusing.

Under our Standing Orders, after receiving the Financial Statement from the Minister for Finance, which is tomorrow, there are five days allotted for general debate on that Statement, and it is that debate to which this Motion refers. Then there are fifteen more days called Allotted Days for consideration of the Estimates, Vote by Vote, in Committee of Supply, each of which can be preceded by a general debate on that particular department. We have not yet by this Motion suggested any time limit for those debates. The Sessional Committee may very likely suggest it when we reach that point. What we are concerned with now is a debate that will last five days, a general debate on the Financial Statement, and, of course, the shorter the time allowed for each Member, the more Members that will be able to speak.

(Resumption of debate)

Mr. Ochwada: Mr. Speaker, Sir, I rise to support the Motion.

Mr. Speaker, when the Minister was considering to accede to the thirty minutes we asked for last year, he should also have considered the fact that Members come from different areas and they have different constituencies. They have different problems in their various areas and constituencies and I would have liked to see the Minister also bring a suggestion, which was raised last year, of not only increasing the twenty minutes to thirty minutes but considering to increase the number of days allotted under Standing Orders. It is difficult for me to move that Standing Orders be amended and the number of days be increased from five to ten, but I intend to draw the attention of the Minister to the fact that, if we are to accept thirty minutes—which I am accepting—then the number of days allotted should also be increased, so as to give a number of us who would wish to speak and express our views on the Budget an opportunity to speak. If we are to limit the general debate to five days, it will give very few of us a chance to speak and I believe that you have, in the past, realized that during the Budget debate some Members decide to get away from the House because they know that they have no chance to speak. However, Sir, if we had a chance and were given the opportunity and the idea that each of us would get a chance to speak, particularly in the general debate, then most of us would sit here hoping for the best but expecting the worst.

Now, Sir, in the past it has been hopeless, we have not hoped for anything, except to expect the worst that there would be no chance for each of us to speak. Mr. Speaker, Sir, I would like to draw the attention of the Minister to the fact that not only the thirty minutes should be considered, but also the possibility of amending the Standing Orders in order to increase the number of days for the general debate, if possible, from five to ten days.

CONSIDERED RULING**EXPLANATION OF MOTIONS TO EXEMPT
STANDING ORDERS**

The Speaker (Mr. Slade): I think I should explain the procedural position there. Although our Standing Orders provide that this particular debate shall be limited to five days, there is always that provision, in Standing Orders, that a Minister can move that a particular business be exempted from Standing Orders, to a certain extent. So here a Minister could move, at any time, before we conclude the debate, that this particular debate be exempted from that Standing Order to allow another one day, two or even five days. Whether Mr. Nyamweya is prepared to indicate the attitude of Government now on that matter or prefer to wait for the views of the Sessional Committee, I do not know, but we can treat it as a point of order and take it now if he is prepared to express it.

(Resumption of debate)

The Minister of State, President's Office (Mr. Nyamweya): No, Sir, not at this stage.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I wonder if I can, firstly, put forward some suggestions and remind hon. Members that perhaps they have forgotten what happened last year.

Mr. Speaker, Sir, I think it would be of an advantage to everybody if at an early stage we knew which Votes were going to be taken and in which order. This would immediately mean that some of the long speeches which we have in the debate on the Financial Statement can then be left to be raised when we debate the Vote under Ways and Means.

Also, Mr. Speaker, Sir, I think the hon. Members will remember that towards the end of the fifth day, last year, there was a tremendous lot of repetition. I agree with one hon. Member who has spoken that if people are in here for the debate and cross out of their own speeches repetition, then they will find that the last speakers, at the end of the fifth day, will find it difficult to

[The Minister for Agriculture and Animal Husbandry]

talk for thirty minutes. I think it is also up to Ministers and Assistant Ministers to see that repetition is not continued in this House so that those who have not spoken can have an opportunity of speaking.

Mr. Speaker, Sir, however, I do not know what the position is and perhaps you would like to clarify this. Normally, I understand, it is the Opposition who have the task of deciding the Votes. When we go into the Financial Statement we will, in fact, not have an Opposition, and I would like to know from you, Sir, when is the earliest that we can decide or the Sessional Committee, because there is no Opposition, can decide on which Votes will be taken. This, Sir, will also save a lot of time, because if, for instance, the Agricultural Vote is within the first four Votes, then neither my Assistant Ministers nor I would waste the time of the House in talking on agricultural matters in the Financial Statement. We would hold agricultural matters until when we discussed the Vote. This, Sir, would immediately give people an extra hour and a half in the Financial Statement.

So, Mr. Speaker, Sir, I wonder if you could inform us what the position is on the decision of taking the Votes. If I have read the Standing Orders correctly, Sir, and there be no Opposition, then as soon as the Minister for Finance has made his Statement tomorrow afternoon, the Sessional Committee could then meet and decide on the priorities and the positioning of the Votes.

CONSIDERED RULING

SESSIONAL COMMITTEE'S RESPONSIBILITY FOR ORDER OF ESTIMATES DEBATES

The Speaker (Mr. Slade): Mr. McKenzie is quite right, of course, in recognizing that it is the Sessional Committee that has to decide these matters. It is true, as he says, that it has been a convention, and I think an important convention, that the choice of priorities in the allotted days has always been given to the Opposition. Here there will be no Opposition at the time we start, though there may be one before we have gone very far. I imagine the Sessional Committee will have to decide and decide very soon what priorities there are to be, but I hope that if later on an Opposition appears on the scene, they may be prepared to consider modification of the order to meet the wishes of the Opposition to some extent. We have to leave it to the Sessional Committee and expect a decision as soon as maybe for the reasons Mr. McKenzie has given.

(Resumption of debate)

Mr. Omweri: Mr. Speaker, Sir, I beg to speak on this Motion with the understanding that the arithmetic which the Mover referred to where he wanted to give more minutes for each person therefore allowing less Members to speak. Mr. Speaker, Sir, his arithmetic, worked out, gave us the answer that sixty people would be able to speak, but, Sir, that seems to be depriving the hon. Members of this House the chance of airing their views on this important debate on the Estimates. I disagree very strongly with that. Instead of reducing the number of Members allowed to speak, we should have worked out a way of how to get more Members to speak on this particular Motion; the Estimates. In which case, Mr. Speaker, Sir, I would like to suggest that we have a reduction on the minutes we were allowed last year, so that we have more people coming to speak and airing their views.

Mr. Speaker, Sir, the hon. Kamau suggested that we should have, if possible, the same number of minutes as we had last year so that we have more people speaking on the Estimates rather than have a few people speaking on this Motion. I also agree with the Minister for Agriculture that in most cases, when we have been debating these Estimates, we have too much repetition. I can tolerate repetition for twenty minutes, but, Sir, I cannot afford to wait and listen to repetition for thirty minutes, on what another Member has just said. I think, Sir, it would be fair if we reduced the repetition and decreased the minutes in which Members can repeat themselves.

Mr. Speaker, Sir, because this is a normal Procedural Motion I would like to suggest an amendment, that the word "thirty" be left out and we substitute in place thereof the word "twenty", so that we have fewer minutes and have more Members speaking, than have more minutes and fewer people speaking.

Mr. Speaker, Sir, I beg to move the amendment.

Mr. Makone: Mr. Speaker, Sir, I do not have much to say about the Motion, but I would like to second the amendment.

Mr. Speaker, Sir, since this is a very important debate on the Financial Statement and it is the wish, I hope, the general wish of the House, that more Members speak on this Motion, because it is the only Financial Statement of the whole year and it is the only Motion where one can speak referring to various grounds of the various Ministries.

Mr. Speaker, Sir, I maintain that the twenty minutes be the same as it was in the debate last year after the Financial Statement and that the

[Mr. Makone]

word "thirty" be removed, so that we have more people speaking.

I therefore, Sir, wish to support the amendment and oppose the Motion.

(Question of the first part of the amendment that the word to be left out be left out proposed)

Mr. Shikuku: Mr. Speaker, Sir, having been in this House for three years, I think we are in a better position now to assess our own situation and I am of the opinion that three years have given me some experience that there is a lot of repetition. I would agree with the hon. Mover of the amendment that we have more people speaking, through changing the figure "thirty" into "twenty", because as was said by my hon. friend Omweri one can tolerate twenty minutes' repetition better than thirty minutes.

In addition to that, Mr. Speaker, Sir, since the Minister seemed rather reluctant in accepting the fact that if it is thirty minutes we should have ten days rather than five, I am of the opinion that we should have more people speaking in less days, rather than having a few speaking in more days.

So, Sir, I am of the opinion that we should amend this Motion so that it reads "twenty" minutes instead of "thirty" minutes, in order to enable more Members to speak.

Mr. Speaker, Sir, therefore, since this is a Procedural Motion, with these few remarks, I wish to support.

Mr. Jahazi: Mr. Speaker, Sir, I do not agree with the amendment, because we do not speak here for the sake of speaking. The Budget is a very important subject on which to speak about and there is so much ground to cover that for those who have material which they want to talk about twenty minutes is a very little period in which to say it, and cover all the ground. Mr. Speaker, Sir, it was the general complaint last year that twenty minutes was not enough and in most cases for the Members who know what to talk about twenty minutes was not enough. I therefore welcome the Minister's statement in his original Motion that he intends to increase the time to thirty minutes. I think that is what we have all been striving to achieve. I, personally, Sir, would like one hour, but knowing that that is not possible I am not prepared to reduce the amount to twenty minutes again.

Mr. Speaker, Sir, I hope that this year's Budget will be very, very important; we are facing opposition, criticism and all that and we want to

discuss this very intelligently. Mr. Speaker, Sir, last year, also, the hon. Members were not as experienced as they are, perhaps, this year in scrutinizing and having something to say in thirty minutes. Therefore, Sir, I do not see any reason why the hon. Members should be afraid to spend thirty minutes talking about the issues which cover the whole of Kenya and the whole world, in fact, because we are bound to talk about every subject which concerns this country, whether local or overseas.

So, Mr. Speaker, Sir, I would like to oppose the amendment very strongly and stick to the thirty minutes. Mr. Speaker, Sir, the question of repetition should not come into the matter, because our Standing Orders clearly covers that. Unless the Members are accusing the Speaker that he does not overrule a Member who is repeating himself, then they should know that the Speaker is very alert with regard to that question, because I know sometimes that I have been overruled. Therefore, Sir, if any Member is repeating himself a lot, and he is lacking material, the Speaker will always be there to intervene and stop him from repeating himself. The question of repetition should be left to the Speaker, and I feel that we should retain the original Motion.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, since we all understand the position, may I be allowed to move that the question of the amendment be now put?

The Speaker (Mr. Slade): Yes, Mr. Kariuki, I will put that question.

(Question that the question of the first part of the amendment be now put, put and agreed to)

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

(Question of the second part of the amendment, that the word to be inserted in place thereof be inserted, proposed)

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

(Question of the Motion as amended proposed)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful to the hon. Members who felt that the decision they took last year in this House to increase the time allowed from twenty minutes to thirty minutes, have now accepted the Government's argument that it was for the interest of the hon. Members to have a shorter time allowed for the hon. Members so as to allow more Members to speak, when

[The Minister of State, President's Office]

the original Motion was tabled in accordance with the Resolution of this House in the past. I only want to correct one or two things, Mr. Speaker, Sir, and these are that in my earlier remarks I mixed up five days' debate which are normally allowed by the Standing Orders on the Financial Statement on the Annual Estimates. Last year, these five days were increased, by a Resolution of the House, to seven days. It is, to the knowledge of those who were in this House last year, that towards the fifth and sixth day the debate became very dull, and, as a matter of fact, it nearly collapsed on the sixth day. We hope that the hon. Members will endeavour to finish the debate on the Financial Statement for the Annual Estimates within the time allowed in the Standing Orders; that is five days, which would therefore mean that there is no necessity to increase the number of days to seven.

Mr. Speaker, Sir, as to the point which was raised by the hon. Minister for Agriculture, this is a matter which the Sessional Committee will have to look into. If the results of the elections are going to be known on Monday, then, perhaps, we may feel that it would not be proper to deprive the members of the Opposition, if there are going to be any, of their right to decide on the priority of Votes which are to be discussed. However, Sir, if the results are going to be delayed a little bit, then the Sessional Committee will have to decide on the list of priorities.

I am grateful, Mr. Speaker, Sir, for the contribution of the hon. Members to this Motion.

Mr. Speaker, Sir, I beg to move.

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

Resolved accordingly:

THAT speeches in the debate on the Financial Statement on the Annual Estimates be limited to twenty minutes, excluding Mover's speech and reply.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(Clauses 2, 3 and 4 agreed to)

First Schedule

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, Sir, I have a number of amendments to move to the First Schedule which were raised by my colleagues during the Second Reading, excepting one which I will comment on when I come to it.

I would like to move, Sir, that the First Schedule be amended—

- (i) by deleting the entry in the third column in relation to item "The Jute Control Act (Cap. 118)" therein and substituting therefor the following—

In subsection (2), substitute for the words "Legislative Council", wherever they appear, the words "House of Representatives";.

This is a normal, straightforward amendment. *(Question of the first part of the amendment, that the words to be left out be left out, proposed, put and agreed to)*

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

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, Sir, a further amendment is—

- (ii) by inserting therein in its proper sequence the following new item—

The Methylated Spirits Act (Cap. 120) (s. 7)

In subsection (1), substitute for the words "Inspector-General of Police in respect of the Nairobi Area or the Regional Commissioner of Police in respect of a Region" the words "Commissioner of Police."

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

(Question put and agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, Sir, the third amendment is as follows—

- (iii) by amending the item "The Mohammedan Marriage and Divorce Act (Cap. 155)" therein to read "The Mohammedan Marriage and Divorce Registration Act (Cap. 155)";.

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

(Question put and agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, a further amendment to the First Schedule is—

- (iv) that the First Schedule to the Bill be further amended by inserting in its proper sequence the following new item—

The Agriculture Act (Cap. 318) (s. 187)

In subsection (8), immediately following the words “amended under subsection (10) of this section”, insert the words “except where the owner has not made any endeavour to show cause in response to the notice served upon him under subsection (3) of this section within the period prescribed by that notice.”.

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

Mr. Kamau: Mr. Deputy Chairman, Sir, I only want to say that at the time of giving a notice of anything, I would inform the Minister for Agriculture that very wide publicity should be given, because there are some notices which cannot be understood by our people. You find that all of our people do not have access to the Official Gazette, some do not even know how to read. We have suffered during the colonial days. It would interest this House to hear that especially during the time of land consolidation in Kenya, some of us were in detention and prison, and we were told that unless—

The Deputy Chairman (Mr. Slade): Order, order, Mr. Kamau! I do not think what you are saying is quite relevant to this amendment of the law, because it refers to notice that is served upon somebody. That means, a notice served on an individual, actually handed to him, as opposed to a public notice.

Mr. Kamau: In that case, Mr. Deputy Chairman, I would say that in the case of any notice served to any individual the Minister must make sure that the person has seen the notice. The notice may be sent to somebody, either to a sub-chief or somebody else, and yet it may not reach the person concerned. So I would draw the attention of the Minister to see that the notice has been seen by the person concerned.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, Sir, it is normal procedure to make the person sign when he is served with a notice.

Mr. Shikuku: Mr. Deputy Chairman, I am of the opinion that the time has come when the ordinary man should be made to know what is happening. Lots of these notices are in English and the ordinary man, the small man in the

countryside does not understand English. All he is told is, “Put here *kidole*”, but he does not know what the notice means. It is only translated by the person who brings the notice. So, it would be advisable to have the notices in Swahili for the people who speak Swahili so that that person can read for himself what the notice contains before he is asked to put his *kidole* to it.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, I am prepared to consider this but I want to satisfy the hon. Member that as far as my Ministry and agriculture are concerned, it is never our intention to attempt to get a farmer agreeing to anything at all which he does not want to agree to, because the moment we do that we have a dissatisfied farmer. This makes it difficult for us to work with.

I can assure the hon. Member that if he knows where this is happening he should please let me know. However, he has made a point and I will certainly look into this to see what the extent of the problem is and discuss it with the hon. Member.

(Question put and agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, again, further to the First Schedule, an amendment as follows:—

THAT the First Schedule to the Bill be further amended by inserting therein in its proper sequence the following new item—

The Crop Production and Livestock Act (Cap. 321) (s. 4)

After “marketing” insert “processing”.

Long Title

After paragraph (h) insert a new paragraph as follows—

(hh) the regulation, licensing and control, in the interest of any industry concerned with any agricultural produce or crop, of factories and plant for processing that agricultural produce or crop;

Renumber the existing section as subsection (1) and insert a new subsection as follows—

(2) Rules made under subsection (1) of this section providing for a system of licensing may empower the licensing authority—

- (a) to attach conditions to a licence; or
- (b) to refuse to grant or renew a licence on any ground which appears to the licensing authority to be reasonable and in the interest of the production,

[The Minister for Agriculture and Animal Husbandry]

improvement, marketing or processing of the agricultural produce or crop concerned.

Sir, what we have found is that we have all the powers as far as agriculture is concerned. We have found that in the original Act the powers were not available once the produce produced by a farmer was in process of being processed. We now want to bring it to the processed article as well as to the farmer's article, so that we can have a certain amount of control of the process and the processed article over and above what we have at the moment, the farmer's produce.

(Question of the amendment that the words to be inserted be inserted proposed)

Mr. Kamau: Mr. Deputy Chairman, Sir, I am always interested in agriculture and I am glad that the hon. Minister here is also one of the exceptional Ministers with whom we have dealt.

Now, this process, as he puts it, I would say that in the past our people have experienced some difficulties. Sometimes the licensing of a certain kind of crop—the Minister, I am sure, will correct me if I go too far beyond the scope of the clause—was not—in most cases you find somebody is able to plant a certain kind of seed but the licensing officers—I am only referring to the past—only employed people who had personal hatred for certain people in the area and so they only gave certain people licence to plant these things. I hope in the future the Minister will see that because of the benefits that will come to so many people through planting our much-needed crops, no barrier will be set before anybody who wants to plant anything permissible under the Agriculture Act.

I hope the Minister will see to it that the officers in the field will be kind to farmers, that they will encourage them to plant more.

Sir, I support.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, the hon. Member has been talking about the produce side whereas, whilst I agree with him, we are now really talking about the processing side.

Sir, the hon. Member put a very valid point in his speech last year, in the Budget debate, and I well remember it. It was in the Agricultural Vote. I am sure he would be the first one to agree that perhaps we have already moved a long way to meeting his point which he has raised. I sincerely hope that my officers will continue to move along these lines.

(Question put and agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Chairman, Sir, I have one more amendment which I want to move under the Standing Order and this is also to the First Schedule. This is one which is tied to a certain extent in a question which was asked in the House today.

Sir, I wish to amend as follows:—

THAT the First Schedule to the Bill be further amended by inserting therein in its proper sequence the following new item—

Insert immediately after regulation 280, the following new regulation—

The Local Government Regulations, 1963 (L.N. No. 256/1963).

280A. As from the commencement of these Regulations, every register of electors prepared under the Kenya (Electoral Provisions) (Registration of Voters) Regulations, 1962, and not superseded by virtue of the Kenya (Electoral Provisions) (Registration of Voters) (Rectification of Registers) Regulations, 1963, and every register prepared under the Kenya (Electoral Provisions) (Registration of Voters) (Rectification of Registers) Regulations, 1963, shall be deemed to be an electoral roll prepared under regulation 55 of these Regulations, in respect of the local authority within the area of which is situated the registration unit to which the register of electors relates, until such time as a new register of electors is prepared under these Regulations.

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

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

Mr. Chairman, Sir, this new section 280A is necessary so that we can go ahead with the local government elections which are about to be held. Immediately the Electoral Commission comes out with the new voters' roll, as I said, when I was arguing the question today, at the same time new legislation will come in for the local government voters' roll and the local government regulations. This is, however, needed at the moment so that we can continue with the present local government elections.

(Question of the amendment that the words to be inserted be inserted proposed)

(Question put and agreed to)

(First Schedule as amended agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

THE NATIONAL HOSPITAL INSURANCE BILL
*(Resumption of consideration interrupted on
9th June 1966)*

The Chairman (Dr. De Souza): Hon. Members are aware that we were discussing clause 8 when the adjournment was moved that consideration of the Bill be deferred to the next sitting day, and the usual resolution that we report progress and beg leave to sit again has been done twice, and I have been instructed by the Speaker not to accept any further amendments of this nature, and the Committee should either decide to pass it or not, or to reject it, but not to accept what might be dilatory amendments to delay it for the third time.

Mr. Shikuku: On a point of order, Mr. Chairman, does that also apply to any Member who has an amendment, or to anybody who has an amendment to amend?

The Chairman (Dr. De Souza): Hon. Members are not allowed to amend at this stage, he can amend provided he has given written notice before 2.30 p.m.— Oh! I believe you have given written notice, Mr. Shikuku, but this is for clause 10, at the moment we are discussing clause 8. We are discussing proposed amendments to clause 8.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, those few of us who have been in the House have listened to a long tirade on this, and I would like to propose that you now put the question.

The Chairman (Dr. De Souza): Yes, I think so. I think there is no further speaker anyway, so I propose that the words proposed to be deleted, be deleted. I think that I might as well explain. I have put the amendment in two parts. The first part being that the words proposed to be deleted, be deleted. I now put that amendment that the words proposed to be deleted, be deleted—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, on a point of order, can you just explain to me—it happened so long ago—whose amendments are these?

The Chairman (Dr. De Souza): Yes, I think I will explain. Clause 8—

QUORUM

Mr. arap Soi: On a point of order, Mr. Chairman,—

The Chairman (Dr. De Souza): I am dealing with a point of order, would you please sit down.

Mr. arap Soi: Is there a quorum in the House?

The Chairman (Dr. De Souza): No, ring the Division Bell?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): But, Mr. Chairman, how can you deal with another point of order when you are already dealing with a point of order?

The Chairman (Dr. De Souza): Please ring the Division Bell.

(The Division Bell was rung)

The Chairman (Dr. De Souza): I think hon. Members are aware that some hon. Members have gone out to meet a distinguished guest, and that is why there are less than the normal number of Members. But I am afraid Standing Orders are Standing Orders.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, could I ask the hon. Member, because a whole lot of people being involved in meeting Senator Kennedy, would he be prepared to withdraw his order bringing the attention of the House to the fact that there is no quorum?

The Chairman (Dr. De Souza): I am afraid Mr. McKenzie, even if there is a good reason for there being no quorum, once it has been drawn to the Speaker's attention, or the Chairman's attention, I am afraid it cannot be withdrawn.

Mr. Jahazi: Mr. Chairman, I am wondering what bearing the visit the brother of the late President Kennedy has to do with this House.

The Chairman (Dr. De Souza): No, no, that is quite irrelevant, there is no quorum in the House.

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

Clause 8

The Chairman (Dr. De Souza): I think I will now explain to the hon. Members what issue is at stake in this matter. Clause 8, subclause 1, reads as follows: "Subject to the provisions of this section, there shall upon application, be issued to every person who is liable as a contributor to the Fund in any financial year, a National Hospital Insurance card for that year, and there shall be inscribed on that card before it is so issued," and then it goes on to give all particulars, date of

[The Chairman]

issue, full name of the contributor, etc., the full name of the contributor's wife, etc., and such other particulars required. The amendment proposed by the Minister for Health was as follows: that clause 8 of the Bill be amended by deleting in subsection 1 all the words beginning with the words "before it is so issued", and substituting therefor the words "at such time and in such manner as may be prescribed the full name of the contributor and such other particulars as may be prescribed." I think hon. Members now appreciate that what is, in fact, sought to do, that instead of providing details here in the Bill before the particulars required, it is sought to give some flexibility and authority to the Minister to provide for the requirements for the application for the card. I will now put the question.

Mr. Shikuku: Mr. Chairman, I have not heard the last words. Could you repeat them?

The Chairman (Dr. De Souza): I will explain again. The original clause sought to provide that the card, the National Hospital card, for that year, shall have inscribed on that card the following full particulars which are prescribed in clause 8 of the Bill. The amendment seeks to say that those four clauses of particulars shall be deleted, and the details that shall be inscribed on the cards shall be "at such time and in such manner as may be prescribed, the full name of the contributor and such other particulars as may be prescribed."

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

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

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

Clause 10

Mr. Shikuku: Mr. Chairman, this is one of the most important clauses in the Bill, one of the hon. Members is asking why, I wish he was married and then he would know.

Mr. Chairman, first of all I am a Christian, and I believe in one wife, but, and it is a big but, I represent Christians, Heathens, Muslims and the rest, and their freedom depends on my decision in this House, and I am not going to make a wrong decision in this House, which will hurt or harm the people I represent. The fact that I am a Christian does not mean that I have to force other people to become Christians; therefore, Mr. Chairman, this is a foregone conclusion, and

many Members in this Parliament have people who have more than one wife, and they will be making a grievous mistake in this House if their voters learn that they have enacted a law restricting their supporters to one wife. This, Mr. Chairman, will be a violation of their own manifesto through which they were elected to this place. If the hon. Specially Elected Member, Mr. Balala, had been to the elections, he would have known this because we represent people who elected us to this House—

Mr. Balala: Mr. Chairman, is it in order for the hon. Member to say "if the hon. Specially Elected Member had been in an election"? I have fought elections in the past, in Mombasa, Mr. Chairman.

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

Mr. Shikuku: Thank you very much, Mr. Chairman. If he ever fought, then he failed, and that is why he does not know the feelings of the people.

Mr. Balala: Mr. Chairman, on a point of order, the hon. Member said that if I had fought an election, I failed. Can he substantiate that?

The Chairman (Dr. De Souza): We do not want to get into this, Mr. Shikuku, it is getting personal.

Mr. Shikuku: Thank you, Mr. Chairman, I will leave it aside, and go ahead.

Mr. Chairman, it is a serious clause and, therefore, we have to be very careful when we are discussing it. In addition to that, Mr. Chairman, I do recall having quoted African Socialism, Sessional Paper No. 10, in this House. Either we accept Sessional Paper No. 10, which includes African traditions and customs, which, among them, the many customs, is marriage. Marriage means a man approaching a girl, the girl accepting the proposal, one by one, you do not marry two at one go. You start with one, Mr. Chairman, then number two, three and up to ten thousand if you want. Once this woman has agreed to your proposal, you have to pay a dowry, and that is what I mean, Mr. Chairman, by this amendment, is any—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, can he wait for just one minute on a point of order?

Mr. Shikuku: Mr. Chairman, I do not have to be informer about my own customs.

The Chairman (Dr. De Souza): I think hon. Members are slightly misunderstanding, I think I should point out that when an hon. Member stands up on a point of information, it does not

[The Chairman]

mean that the other person does not know what he is talking about. It merely means that he wants to clarify something which may help him in his speech.

Mr. Shikuku: Thank you, Mr. Chairman, I will let Mr. Bruce McKenzie, he is a friend of mine, inform me if I —

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): He does not wish to know, thank you, Sir.

Mr. Shikuku: Mr. Chairman, I did not quite hear him.

The Chairman (Dr. De Souza): He says that he does not now want to give any information.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I have been hurt by the remark the hon. Member made and I do not want to say anything!

Mr. Shikuku: Thank you, hon. Bruce McKenzie, nevertheless this is how the world goes.

Mr. Chairman, I am of the opinion that we have to go according to the traditions, where a man pays several head of cattle to the parents of the girl, and then marries that girl. This is according to the customs of the Africans here, which is included in Sessional Paper No. 10. The Minister or the Attorney-General has to tell the House and the world, that this Sessional Paper No. 10 is theory, and is not there to be implemented. If it is going to be implemented then it is high time that we started implementing this law, or rather implementing Sessional Paper No. 10, which we passed in this House.

Mr. Chairman, I would oppose very strongly any idea by the Minister or anybody in the Government for that matter, to try and force the people of any part of Kenya to become Christians by having only one wife. Mr. Chairman, it will create chaos in this country. Already we represent people with several wives, now what are they going to do for those women if they are not going to be taken care of?

In addition to that, Mr. Chairman, I have no interest to declare so far, but in future I might marry more than one wife, and therefore, I must provide a law for that. Mr. Chairman, if we are not going to honour this Sessional Paper No. 10, then those who accuse this Government of not honouring this Paper will be quite right, because if we do not implement Sessional Paper No. 10 and include it in this Bill, where it refers to more than one wife, then, Mr. Chairman, the hon. Attorney-General is asking me what section of

Sessional Paper No. 10 I am referring to. Mr. Chairman, may I quote him page 3 of Sessional Paper No. 10?

On page 3 of the Sessional Paper No. 10, clause 9, almost towards the end, starting from the words "in fact"—and I quote—it says, "In fact traditional leaders were regarded as trustees whose influence was circumscribed both in customary law"—and I emphasize the word—"in customary law and religion." The customary law is that once Shikuku has paid several head of cattle to a certain old man for his daughter—that is the law—Mr. Chairman, if my hon. learned friend, the Attorney-General, came and took my present wife for whom I have paid eleven head of cattle, he would be accused under customary law for taking hon. Shikuku's wife. That is the law of the land.

Mr. Chairman, this is included in this Sessional Paper No. 10, which I voted for and I am out to defend it to the last ounce of my strength. If this is not included in this Bill, where we can have more than one wife, then, Mr. Chairman, we must tear up this Sessional Paper No. 10; it has no meaning at all.

Mr. Chairman, I feel we will create chaos if we have to give treatment to only one wife, because we know we represent many people with more wives. In addition to that, logically speaking, I understand the Minister said that in this Bill the children of the dependants will be catered for; the children of these women, if you have more, will be catered for. If you can cater for the extra wife's children, why do you not cater for the woman? Is the Minister trying to tell the House that these women will be so weak, so sickly, that it would be expensive?

Therefore, Mr. Chairman, with those remarks, I wish to move an amendment. The amendment is:—

THAT clause 10 (2) be amended by deleting the words "his named wife" and inserting in place thereof the words "any wife of his".

So, if you have seven, you put them there, and you should not be restricted at all. If that is accepted, Mr. Chairman—and I know it will be accepted by Members—then it will also apply to clause 10 (6). I beg to move:—

THAT clause 10 (6) be amended by deleting from the definition of "wife" all words after the word "contributor" in the first line.

(Question that the words to be left out be left out, proposed)

Mr. Godia: Mr. Chairman, Sir, in supporting the amendment, I would like to say that the House has been urging the Minister for Health

[Mr. Godia]

to consider taking in all the wives a person has, a person who is a contributor. If he has more than one wife, his wives and children could be taken care of; and the Minister has been asked to consider this throughout last week and up to this week, and it appears that he has given very little attention to the wish of the House.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order Mr. Chairman, we sat for a long time the other day and the exact same argument was not only put up by the hon. Member for Butere but was also agreed to by myself, and I think that this is absolute repetition. I appreciate that an amendment has been moved to back up what was said at the sitting of the House the other day, but I would like your ruling, Sir. Do we have to go through all this repetition again or should we not ask for fresh evidence about more wives?

The Chairman (Dr. De Souza): On the previous occasions we were debating, of course, that the consideration of the Bill be adjourned. Today, I think we have two very formal amendments. I think we must allow some debate. It may not be very much. I know it will involve a certain amount of repetition but I think that is inevitable.

Mr. Godia: Mr. Chairman, Sir, the House would like to know the pressure behind the Minister. If certain Members do not want people with more than one wife to join, then they should inform the House accordingly. Or if the Minister has some pressure somewhere which presses him not to consider the wish of the House, then the House ought to be informed; otherwise, Mr. Chairman, I think that the House ought to accept the amendment which is being pressed by the House. I think this is the wish of the majority of the people of this country.

Therefore, in the concept of African Socialism, as has been mentioned, I think the Minister ought to accept this, and if there are some consequences which might arise, he should warn the House of any difficulties which he is going to encounter, otherwise, Mr. Chairman, I think that the amendment should be accepted.

Mr. Ochwada: On a point of order, Mr. Chairman, I beg to move that the question be now put.

The Chairman (Dr. De Souza): I think we must have a little debate on this. I have not given the Government a chance to reply: I do not know whether they will accept it or not.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, I think the

Government will not accept this amendment, but I stand to correct one point which the hon. Member for Butere has made.

He has referred us to a section in the Sessional Paper where it says that, traditionally, our people had more than one wife. This, Sir, is true, but then we have to take into consideration the circumstances and what made our elders, our ancestors, have more than one wife. It is a fact that in those days—and even at this time—a typical traditional elder of a tribe did not have wives clinging on him as youngsters of nowadays are doing. This we have to take into consideration, Mr. Chairman, Sir, because—

Mr. Shikuku: On a point of order, Mr. Chairman, is the hon. Member in order to try and misrepresent what we intend to do? We are not talking of clinging, we are talking of wives according to the customary law.

The Chairman (Dr. De Souza): That is not a point of order.

The Minister for Information and Broadcasting (Mr. Osogo): It looks as if the hon. Members—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, is it correct that an hon. Member with the experience of the hon. Member for Butere should stand up and make a frivolous point of order? Should he not be reprimanded for doing this?

The Chairman (Dr. De Souza): I think Mr. McKenzie is quite right, except that there have been so many fraudulent points of order this afternoon. We have taken all of them in a pretty light-hearted vein, but I would request the hon. Members, please, not to indulge in fraudulent points of order.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, I was explaining to the hon. Members that other tribes married and still marry more than one wife. They do this according to the traditions or customs of different tribes. These wives are recognized because they pay dowry for them, but here we are going to legislate and leave room for an hon. Member or anybody—Osogo, for that matter—to claim for a hundred wives who might be hanging on Osogo just for the sake of hanging, because Osogo has money, Mr. Chairman. Here we are going to leave that room. We are making a law here and the hon. Members are not looking at it in its widest terms. Here we are going to leave room for even rogues in towns who would come and claim today that this is his wife, tomorrow that is his wife, and another day that is his wife. This, Mr. Chairman, the Government is not prepared

[The Minister for Information and Broadcasting] to accept. Just as the hon.— let us not take this question as a laughing matter. We are legislating towards this. If there is genuineness in this, the Government would be prepared to consider it, but there is no genuineness.

The hon. Member here is saying, “any other wives of his”. Honestly, any other wives can be a thousand wives; there is no specific number. I can see the hon. Specially Elected Member who is a Muslim, who is allowed to marry four wives, saying, yes. Then here we are going to legislate whereby we have to define who is one’s wife. We must define that. Who is the wife of one? This has not been defined. If the hon. Member for Butere is saying any wives of his, any woman can be anybody’s wife; but then, are we defining who a wife is? I think the amendment has fallen short. It should have stated who a wife is, and that definition is going to be very necessary if the Government has to accept this. The Government cannot accept any wife of his—

Mr. Shikuku: On a point of information—

The Minister for Information and Broadcasting (Mr. Osogo): In fact, I married before the hon. gentleman, so I am more experienced than he is.

Mr. Shikuku: On a point of order, Mr. Chairman, is it in order for any hon. Member, if you feel that he is actually going astray from what you intended to say, to inform him?

The Chairman (Dr. De Souza): As a matter of courtesy—I appealed to you earlier on to give way to the hon. McKenzie—it is advisable for hon. Members to give way if they think somebody has a serious point of information, but I am afraid in our House there is a tendency to abuse both the question of points of order and points of information. So if it is, in fact, a genuine point of information and we abide by that rule, then I am sure hon. Members will be more keen on giving way. But it is a question for the individual Member; I cannot say.

The Minister for Information and Broadcasting (Mr. Osogo): I am more experienced, Mr. Chairman, in married life than the hon. Member and I am more black.

Mr. Chairman, I was explaining to the hon. Members that we have to define who a wife is, and this is very necessary if the Government is to accept this amendment. Mr. Chairman, let us not try to please those people who are interested in many wives, telling them that we are going to cater for them by this Bill. Mr. Chairman, what is going to happen is this. Because a girl “X” is sick and because she is friendly with Mr. “X” she is going to claim this privilege.

Hon. Members: Question, question.

The Minister for Information and Broadcasting (Mr. Osogo): There is no question about this. Let us be sincere in this.

An hon. Member: On a point of information—

The Minister for Information and Broadcasting (Mr. Osogo): Information from the hon. Members is not necessary.

I have said, Mr. Chairman, that, much as the Governments accepts wives, the looseness of the amendment alone cannot allow the Government to accept it. The amendment has come forward and we are opposing it. If the hon. Member has not enough knowledge to define who a wife is, then that is his problem, the Government is not prepared to amend this Bill. The amendment has been placed; we know it is a loose amendment and so the Government is not accepting it. Let the hon. Mr. Shikuku define who his wife is, so that we can look into the question of accepting this amendment.

Mr. Chairman, the Government completely opposes this amendment.

Mr. Balala: On a point of order, Mr. Chairman, can I move that the question be now put.

The Chairman (Dr. De Souza): You could have moved this earlier, but now that I think there is a serious amendment proposed, we must have a little debate.

The Attorney-General (Mr. Njonjo): Mr. Chairman, I want to appeal to a very small group of Members who are seeking to introduce this amendment and inform them that this Bill is very important, and that is why it has been introduced in this House. It is also important, as far as the country is concerned, because we want to introduce facilities to our nation in this country.

The position is this. This amendment which has been introduced by the hon. Mr. Shikuku does not make sense. It is bad enough having to define a wife. When you have a “wife of his”— in our courts of law today it is very difficult to define who a wife is. If we accept this amendment introduced by the hon. Mr. Shikuku, we will start having concubines, we will start having women who are kept—

Hon. Members: Question, question.

The Attorney-General (Mr. Njonjo): Mr. Chairman, the Government is interested in the welfare of the people of this country. I am sure hon. Members will accept that I am objective in this subject; I have no axe to grind. I want to say this, Mr. Chairman, that the Government cannot pay for luxuries. We cannot expect, Mr.

[The Attorney-General]

Chairman, this country to be asked to pay for people who are going to have more than one wife. This is a luxury. The Government has decided that it will pay for the children of a wife but not wives. If one is wealthy enough and can afford the luxury of wives, we therefore expect—

Mr. Mbogoh: On a point of information—

The Attorney-General (Mr. Njonjo): I do not want any information.

Mr. Chairman, if an individual or an hon. Member of this House is wealthy enough to be able to afford to have more than one wife, he can also afford to pay for the luxuries that he has brought upon himself, and the Government—I listened to your Kanu Sessional Paper, but you misrepresented the argument in that. Customary law is not defined as you defined it yourself.

Mr. Chairman, the Government opposes this amendment.

Mr. Ochwada: Mr. Chairman, Sir, I did not quite follow the Attorney-General when he said that this Bill which has been introduced is to cater for the people of this country. I thought the people of this country included everybody in this country, whether married or unmarried. If it is to cater for the people of this country and a girl is fortunate enough to get married, why then should we exclude her from the benefits of this Bill?

The Attorney-General (Mr. Njonjo): If you can afford to get another wife, you should pay for her.

Mr. Ochwada: That is quite true. If I am going to get another one, I should pay for her. We are going to contribute, I believe.

It is very unfortunate, Mr. Chairman, that some decide to remain with one and some decide to have two and some decide to have none. I am an interested party; I have quite a number. If a person has the wealth and does not want to marry, I do not see why he should not subsidize those others who are married.

Mr. Chairman, if this Bill is actually to cater for the people of this country, I do not see anything wrong with the amendment moved and I do not see why the Government should go on shouting about it and even crying about it. It is only a small thing after all. We all do not have more than two wives. Some have none, some have one, some have two, and some have ten, the fortunate ones. If the nation is to cater for its people, let it cater for everybody, regardless of her or his matrimonial position in the nation.

Mr. Chairman, I very strongly support the amendment and as I think we have already exhausted all the points we want to make, I do not see why we should not have the question put, at this present moment.

The Chairman (Dr. De Souza): We will have two more speakers and then I will put the question.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir—

Mr. Mbogoh: On a point of order, Mr. Chairman, I would like to know from you exactly how, at this particular time, somebody catches your eye, because it is sometimes very unfair when somebody has been here for a long time and finds that somebody comes in and gets a chance straight away?

The Chairman (Dr. De Souza): I cannot really say how a person does catch my eye; all I can say is that I choose who will speak.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, I will be very brief and I apologize to the Members who feel that perhaps I should not intervene.

I would like to bring this matter to a more serious level rather than a mere discussion of wives. The point at issue is that the Government has introduced in the House a measure which is intended to improve upon the medical facilities for the people of this country, and in order to do this, it has been found necessary to introduce the National Hospital Insurance Scheme. This means that a certain number of people in this country who earn above a certain income per year will be required, compulsorily, to pay for medical services to help those who do not earn enough. It will be a method by which those who earn a higher income—

Mr. Shikuku: On a point of order, Mr. Chairman, is it not repetition now of what we have been told?

The Chairman: No, Mr. Shikuku, I do not think it is.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, I do not know why the hon. Member for Butere should seek to interfere with the speech I am making, because I am trying to help the point he is making.

The point is this, that some people in this country who earn a certain amount of money are going to be compulsorily required to contribute and, in effect, to assist the Government in being able to afford medical facilities for the poorer

[The Minister for Economic Planning and Development]

groups in this country. The question is, how far can you demand from this small group of people to continue to contribute towards assisting everyone? Mr. Chairman, I do not see why some Members in the House should find this particular clause unacceptable when, in fact, in the case of income tax, for example, we give an allowance only for four children and not for every child. Mr. Chairman, let us be logical, we cannot have our cake and eat it. In the case of income tax, we only allow for one wife, we do not allow for six wives or seven wives.

Now, Mr. Chairman, in African Socialism and tradition, the man who can afford more than one wife does not need assistance. In fact, it is from him that the community should get more assistance, because he has proved his ability to acquire enough wealth to pay dowries for more wives, unless, Mr. Chairman, some hon. Members are thinking of wives acquired without the payment of dowry, in which case such wives do not fit in the definition of wives under African Socialism and tradition.

Mr. Chairman, the serious part of this is this. The Government has taken two steps already towards giving the people of this country the medical services it promised. First, we have already given free medical services to the children. Second, we have now given free medical services to out-patients. The third step is this Bill where we intend to give hospitalization to all adults. There is a limit, Mr. Chairman—this running commentary is not making the debate intelligent.

Mr. Chairman, the point at issue is whether the Government can afford everything that everyone wants. Hon. Members in this House know that we can only do a certain amount at a time. If, in future, it is possible to include more wives, certainly we will come back here and consider the matter, but in our present financial circumstances and with the limited resources and limited number of people earning £600, it is impossible to ask that we should compulsorily include wives unlimited in this kind of legislation. That is really the issue. I do not think it is a matter—and there is no use the hon. Member for Butere running all over the benches campaigning, each Member is capable of making up his own mind—

Mr. Shikuku: On a point of order, Mr. Chairman, can the hon. Minister—my friend, Tom Mboya—substantiate that I am going round campaigning? Can he substantiate that, or am I restricted in my movement in this House?

The Chairman (Dr. De Souza): I do not think that is the type of allegation that requires substantiation.

The Minister for Economic Planning and Development (Mr. Mboya): Well, Mr. Chairman, the only thing I can say is that if he is not campaigning, then something must be burning his pants, otherwise he should be sitting in the same place.

Mr. Shikuku: On a point of order, Mr. Chairman, I seek your guidance on this, whether the hon. Minister should be so offensive and almost arrogant, and whether I could also be allowed to be more offensive if possible, and he knows that? Is he in order to say that I have something under my pants? If the hon. Minister has something in his pants, that is different; he should not assume that everybody has it.

The Chairman (Dr. De Souza): I think we have had enough on this point.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, I do not know whether the hon. Member understands the words I have used, but he will be forgiven for that.

Anyway, on the more serious aspect of this, the issue that the House must consider—and you see, Mr. Chairman, this is precisely the point I am making. Since I intervened the hon. Member has moved again from one place to another. These hon. Members of the House are quite capable of making up their minds, unless the hon. Member is negotiating for a new wife.

Mr. Shikuku: On a point of order, Mr. Chairman, is the hon. Member in order to suggest that I am negotiating for a new wife, when I am talking to other hon. Members who are men?

The Chairman (Dr. De Souza): Mr. Shikuku, I think you must treat these statements with a little bit of a sense of humour. You are taking them too seriously.

The Minister for Economic Planning and Development (Mr. Mboya): But, Mr. Chairman, we always negotiate for wives with men.

Mr. Chairman, the position then is this, that if anyone blocks this Bill by such amendments as are proposed here, they will be delaying the day when we can implement the new scheme for hospitalization, because the expansion of it beyond the limits now stated would mean that we would not have enough funds to go ahead with this scheme, and those who would block it would take the responsibility for it.

Mr. Chairman, with those remarks, I beg to oppose the amendment.

Mr. Balala: Mr. Chairman, Sir, while sympathizing with my friends who are proposing the amendment, I would not under any circumstances agree to support the amendment.

I have many reasons for this, Mr. Chairman. I am a Muslim, I am a polygamist, and this has been said by the hon. Mr. Jahazi, but when our religion, Islam, permits that one should marry more than one wife, it does not say that one can marry more than one wife at any time for the sake of marrying, however poor he may be; we have been told very clearly, without misrepresentation, that a man can marry more than one wife if he is financially capable of marrying more than one wife and is able to support more than one wife. Therefore, Mr. Chairman, if the hon. Members think that more than one wife deserves hospitalization, I think that if such Members can afford to marry more than one wife, they will definitely be able to afford to pay for the extra wife that they have married.

Mr. Chairman, being formerly a member of the Kenya Hospital Fund Authority, I know we have experienced persons coming forward and submitting names of false wives, and this is an example, Mr. Chairman. There have been the problem of people who submit the names of women claiming to be their wives when they were not their wives.

Mr. Chairman, the amendment is very confusing and it is very vague and, therefore, it cannot be supported under any circumstances.

Mr. Chairman, Sir, all the Members who are proposing this amendment know very well that the income tax department only allow one wife. The pay-as-you-earn system allows only one wife. Previously, the same Members, Mr. Chairman, did support the previous Bills which give only allowances for one wife. Why today should the same Members be so stubborn to see fit that this Bill should be blocked because of having an extra wife getting a contribution?

Mr. Shikuku: Are you married?

Mr. Balala: The hon. Member is asking me if I am married. I am married and I am having my second wife in the very near future. In fact, I was married before the hon. Member.

With these few remarks, Mr. Chairman, I very strongly reject and would not support the proposed amendment.

The Chairman (Dr. De Souza): Mr. Mbogoh.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, just a few minutes ago you said that after two more speakers you would be pre-

pared to put it to the vote. The hon. Minister has spoken and the hon. National Member has spoken. That makes two, Sir.

The Chairman: I am waiting for somebody to propose the closure. I will put it to the Committee.

(Question, that the question of the first part of the amendment be now put, put and agreed to)

The Chairman (Dr. De Souza): I will not put the question. I might as well explain the amendment is the one proposed by the hon. Mr. Shikuku. In fact, he proposes to change the system from one wife to more wives.

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

The Chairman (Dr. De Souza): It needs ten Members to stand up and challenge the ruling of the Chair. I am afraid that there are not ten Members standing.

Clause 10

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 10 of the Bill be amended by deleting section (3) and by substituting a new subsection as follows:—

(3) "No contributor shall be entitled to any benefit in respect of expenses incurred in any financial year unless he produces at the time he claims the benefit a National Hospital Insurance card issued to him showing that the standard contribution has been paid for the last month in that year for which it has become due and for every preceding month in that year commencing with the first month in respect of which he became liable as a contributor, or unless he produces such other evidence of those payments as may be prescribed."

Mr. Chairman, Sir, this is merely to see that the man who is claiming has paid up to date, or that the person who is claiming is not claiming benefit while he has not contributed. As this will be done at every hospital, we shall be sure that no mistakes are made.

(Question, that section (3) be left out, proposed, put and agreed to)

(Question that new subsection (3) be inserted in place thereof, proposed, put and agreed to)

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that subsection (5) (a) of the same clause be amended—

(a) by inserting immediately after the words "shall not be paid" the words "to any contributor", and

[The Minister for Health]

(b) by substituting for the words "in any period of twelve months" the words "in any financial year".

These, Mr. Chairman, Sir, are merely technical amendments.

(Question, that the words to be left out be left out, proposed, put and agreed to)

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

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 10 be further amended in subsection (6)—

(a) in the definition of "named husband" by inserting therein immediately after the words "who is" the words "for the time being";

(b) in the definition of "named wife" by inserting therein immediately after the words "who is" the words "for the time being".

Mr. Chairman, Sir, if you read that clause you will see that in order to avoid arguing who is the husband it works out thus, so that you know who the husband is now.

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

(Clause 10 as amended agreed to)

Clause 11

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 11 of the Bill be amended by inserting in subsection (2) immediately after the words "shall be entitled" the words "upon request".

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

(Clause 11 as amended agreed to)

(Clauses 12, 13 and 14 agreed to)

Clause 15

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 15 of the Bill be amended in subsection (1) by deleting the word "financial" wherever it appears; and by substituting for the expression "1st July 1966" the expression "1st January 1967".

Now, Sir, the second part of this Bill deals with voluntary people who are not employees and want to come in later on in the scheme. We want them to come in early next year.

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

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

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 15 of the Bill be further amended in subsection (2) by deleting the word "financial" wherever it appears.

(Question of the amendment that the word to be left out be left out proposed, put and agreed to)

The Minister for Health (Mr. Otiende): Also, Mr. Chairman, Sir, that subsection (3) of the Bill be amended by deleting the word "financial".

(Question of the amendment that the word to be left out be left out proposed, put and agreed to)

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, also in clause 15 I would like to propose that subsection (6) be amended—

(a) by deleting the word "financial";

(b) by adding at the end of the subsection the words "; and regulations may provide, subject to such conditions as may be prescribed, for the naming or substitution of a spouse at any time subsequent to application to become a contributor."

That, Sir, means that if a man changes his wife we can put her name, thereby giving the name of the spouse.

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

(Question of the second part of the amendment that the words to be added be added proposed, put and agreed to)

(Clause 15 as amended agreed to)

Clause 16

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 16 of the Bill be amended in subsection (5):—

(a) in the definition of "named husband" by inserting therein immediately after the words "that contributor" the words "for the time being";

(b) in the definition of "named wife" by inserting therein immediately after the words "that contributor" the words "for the time being".

(Question that the words to be inserted be inserted proposed, put and agreed to)

(Clause 16 as amended agreed to)

(Clauses 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23, 24 and 25 agreed to)

(Clauses 26, 27, 28, 29 and 30 agreed to)

(Clauses 31, 32, 33, 34, 35, 36 and 37 agreed to)

Clause 38

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would just like to make a small amendment to clause 38 by deleting the words "1st July 1966" and inserting in place thereof the words "1st August 1966".

(Question that the words to be left out be left out proposed, put and agreed to)

(Question that the words to be inserted in place thereof be inserted proposed, put and agreed to)
(Clause 38 as amended agreed to)

Clause 39

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, that clause 39 of the Bill be amended by deleting subsection (2) thereof, and by renumbering subsection (3) as subsection (2).

(Question that the words to be left out be left out proposed, put and agreed to)

(Clause 39 as amended agreed to)

(Clause 40 agreed to)

Clause 41

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 41 of the Bill be amended in subsection (1) by substituting for the words "fifty-eight thousand, eight hundred and eighty-one pounds", the words "fifty-three thousand pounds".

(Question that the words to be left out be left out proposed)

Mr. Ochwada: Mr. Chairman, Sir, could the Minister tell us why he has decided to reduce the amount?

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, if the hon. Members had listened to me and had approved this Bill last week the figure would have remained at fifty-eight thousand, but now, Sir, because of this delay, we will have to start a month later and therefore we shall have less money left in the kitty.

Mr. Jahazi: Mr. Chairman, Sir, I thought the Minister after defeating the amendment thinks that the original estimate included the second wife, but now since there is no danger has he not reduced the amount. Can he assure this House that he had not previously included these wives?

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I was very kind because previously I had included even the children of a second wife, but not the wife herself.

(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 proposed, put and agreed to)

Mr. Ochwada: On a point of order, Mr. Chairman, Sir, is your decision to give it to the Ayes because of the number or because of the noise. I thought the Noes in this case had it.

The Chairman (Dr. De Souza): I am afraid our opinion might differ, but you have the auspices of standing up and asking for a Division.

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, there is a further amendment to clause 41, to subsection (2) (a), by deleting the words "1st July 1966" and "1st October 1966" and substituting the words "1st August 1966" and "1st November 1966" respectively.

(Question that the words to be left out be left out, proposed, put and agreed to)

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

The Minister for Health (Mr. Otiende): Also, Mr. Chairman, Sir, that clause 41 of the Bill be further amended, in subsection (3), by deleting the words "1st July 1966" and by substituting thereof the words "1st August 1966".

(Question that the words to be left out be left out, proposed, put and agreed to)

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

(Clause 41 as amended agreed to)

Clause 42

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to propose that clause 42 of the Bill be amended, in subsection (1), by substituting for the words "forty-one thousand, one hundred and nineteen pounds" the words "thirty-seven thousand pounds".

(Question that the words to be left out be left out, proposed, put and agreed to)

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

The Minister for Health (Mr. Otiende): Also, Mr. Chairman, Sir, that clause 42 of the Bill be further amended, in subsection (2) (a), by deleting the words "1st July 1966" and "1st October 1966" and substituting the words thereof the words "1st August 1966" and "1st November 1966" respectively.

(Question that the words to be left out be left out, proposed, put and agreed to)

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

(Clause 42 as amended agreed to)

(Clause 43 agreed to)

New Clause

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I beg to introduce a new clause in the following terms:—

Power of the Minister to exempt

The Minister may, by notice in the Gazette, exempt any class of person from all, or any, of the provisions of this Act where, in his opinion, it is expedient so to do.

(Question of the new clause proposed)

(New clause read the First Time)

(Question that the new clause be read the Second Time proposed)

Mr. Jahazi: Mr. Chairman, Sir, I do not understand the new clause. Although the Minister is getting away with everything he is proposing, we would like to know what the new clause means, what it all entails, and who will be the people to benefit? Although he will still get his new clause in the Bill, we would like to know what it is all about. We want an explanation from the Minister.

Mr. Shikuku: Mr. Chairman, Sir, I would rather like to know this, because the Minister has shown quite clearly in this House that he is totally against any idea of any person having more than one wife. I wonder how impartial he will be when the whole power is vested in his hands? I am of the opinion that he is going to use his powers to suppress the freedom of some people, and I wonder why he found it necessary to give himself powers rather than have a committee which would also be comprised of some polygamists to advise him as to the situation.

Mr. Wariithi: Mr. Chairman, Sir, contrary to what the Attorney-General and other friends thought I would say, I would like to confirm that I am supporting the new clause in that I think that this clause is going to provide benefits and remove some of the worries of hon. Members, in that the Minister is given power to exempt all or any part of the provisions of this Act. In other words, if he is so satisfied that some people require benefits from the Act, because they may not be satisfactorily covered, the Minister has the power to act accordingly.

I think those who have been worried and making a lot of difficulties with regard to this Bill, will realize that the Minister has come forward with a proposal which will satisfy all those who feel that because they have too many wives — if there are people who have too many wives, then this goes to prove that they can support them, otherwise why should they have so many?

In any case, Mr. Chairman, I support the clause.

Mr. Ochwada: Mr. Chairman, although I support this new clause, I would like first of all to know from the Minister whether exempting a person from the provisions of this Act means that the Minister will have the right to refuse a person benefits under this Act? If that is going to be the case, Mr. Chairman, that the Minister can refuse benefits under this Act to anybody he thinks he should refuse, then I will definitely vote No, as I have been doing. However, if he can assure me that the only people who will be exempted will be those who are unable to contribute from their own pockets, but they will be entitled to free service, then I will vote with him.

Mr. Mbogoh: Mr. Chairman, Sir, just like my friends here, I wish to deplore the attitude of some Ministers who find luxury in wives while we have enough luxury girls all round the town. I would like the Minister to realize that it is quite expensive to have a number of wives though people find that, inevitably, they cannot escape from them.

Mr. Chairman, I also support the Bill because I know I will lose if I oppose. I have noted that the Ministers come here with a fixed idea that this Bill will go through. It is now time that the Ministers decide not to bring a Bill here and expect to push it through and execute if they want to bring it to the House and merely get it passed in the way they have been doing. They have ignored all the warnings of the Members because they had the fixed idea that the Bill was to be passed. So, I feel it is high time the House was used as a place to bring some sense to and to make the views of the electors known to the Government, not simply as a place to pass Bills through.

Mr. Chairman, I wish to warn the Minister concerned that if he is honest enough as to safeguard the rights of the polygamists and everybody concerned in this Bill, it would do some good, rather than just sweeping it through the House in the way he has done, ignoring the wishes of the majority of the hon. Members and other people in the country.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Chairman, on a point of order, I beg to move that the Mover be now called upon to reply.

The Chairman (Dr. De Souza): I will put the question. However, though we are in Committee, this is still the Second Reading for this particular clause, and so I think I will give the Minister a chance to reply.

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I would like to be very frank and tell my hon. friends that this Bill is not meant

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to hit those with more than one wife. If at all, it is to help those who have more than one wife, because Government is going to provide free medical treatment for everybody and everybody's wife. This is extra to the normal benefits. So, if one wife is extra, then she can have free medical treatment, and this amenity treatment can be left for the chief wife.

I would like to thank hon. Members for their very keen interest in the women, although I would like to draw attention to the fact that our women now may not relish some of the views we hold in this House, because they think they are equal to us and they are voters like ourselves. Apart from your properly married wife, the other women may not like being owned by certain men. However, I can assure hon. Members that in this provision here, why we are asking for clause 43 is this: where, in the interest of African Socialism we find that a woman comes to us and claims to be Mrs. So-and-so, and we see her card, then when the Bill comes for payment I or my officers can exercise intelligence and say, "Oh, this is Mrs. Shikuku No. 3, pay her." That is why we are putting in this clause. Yes, it is to help in cases where somebody has to decide whether anybody claiming, because she is in hospital, Sh. 60 or Sh. 80 should be paid or not. We will exercise our discretion here.

Now, I am glad to report to the House that I am not biased—I can assure you that I am never biased; I am not biased against those with one wife at all. In fact, I thank them for helping to get rid of social maladjustments—and would like to help the public. I would like them to assist me on making judgements correctly and would not like to be thought that I am doing this because I do not like So-and-so. So, under section 25, we have an advisory council which will advise me, and that is the one whose word will be final.

Therefore, Mr. Chairman, and gentlemen, I thank you very much for this Bill and for agreeing to let it pass.

(Question that the new clause be read a Second Time put and agreed to)

(The new clause was read a Second Time)

(Question that the new clause be added to the Bill put and agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Health (Mr. Otiende): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READINGS**THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL**

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): Hon. Members, it is our practice, though not embodied in Standing Orders, that where a Bill has been amended in Committee, we take the consideration of the report on another day. That is merely a practice, however, for the convenience of the House. Here, when we are about to move into many days of Budget debate, and hon. Members may be inclined to forget what the Bill was about, it might be better to take consideration of the report today. So, I think we will do that.

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 Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read a Third Time.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE NATIONAL HOSPITAL INSURANCE BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the National Hospital Insurance Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): Hon. Members, what I said just now concerning the previous Bill applies also to this Bill; but I understand, from what I heard in the debate, that in addition to that there is the consideration of urgency in this case. So I think we should have consideration of the report now.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to move that the National Hospital Insurance Bill be now read the Third Time.

The Assistant Minister for Natural Resources (Mr. Malinda) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I beg to say something and make the position clear, that I will fight to the last ounce of my strength with my comrades here in opposing this Bill.

Mr. Speaker, we have heard this question of wives many times. Unfortunately, the Minister has got away with it. However, it remains the feeling of the people, both Muslims and the heathens, that their freedom has been infringed. Christians can have the one wife, and we do not object to this. I am a Christian, Mr. Speaker, and I have one wife. Despite this I do not believe in infringing upon the rights of those having more than one wife. I am sure they have been terribly wronged by the decision taken today.

In addition to that, Sir, it is completely against Sessional Paper No. 10, which now—and I must say this quite frankly in this House—is just a theory in a red book to hoodwink the people into thinking that we are pumping out African Socialism when it can never be practised. Government should be ashamed of itself.

Another reason why I feel I must oppose this Bill is because the Minister has stated that he had in mind £58,000, but he has now reduced it to £53,000. He is now quite happy because he has got away with this question of wives to be deleted. He is happy, and has reduced the figure to £53,000 which means that the children of the second, third, fourth, fifth or sixth wife will be excluded. They will not enjoy the benefits of the hospital insurance. I feel, Sir, that this is completely wrong.

At the same time the principle of the Bill is actually a promotion or creation of a class barrier. Mr. Speaker, whether you like it or not, I would like to have it registered for the future, for people to refer to, that this is a class barrier where there are Indians, Arabs, Europeans; and now the white Africans coming into one class and getting extra treatment. As a matter of fact, I mean, white Africans, getting free treatment, enjoying a different treatment from the ordinary man we represent. As the president of the poor people, Mr. Speaker, I want to register that this Bill completely violates the feelings of our people, and I am of the opinion that the money which is intended to be deducted to the tune of Sh. 20 a day should not be used by the people in the high income bracket but—

Mr. Balala: On a point of order, Mr. Speaker, is it in order for the hon. Member to state that the money to be deducted is Sh. 20 a day when it is not? It is, in actual fact, Sh. 20 per month.

The Speaker (Mr. Slade): No, I cannot say I have studied the Bill sufficiently to see whether the hon. Member is mis-stating its contents, but if he is, then that is out of order.

Mr. Shikuku: Mr. Speaker, Sir, I do not think I said “a day”, because it is a month. However, if I did say “a day”, then it is a slip of the tongue. According to the Bill it is Sh. 20 a month.

Mr. Mate: On a point of order, Mr. Speaker, is it in order for a Specially Elected Member to oppose this custom because we are black?

The Speaker (Mr. Slade): Please do not interrupt any more, Mr. Mate.

The Speaker (Mr. Slade): You may continue, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, Sir, I am on a very serious Motion and I feel the House should be more attentive. Mr. Speaker, I feel that this money which is being deducted is only intended to have the higher income bracket man enjoy better facilities than the ordinary man, which is true, and which this Government must be responsible for. The people are going to have the idea that those higher income bracket people will have better medicine, better treatment than the ordinary man. I feel, Mr. Speaker, the amount, of course I know we are here to vote and it is going to go through, but let it go down on record that it is completely wrong for us to create this class business; whether we deny it or not, the fact remains that it is class barrier. Instead, Mr. Speaker, the Minister should use this money from these high income bracket people, I also am included, to give more facilities,

[Mr. Shikuku]

to employ assistants, nurses, doctors, to have better medicine for the ordinary man. Further, these people can enjoy, but even if it is going to be for rich ones, then, Mr. Speaker, I say, no, and I must speak very frankly on this because I know any hon. Member in this House who votes for this, knows very well that there are very few people in his own constituency who will enjoy these facilities, apart from himself and a few individuals in his constituency. If this goes through, Mr. Speaker, it is only the Member and a few individuals in his constituency who will benefit. Are we here to pass things that are for us and a few individuals, or for the masses? If it is for the masses, then this Sh. 20 a month—

The Speaker (Mr. Slade): Order, Mr. Wamuthenya. Order! Hon. Members must bear in mind the rule that they do not walk between the Chair and a Member who is on his feet. Mr. Mate, unless you can control yourself, you will have to go out.

Mr. Shikuku: Mr. Speaker, I feel that it is only a few people who will enjoy this at the expense of many, because most of us came here through the poor people, and, therefore, I feel that the Sh. 20 should go to help employ more people, get better medicine and better facilities for the ordinary man. If we pass this Bill, as it is intended to pass it, well, the hon. Members should do it with full understanding that they are doing justice to the people who elected them to the position where they are today.

Mr. Omar: On a point of order, Mr. Speaker, I rise to seek your guidance on this, because the hon. Shikuku is trying to make an impression that this Bill is intended to benefit only the rich, whereas there is a clause, Mr. Speaker, in the same Bill.

The Speaker (Mr. Slade): Order! Order! No, Mr. Omar, you should know by now that you cannot rise on a point of order to contribute an argument to a debate. What you are saying is quite relevant to the debate, if and when you catch the Speaker's eye, but you cannot interrupt on a point of order for a thing like this.

Mr. Shikuku: Thank you, Mr. Speaker. You are very liberal and very impartial; had I been the Speaker, I would have sent the hon. Member out. Nevertheless, if any hon. Member reads this Bill—

Mr. Makone: On a point of order, Mr. Speaker, if the hon. speaker is misquoting the contents of the Bill, is it not in order for any Member here to put him right, and if the speaker is quoting the contents of the Bill—

The Speaker (Mr. Slade): As I said to Mr. Balala, if there is definite misquoting of the contents of the Bill, that can be corrected on a point of order. But if there is mere argument as to the effect of the Bill, that is a matter of argument and not a point of order.

Mr. Balala: On a point of order, Mr. Speaker, throughout his speech the hon. Member has been mentioning a contribution of Sh. 20 per month, while according to the Bill there are two schemes in this Bill, one is Sh. 20 and the other one Sh. 31 a quarter of a year. Now the hon. Member seems only to harp on the Sh. 20, the compulsory scheme, he has not said anything of the voluntary scheme. Is it in order for him to labour only on one particular thing as a weapon to put his case?

The Speaker (Mr. Slade): Yes, it is quite in order. Likewise, it is in order for you to point out the other side of the picture, when you catch the Speaker's eye.

Mr. Shikuku: Mr. Speaker, I do not know why the hon. Members should interrupt me. I am not interested in Sh. 31, I am only interested in Sh. 20. If he is interested in Sh. 31 he will have his chance, I am only harping on the Sh. 20 per month.

Mr. Speaker, this is the issue at stake, on this Bill, whether anyone denies it or not, and I would like any hon. Member to stand up later on and tell me how many people in his constituency will be able to contribute Sh. 20 per month, with the salary he is getting here. If he tells me that, then I will be very much obliged, but I am sure none will tell me. There are a few hon. Members, with a few rich men in their areas, who will enjoy this benefit, and, therefore, Mr. Speaker, I beg to oppose in the strongest possible terms, that this Bill is the wrong Bill and is actually bringing disunity. On top of this, it is creating a class, which we must do away with according to African Socialism. I regret, and I must protest, Mr. Speaker, very strongly that Sessional Paper No. 10 has been ignored. It appears to be the policy of the Government to apply Sessional Paper No. 10 when it suits them, and when it is against them, it is by-passed.

This is the wrong principle, Mr. Speaker, and I believe in principle. If it is the principle, then it must be applied; and this is the principle, Sessional Paper No. 10. If it is going to be by-passed when it suits us, then we might as well throw Sessional Paper No. 10 in the waste-paper basket, because it is not doing any good at all for the people.

With these few remarks, I beg to oppose the Bill very strongly.

Mr. Jahazi: Mr. Speaker, Sir, I am one of the three objectors, and my attitude to this Bill has been open since the very first day I started speaking about this Bill.

Mr. Speaker, Sir, I want to register my disappointment at the manner in which the Government denied the very fundamental right of a man to acquire more than two wives. Mr. Speaker, Sir, the whole principle of the African family has been violated by this Bill. This Bill, Mr. Speaker, Sir, was the testing ground to find out whether all the legislation that comes to this House, on which—we say that the entire policy of this country has been built on the foundation of African Socialism, with a Paper here, which recognizes African traditions and religions. Mr. Speaker, it is very, very surprising to hear Ministers standing here speaking in a worse manner than any European who does not know anything about our traditions. Mr. Speaker, Sir, the Minister stood up here and thanked those of us who have more than two wives, or who intend to have more than two wives, for clearing the streets and reducing the number of unmarried women, and, at the same time, in the same breath, he hit us by refusing to recognize that very second wife he was praising us for having acquired.

Now, Mr. Speaker, Sir, we cannot afford this contradiction. A law should be brought here which says that we are no longer African Socialists, no longer African traditionalists, and any Bill that is brought here will be built on the foundation of either religion or Christianity, but that Bill, as a Muslim, will not concern me; I will still be entitled to my four wives. Mr. Speaker, one Muslim speaker stood up—I wonder whether he was campaigning for chairmanship—and played down the fundamental right of Muslims to acquire four wives and said, "Oh, no, but you have to be this; you have to be rich." Of course, you are rich, no poor man can afford Sh. 20 per month. We can even afford Sh. 30 per month, so long as the principle involved is recognized: that is, a man and his family. A family is unlimited—we can have two, three, four, five or six—and, Mr. Speaker, we do not take it that the only man who is married is a rich man. The experience of every man here is that very few Africans can afford a wife, but because of our traditions, to be recognized by a fellow African as being responsible, we are forced to have a wife.

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, there is so much repetition on this, so may I move that the question be now put?

The Speaker (Mr. Slade): Order! Points of order are heard in silence, as, I think, I have told hon. Members before.

I think one should allow Mr. Jahazi just a few minutes to make a new point, but it is so. Although debate is allowed on the Third Reading, it is not allowed to any extent if it is merely repetition of what has happened in the Second Reading and Committee stage. If hon. Members cannot raise new points—to some extent I think they have been raised in this debate—and we start going back only on old points, I shall have to allow the House to consider the closure.

So continue a little bit, Mr. Jahazi; and you can raise the closure again, Mr. Malinda, after he has spoken.

Mr. Jahazi: Mr. Speaker, I am grateful for those few minutes you have given me and I assure you that it will not be repetition. If somebody heard it outside this House, it did not come from my mouth.

Mr. Speaker, as I was lodging my protest, I would very much like to tell this House and all the citizens of this country who are listening that the time has come when we are either to be African socialists or not, because the confusion that we have now baffles everybody. We are neither religious, nor traditionalists, nor Africans. We are mixed in between and, therefore, in conclusion, Mr. Speaker—I see that you are getting uneasy, thinking that maybe I am repeating—that is the point I wanted to impress on people. We want a specific law telling us who we are: Africans, Muslims, Christians and that is all.

With those few words, Mr. Speaker, I beg to oppose the Bill in the strongest terms.

Mr. Ngala-Abok: Mr. Speaker, Sir, with no wish to repeat what has been said, for a long time since this Bill came to this House I have thought of trying to let the Assistant Minister for Health know why, specifically, Africans—traditionally and otherwise—have many wives. This is not repetition. His reason was that healthy and wealthy people, capable of running so many wives, could get many wives, but otherwise there was no reason, as far as he was concerned, for a person to have many wives.

But, so far as Africans are concerned, these are the reasons for having many wives. I may not give the majority of them, of course, but I have chosen three important ones, and for the education of those communities who do not have polygamy, let them understand why we as Africans have so many wives sometimes.

[Mr. Ngala-Abok]

First of all, Mr. Speaker, Sir, an African will have two wives or three. If, for example, the first wife dies, usually the wife, on dying, will say, "All right, my sister, So-and-so, will have to come and become the wife of my husband." This one is kept. In the meantime, the sister so appointed may be still to young at the time. During the time when this particular sister is growing, then this man could still get married to another woman, waiting for that particular girl, who was appointed on the death of his wife, to be married to him. Now here he will automatically have two wives.

Another good reason is that men are polygamists generally and definitely and naturally. You will find that a man falls in love with a girl but then, unlike the Europeans, this girl conceives. Instead of divorcing his first wife, the first wife says, "All right, bring her in, there is no problem." Now here an African finds himself a polygamist, not because he is rich, not because he is wealthy, not because he is healthy, no reason whatsoever.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, I think all this lecture on social anthropology is mere repetition. Could we now call upon the Mover to reply?

The Speaker (Mr. Slade): We must let the House consider that now, I think. I will put the question.

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

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I do not think I should also waste the time of the House with a lecture on African Socialism, in which I think I could qualify.

However, I would like to say that all that has been said is all very well, but it does not affect this Bill. This Bill is extra to free medical treatment, it is an extra—only today I was being asked about overcrowding at Mombasa Hospital. The only way to get rid of overcrowding in hospitals is to have those who are able to pay for medicine not wasting their time standing in rows and crushing other people. Those who are able to pay will be able to pay for their own medicine—

An hon. Member: That is class.

The Minister for Health (Mr. Otiende): Whether it is class or not, someone has to pay.

Therefore, this Bill makes it possible for most Members of the House here, when they go for hospitalization, to avoid having to sleep in a common ward; they can get a side ward, for example,

in a district hospital. They can have just a side ward, but the medicine is the same. The doctor may be the same. I do not see where the class comes in. Our doctors at Kenyatta National are the same, the doctors at Aga Khan and Nairobi Hospital are the same doctors, so there is no question. It is only a question of amenity. If you sleep in a side ward, you should pay for it, but if a Member feels so strongly that he is Socialist, he will not take advantage of this Bill. When he is sick next time, he should go into a common ward and sleep there. Therefore, the question of class does not arise.

I would like to tell hon. Members that we are not the only people in the world who have introduced this kind of system; in the so-called socialist countries, this is what they do. In fact, there they do not have free medical treatment as such, you pay for it by compulsory deduction from your salary. But I have not asked that this be done. What I am asking here is that those who are able to pay, and those who like to pay, whether they have one wife or two wives, should pay. If anybody feels very strongly, he can pay for his second wife another Sh. 20, and we shall give her a card and she will get this treatment. There are women in this township—some are divorced, some are single—who are earning more than £600 a year. They are included here, they will be able to have their own cards without being called Mrs. So-and-so. I do not think the fact should be forgotten, that some of our women are more independent than some of our men. If you find you are not able, they can look after you quite well. Next time you appear on her card as named husband—

Mr. Shikuku: On a point of order, Mr. Speaker, is the Minister in order to tell the hon. Members here that there are women who can look after us?

The Speaker (Mr. Slade): I see nothing out of order.

The Minister for Health (Mr. Otiende): Therefore, Mr. Speaker, Sir, the point is taken, the argument about African Socialism. We understand the point very well. It does not take anything out of our book of African Socialism, one sentence, by allowing this Bill to pass. This Bill is straightforward and according to the rules.

I am very grateful the Attorney-General pointed out that, if we had gone into the argument of who is a wife and who are the wives, it might have taken us a whole year to find out. This Bill is very, very straightforward. One husband who contributes Sh. 20, Sh. 37 or Sh. 40 a year, according to the scale, will be able with

[The Minister for Health]

one card not only to get free medical treatment in hospital but also, in addition to that, to get expert treatment from another doctor, to get an operation and to stay in hospital—even in a very expensive hospital, even where they charge Sr. 100 a day—and then claim from the fund to pay for the hospitalization. Your wife will also use your card for the same treatment. Your children will also use the card for the same treatment. Gentlemen, I do not know what else you would ask for.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

MOTION**ADJUSTMENT TO BOUNDARIES: RIFT VALLEY/WESTERN PROVINCES**

(Resumption of debate interrupted on 10th June 1966)

WHEREAS on the 11th October 1964, the presidents of the regional assemblies of the Rift Valley Region and the Western Region respectively agreed in writing to certain alterations of the common boundary of those two regions, including the transfer of Kitale Township to the Western Region:

AND WHEREAS the said agreement was thereafter approved by laws made by both the said regional assemblies in accordance with section 239 of the Constitution of Kenya, namely, the Rift Valley Region (Alteration of Regional Boundaries) Enactment, 1963, and the West Regional (Alteration of Regional Boundaries) Enactment, 1963: Now this House approves the said agreement to alter the common boundary of the Rift Valley Region and the Western Region as described in the Schedule of the said Enactment.

(Mr. Barasa on 10th June 1966)

The Speaker (Mr. Slade): I would remind hon. Members that we have only twenty-three minutes left in which to conclude this debate.

MOTION**ADJOURNMENT OF DEBATE**

Mr. Ochwada: Mr. Speaker, Sir, I beg to move that the debate on the Motion by the hon. Mr. Barasa on the issue of the regional boundaries between the Western and Rift Valley Provinces be suspended to a further date.

My reasons, Mr. Speaker, are these. This is a very important issue and a very touchy issue on which we, as a group from the Western Province, have decided to have a word with the Government before continuing with the debate on the Motion. As you might have realized last week when we were debating the Motion, there were two very strong sides on the Motion. There was the side of the Kalenjii group from the Rift Valley and also the side of the Western Province Members of this House. Mr. Speaker, we have lived together in harmony and we would not like to create anything that would start some form of misunderstanding between us at the present moment.

If, however, after discussion with the Government, we find that we do not get a satisfactory answer from the Government, then, Mr. Speaker, we will approach you to have the Motion on the Order Paper again, in order that discussion can be concluded. But if, as a result of discussions with the Government, particularly His Excellency the President, we find a solution outside, we will also report to you and there will be no need to bring back the Motion again on the Order Paper.

I do not think I have much to add to that, but only to move that the debate on this Motion be suspended until a further date.

The Speaker (Mr. Slade): This is a proposal that the debate be now adjourned. Does anyone second it?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, just as my colleague, the National Member, the hon. Mr. Ochwada, has said, we thought it wise that the debate on this Motion be suspended. Meanwhile, consultations will be going on with the Government and the hon. Mover of this Motion will inform you, Mr. Speaker, and the Clerk to the Council, so that it appears on the Order Paper another time; or whatever decision the Government will make will enable us probably to withdraw the Motion eventually. But the decision that we have reached as a group from Western Province is, as the hon. Mr. Ochwada said, that debate on this Motion be suspended for today until further notice, Mr. Speaker.

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

(Question proposed)

Mr. arap Soi: Mr. Speaker, Sir, I want to say just a word about the adjournment, simply because I think this Motion was brought into the House with either good thinking or wrong thinking. I think the person who brought this Motion into the House should have thought to have seen the

[Mr. arap Soi]

Government before he brought it here, because, Sir, we do not now want this to be discussed. I am sure now in the Rift Valley, one of the regions concerned, there is great objection to this agreement. This should be realized and also that the Kalenjin and Masai who formerly lived in the place are now objecting to this.

Now, Mr. Speaker, Sir, I think the Motion should come and either be carried or defeated. If it means seeking discussions with Government it should be arranged by the two regions concerned so that they can see the Government together, but now, Sir, if one region goes behind the back of the other region and sees the Government, it should be well understood that the agreement is not valid and that unless the members of the West Region see the members of the other region, they are making it worse than it was.

Mr. Speaker, Sir, I therefore object to the adjournment of this Motion because of the reasons I have stated.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I rise to support the adjournment, the reason being that we would like good relationship throughout the Government and a Motion like this one should be effected through the Government machineries without a debate in this House, because, Mr. Speaker, Sir, a debate in this House might create some situations in the areas whereby the usual and good relationship between the Baluhya and the Kalenjin, which has existed for a long time, might deteriorate and we might find ourselves not discussing the Motion but a situation which would not be in our favour.

Mr. Speaker, Sir, this Motion should have been solved long ago when the two Regional Assemblies passed their Resolution in both Houses—

The Speaker (Mr. Slade): You must keep to the question of the adjournment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I feel strongly that the adjournment should be effected on this Motion so that no further discussions can continue on it.

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

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I wish to oppose this Motion on the grounds that we spent a lot of time on Friday discussing this Motion and there is about twenty-eight minutes left in which to cover this Motion which, if an unsatisfactory

situation was reached when the members of the Western Province held discussions with Government, they will not have enough time—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I was wondering whether the Member now speaking could tell us whether he is speaking for the Government or as a Specially Elected Member?

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I am speaking as a Specially Elected Member, the same as the two Ministers here who spoke.

Mr. Speaker, Sir, I was saying—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. Assistant Minister, after declaring his position that he is speaking as a Specially Elected Member, in order to assume that the hon. Minister for Information and the hon. Assistant Minister for Agriculture were speaking as individuals? Can he substantiate that?

The Speaker (Mr. Slade): It is a perfectly reasonable assumption on the part of Mr. Malinda, because Mr. Osogo, in the course of speaking, said that he had discussed it with his colleagues in the Western Province, I think. We do not want to spend time on unnecessary points of order.

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, as I was saying, the time which is left for the Motion to be discussed in this House is so inadequate that if at any stage the Members of the Western Province did not agree with the Government, then this remaining time—twenty-eight minutes—will not give them any more time in which to discuss anything further here, in order to convince the other Members who opposed this Motion originally and convert them with regard to their thinking.

Now, Mr. Speaker, Sir, the other point is this. The Mover of the Motion said that they wished to consult with the Government over this Motion. Now, Sir, I do not see how these Members will be able to have negotiations with the Government concluded within less than six months' time, in which case, after six months' time, according to the Standing Orders of this House, they will still have a chance to introduce a fresh Motion into this House on the same lines as the one which is now before the House.

Mr. Speaker, Sir, I want also to say that on Friday this Motion was given a special privilege by the hon. Member, Mr. arap Soi, as he allowed this Motion to be taken instead of his Motion

[The Assistant Minister for Natural Resources] which was the next one coming up on the Order Paper. He gave way for this Motion to come through because it was thought to be a very important Motion. Now, Sir, having discussed this Motion so much I think we are spending much time of this House unprofitably by adjourning the discussion.

Therefore, Mr. Speaker, Sir, I submit that this Motion be discussed here, defeated and the Members go and talk it over with the Government, and if they do not get defeated, then, Mr. Speaker, Sir, they will still have had their way. I do not see how the Government will accept the suggestion of the Motion.

Mr. Speaker, Sir, with these few remarks, I oppose the adjournment of the debate on this Motion.

Mr. Shikuku: Mr. Speaker, Sir, I do not want to indulge in any wishful thinking, but I believe that in the statement so far made by the Assistant Minister and the hon. Mover who moved this adjournment on this Motion, and wish to register that to the hon. Specially Elected Member that he was elected to this Parliament as a Specially Elected Member who is meant to represent no constituency and not be biased, but look over the whole of Kenya, and I feel that he is failing hopelessly. If there is any elections my hon. friend might not stand a chance, because what we are trying to do is—

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, is the hon. Member speaking now in order to suggest that the hon. Malinda is biased?

The Speaker (Mr. Slade): Hon. Members are in order to comment on other hon. Members' speeches to the extent of saying that it suggests to them a bias; it is up to the House to see whether or not the hon. Members agree with the suggestion, but it is not out of order.

Mr. Shikuku: Mr. Speaker, Sir, the reason why I feel that the nationally elected Member is our Member. We, all the other Members in this Parliament, are constituency—

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, is the hon. Member speaking now being irrelevant by speaking on Mr. Malinda?

The Speaker (Mr. Slade): I do not think so.

Mr. Shikuku: Thank you, Mr. Speaker. The hon. Member has been here for three years and still he does not seem to know anything.

Now, Mr. Speaker, Sir,—

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, Sir, the hon. Shikuku has said that a Specially Elected Member of this House has this House as his constituency and the Members of this House as his constituents. Now, Mr. Speaker, Sir, I would like to know the section of the Constitution which says that a Specially Elected Member is only concerned, or should only be concerned, with the affairs of the Members of this House and not the affairs of the country as any other Member of Parliament.

The Speaker (Mr. Slade): I do not think Mr. Shikuku meant to imply that Specially Elected Members could only concern themselves with the internal affairs of Parliament. What he was trying to say, I think, is the view which has been held generally, that Specially Elected Members, being elected by other Members of Parliament, have a particular sort of countrywide scope of duty and (he followed on to say), therefore must be particularly impartial, so far as politicians can be impartial, in what they say in this House. That was his line, and that is in order.

Mr. Shikuku: Thank you, Sir. As a matter of fact, Mr. Speaker, Sir, I was not belittling him. He is above us here, because he is looking at the affairs of the whole country. If he talks that way I am relying on him that he is going to help a great deal, not to go on exchanging words here, but rather have this Motion adjourned, whether for only two minutes, it is never too late. We look forward to the Specially Elected Members like him and many others in helping to bring together a better understanding between the regions. I think therefore, Sir, that during this adjournment people will be able to come and say, "Look here, you voted for us come and hear our views in order to try and help us in the situation," but, Sir, by discussing it on the Floor here it is not going to help us at all. Therefore, Mr. Speaker, Sir, I feel that it would be in the interest of the two regions—Rift Valley and the Western Province—that we have these discussions privately and see how far we can solve it, rather than wash our dirty linen in public.

With these few remarks, Mr. Speaker, Sir, I am sure any hon. Member will agree with me in the interest of unity in Kenya to have this Motion adjourned and discuss it privately.

The Speaker (Mr. Slade): I would point out to hon. Members that unless we put the question very soon, it will be adjourned anyhow.

Mr. arap Biy: Mr. Speaker, Sir, while agreeing with my hon. colleague that we should continue with the spirit of togetherness and a spirit of

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respect that we have had in the past, we should not discuss this Motion here so that we do not cultivate separation.

Mr. Speaker, Sir, I entirely agree with the hon. Malinda and the hon. Soi, and also the other hon. Members who have opposed the adjournment of the Motion, because we have wasted a lot of time speaking for and against the Motion, so there is no need to adjourn this debate on it.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, I wish to suggest that the question of the adjournment be now put.

The Speaker (Mr. Slade): Well, for the reason I have already given I think we must consider that.

(Question put and agreed to)

The Speaker (Mr. Slade): Now, we are within seven minutes of the time for interruption of business. I do not think it is worth while starting another Motion.

MOTION FOR THE ADJOURNMENT

KARURA FOREST RESIDENTS AND WORKERS

The Speaker (Mr. Slade): I will now call on a Minister to move that the House do now adjourn.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala) seconded.

(Question proposed)

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this point. Is the Attorney-General considered as a Minister?

The Speaker (Mr. Slade): Yes. If you read your Standing Orders you will find so.

Dr. De Souza: Mr. Speaker, Sir, I would like to thank you for giving me this opportunity for raising on the adjournment the matter of the Karura Forest and the settlement of persons there.

Sir, I would like to point out first of all, that what I have said about Karura Forest, and the question I am raising about the Karura Forest workers, is not only applicable to the persons who come from Karura Forest, but it is also applicable to a very large number of persons in Nairobi. There are special reasons why the problem is a little more peculiar to Karura Forest, to which I will revert in a little while. To start with, I would like to point out that the question

of settlement is one which applies to all the people of Nairobi, and I feel that Nairobi is being discriminated against by the settlement authorities. It is a very serious matter, because Nairobi is not only the political capital of Kenya, but it is also the nerve centre of the whole country. It is a place where there are a large number of unemployed, landless people and, as a result, there is a certain tendency for persons to become criminals. It is a place where, if there is unrest and landlessness, this will affect the whole country as such.

Sir, the problem of settlement has been approached by our Government on a tribal basis and I think in this respect this is very unfortunate. In other words, if any person throughout Nairobi wants land to settle on, he is told to go to the particular area from which he emanated, or from where his father or grandfather emanated. This means that if he is a member of the Baluhya tribe, he is told to go to Kakamega or wherever it is and see the chief of the place he came from and try to get land there. Now, Sir, this is most unfortunate, because most of these persons who have been here for ten, twenty or thirty years, if they go back to the place where they originally came from, they are unknown to the chiefs and unknown also to the politicians of that area. As a result, they are sent hurtling back to Nairobi, saying, "We do not know you, you are a Nairobi man." This, Sir, applies to all the people. If you are a Kamba, you are told to go to your own area, if you are a Kikuyu, you are told to go to the place you came from.

A large number of people who are in Nairobi and who are as such detribalized are, in fact, deprived of the advantages of land settlement. This is, of course, the main crux of the problem, but there is a much worse problem and this is the problem of the Kikuyu persons who were indigenous as it were to the vast area of land which is now called Nairobi Extra-Provincial District or Nairobi Special District. This is where the persons of Karura Forest come in. Now, the persons in Karura Forest, a very large number of them, are Kikuyu workers. If they go to Kiambu or any one of the places where, shall we say, land is available for settlement, they are told, "Sorry, we cannot give you any land because you now come from Nairobi. Go and get land for settlement in Nairobi." Indeed, Sir, there was a case where a certain number of people from Dagoretti, and indeed also from my constituency, near Karura and near the coffee farms in Karura and round Karura, were, in fact, allotted land in the Central Region. However, after redefining of the boundaries, when they

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came to know that this area was no more in the Central Region, they were removed from the register, and the land that was going to be allotted to them was denied them. They were told, "Sorry, we made a mistake. You are not, in fact, in the Central Region. You are in Nairobi. Go and find land for yourselves in Nairobi."

Sir, the problem is therefore a very serious one, and I might as well add that it is not something that is taken up by De Souza. It is something that has been taken up by the hon. Dr. Mungai, by the hon. Mr. Mboya, the hon. Dr. Waiyaki, the hon. as he then was, Mr. Kali, by every single Member in Nairobi. We held a meeting; in fact, two or three meetings in the office of the Minister for Settlement, with the Minister for Settlement presiding, with his Permanent Secretary, Assistant Minister and everybody else present. We were told that the problem is this: that "While we have every sympathy with you, there is no person of any region whatsoever willing to grant land to the landless people of Nairobi." In other words, this meant that the president of the Eastern Region said, "I will not give land to anybody who comes from Nairobi. I have my own people." The president of the Rift Valley said the same thing, so on and so forth. When we were told this, we were quite amazed. We said, "Look, call another meeting to which you can invite the presidents of all the regions." They were then called presidents. All these presidents were called and we had a meeting. Every one of them, to my horror and disgust, if I may say so, repeated the words the Minister had said before, and said, "Look, we are not going to take these people from Nairobi because they are Nairobi people. You find your own land." Now, I was quite shocked about this and said, "Look, after all, the people from Nairobi, even if they are detribalized, must be settled somewhere because they are Kenyans. There is no reason for you to tell us, 'Find land in Nairobi.' because Nairobi is not a farming land, it is not an area where settlement can be effected."

So, why does the Government not buy land in some area—and I leave it to the Government to decide—for people who are landless from Nairobi?

This, Sir, reached an impasse until one year to one-and-a-half years had passed and yet nothing was done. Since then the Constitution has been amended and the presidents have become chairmen of provincial advisory councils. They do not now have the power to decide who will and who will not be settled in a particular area. This is now the complete prerogative of the

Government. Therefore, the Government does not have any excuse to shelter behind the statements of these so-called presidents or chairmen of provincial advisory councils. However, the problem still continues. Every time we go and take people from Nairobi, they say, "Well, if you are Abaluhya"—or whatever it is—"go back to your own home and ask your chief." Worse still, if you happen to be a Kikuyu and come from Karura Forest or from Selater's Estate or from Runda Estate, or any one of the dozens of coffee estates round Karura that happen to be in Nairobi, you are just doomed. You have, perhaps, nowhere to go.

Mr. Speaker, Sir, this is a problem which the Government must face. The Government keeps on saying, "Oh, there is a squatter problem in Nairobi. These people are bringing cattle, it is very unfair and wrong. The Members must do something about the squatters." Where are these people to go? Where are they going to settle? They have to live somehow. The Government refuses to give people from Nairobi, Kikuyu from Nairobi, any place to settle. Where are they going?

Sir, I would like to stress a reason why I feel these people are most important. It is because in all these coffee estates and in Karura Forest, due to staying there for thirty, forty and fifty years, there are now generations and generations of young boys who have been to school, young men who are at the working age but whom these estates cannot absorb. After all, an estate can take seventy or ninety people, but they cannot take five hundred or one thousand people. So, these young men continue to live in those estates because they have nowhere else to go. If they can get jobs in Nairobi they would come, but most of them are jobless.

Secondly, Sir, there is a very large number of them who are unemployed in those estates because this is the only place they know, this is the only work they know, but the coffee estates cannot absorb them.

Thirdly, in these places the rates of pay are extremely poor. I raised this problem of pay for the Karura Forest workers not long ago in a question. The workers in Karura Forest used to get Sh. 67. Today, after a lot of questions in Parliament, the Government has increased their salary, and proudly announces the salary has been increased. How much was it increased to? It was only increased by Sh. 20 a month. Out of the Sh. 70, Sh. 4 go for the Graduated Personal Tax, Sh. 2 go to the union fees. So, they practically get the princely sum of Sh. 64 a month. Worse still, Sir, the Government often puts them

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on half month's employment, so that they are then likely to get only Sh. 32 per month. How does the Government expect these people to support a wife, five or six children, to educate them, to give them food and clothing and so on on Sh. 34?

Therefore, Sir, the problem is very important, and I must appeal to the Government that leave alone finding some scapegoats, they must now find a solution and find land for settlement for these people.

Mr. Shikuku: Mr. Speaker, I wish to support the feeling expressed by the hon. Member. I do so because I understand the situation. I have been to Karura and around the outskirts of Nairobi. Everywhere there is this problem.

However, there is something we also have to see. We must see the Government's point of view. There are some people in Nairobi whose fathers or forefathers came to Nairobi, stayed in Nairobi. They left their land somewhere; they came from somewhere. There were people from the Western Province, people from the Rift Valley, people from the Coast Province, all came here and wanted to have some land given to them.

The problem here, Mr. Speaker, is that the Government has a responsibility, in that we have either to give these people some employment in this city in order to keep them busy, or we have to find some other place where we can settle them. Then comes the question of where they can be settled. We must accept the fact that taking somebody from here and settling him in Western Province is not always possible. Surely there are a lot of people in Western Province without jobs, without land, who need settlement as well.

Therefore, I think it would be in the interest of the Government, instead of trying to give the excuses the hon. Mover stated, where these people are used as some sort of scapegoats, to consider this question very seriously. There is a lot of land in Kenya, I would not say we are short of land. As a matter of fact, the Government should now think in terms of irrigating areas which are dry. If we travel from here to Mombasa, most of the 315 miles is almost barren land, it requires irrigation. I think the Government has to try and look for ways and means whereby we can irrigate some of this land in order to make it habitable. Then we can get the people from Nakuru, from Nairobi, from Mombasa and all other places and settle them. We cannot leave these people just as they are because they will soon be a danger to peace. You can never have peace so long as there are people with empty bellies. These people are very dangerous, Mr. Speaker. It is abominable

to hear the way they talk. Some of them feel that if they hit somebody on the head, they will have a better time in prison because they will be assured of a meal, in fact, three meals a day. They say, "Well, if I am arrested and sent to prison, I will get my breakfast, my lunch and my dinner. Instead of sleeping here and there, having nothing to eat, no land to settle on, I will get free clothes in prison." This can encourage a lot of crimes. It would not be surprising if such a man chopped your hand or cut somebody up with a *panga*. He does that in order to get free food and free shelter, and so forth.

Therefore, I feel, Mr. Speaker, that the Government should look after such people. We are now in power and the Government is mother and father to the people in this country. I would suggest that the Government has to think further in order to get the dry areas irrigated so that the landless people from various provinces can be settled. In this way we will have peace. It is time we concentrated more on irrigation in order to provide a livelihood for some people who have to be settled.

Of course, when it comes to the question of settling them along the road to Machakos, or any other place in Turkana, then the Government has to use the former Crown Land because I understand that land is now called Government land. Formerly it used to be called Crown Land. We can cut off a portion of our national parks, which is also Government land, irrigate this land and make it a living place for some people. That is a suggestion I would like to put forward to the Government. I know that people from various provinces might not accept people from other areas coming there. That is why I make this suggestion if the worst comes to the worst. I suggest that the national parks should be irrigated and the people from Nairobi, Nakuru, Eldoret, Mombasa and so on, people who have no land on which to settle, can be settled there.

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

The Speaker (Mr. Slade): I would just point out that we have only a quarter of an hour left. I do not know how long the Minister wants for dealing with this debate, but if another Member takes the full ten minutes to which he is entitled, it would only leave five minutes. Dr. Waiyaki, were you thinking of talking for the full ten minutes?

Dr. Waiyaki: Oh, no, only a short time, Mr. Speaker.

The Speaker (Mr. Slade): Well, you are going to be limited to about five minutes.

Dr. Waiyaki: Mr. Speaker, Sir, I am glad for the opportunity to speak on this now very sensitive issue, because we Members of Nairobi have been harping on this problem for the three years we have been in this House, and we believe that it is about time that the Government recognized the problem for what it is.

Now, what kind of life do these people live? Many of these people, as hon. Dr. De Souza says, are employees in the Karura Forest, but my constituency is next door to the hon. De Souza and I know that a number of them live in illegal dwellings which they erect in my constituency. How do they make a living? They merely brew illegal Nubian gin, and this increases the activity of the police in the area, which means that resentment is created in the minds of the people against the Government, because for three years they have had people, the administration, and lately the Special Commission for Squatters, come to them to record their names for plots in settlement schemes. In 1960 to start with, they were recorded, a few were given plots, and then all the way up from 1963 to very recently, their names were recorded again, and four or five times of recording has not changed the position. So that now they are not sure that they will ever receive any kind of settlement anywhere. They see other people coming, for example, from the Nairobi Central Constituency, going to such things as site and service schemes, and they wonder why it is not possible in a constituency like the hon. De Souza's or mine, to have this kind of place, as, if necessary, a temporary measure. Mr. Speaker, if the police are asked to come and stand by while the huts of these people are demolished, you can well understand that we are falling from the frying pan into the political fire. I would urge that the Special Commissioner is supported by the Government, indeed he is within the Ministry of Agriculture, and we hope that he will receive real support to settle some of these people. After all, a number of these people came from Olengurone where, in the Colonial days, they were thrown out. They were thrown out from the Rift Valley, and they cannot go back there because their fathers do not come from the Rift Valley, but possibly had come from Fort Hall, Nyeri or some other place. Now, where are they expected to go? This is a huge problem, Mr. Speaker, and I would urge the Government to see it for what it is. Recently, only 120 plots were given for the whole of Nairobi, and I dare say that probably none of the Karura Forest people received any, a few of mine did. This does not begin to touch the problem.

The other thing is, Mr. Speaker, that a number of these people were employed by the British Army at the Kahawa base. About 4,000 of them were thrown out from the jobs, and when the Army disappeared nobody took their place, so they have become illegal squatters in the forest and in my constituency. We promised them that our Government would try and do something for them. It is about time that we stopped appearing as liars, and I think it is very important, especially with two years to go to the next general election, that definite moves and projects are promoted.

Thank you, Mr. Speaker.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, during the course of this debate, I was waiting for the hon. Member for Nairobi to tell this House how many there are of these people they are talking about in their constituencies. I have, unfortunately, failed to hear one of them give us this number. We know, Mr. Speaker, that about 1,000 families have already been registered by the Commission of Squatters, to whom the hon. Member for Nairobi, Kahawa area, has referred to. The Government is in the process of arranging settlement for these people. If these families are more than the 1,000 families, then this would be a different case. But if they are included in this 1,000 families, then I think the Government is already doing something for these people.

In the course of the debate, Mr. Speaker, the hon. Dr. De Souza brought up all sorts of things about settlement generally, and touched very little on the Karura Forest squatters, or landless people in the Karura Forest, to whom the question specifically referred. I would inform the hon. Members for Nairobi that I, in person, held a meeting when I was in the Ministry of Agriculture with the Members, and it was unfortunate that the hon. Dr. De Souza did not attend this meeting. We reached agreement on quite a number of points, and the hon. Member for the Kahawa area, the hon. Dr. Waiyaki, left the meeting early, but I am sure that he was informed by his colleagues, the other Nairobi Members, what agreements we had reached.

Dr. De Souza: On a point of information, Mr. Speaker, would the hon. Minister like to know that on the particular day when the meeting was called here to decide about squatters, I was in the Chair here and the chairman of my division attended on my behalf?

The Minister for Information and Broadcasting (Mr. Osogo): I am pleased to receive that information, Mr. Speaker, and I hope the representative for Dr. De Souza conveyed the decisions to him that we reached at this meeting.

[The Minister for Information and Broadcasting]

Mr. Speaker, the people in Karura Forest are not unique regarding their settlement. They are just like any other landless people in this country who have to be considered by this Government for settlement, and those landless people in this country who have to be settled usually go to their district commissioners for registration to ask for plots. I am pleased to note that the hon. Member said that during regionalism this was impossible, but now it is accepted that these people from Karura should go to the district commissioner for registration to look for plots, and they will be considered just like landless people from other districts for settlement.

Another point that should not be forgotten by this House is that quite frankly there are very few detribalized people in Nairobi. If we look at the percentage of the landless people in Nairobi, we should not forget that quite a number of the landless people are unemployed, and they are looking for jobs in Nairobi. Unless we differentiate between the genuine landless people who are looking for land to settle on from the job seekers, we are bound to assume, as the hon. Member for Butere assumed, that everybody in Nairobi is looking for land. This, Mr. Speaker, is not true. We have, on occasion, tried to settle people from Nairobi in settlement areas, and they have run away and left the settlement schemes and come back to Nairobi. These people are not looking for land, they are looking for jobs. Much as the Government would like to give all those job-seekers jobs, it should be appreciated that those who are genuinely looking for land, when they are settled, they should stay on the land they are settled on rather than running back to Nairobi to look for jobs. This difference should, at least, be given. The difference between the landless, the genuine landless who are looking for jobs like these people that are being referred to by the hon. Member for the Kahawa area and the Mover of this adjournment Motion, that difference should be there. I can assure the House at this time that under both the Ministry of Lands and Settlement and the Ministry of Agriculture under the Special Commission of Squatters, this problem is being

tackled. What I would ask the hon. Members for Nairobi, particularly those representing areas that are affected by these squatters, is to ask the people, their constituents, to co-operate. What happens is that they register today, they ask to be moved to another place. They come the next day and say that they are unable to move. Then, other people come, and the huts are again put in the same place as they were. It becomes very difficult for the Government to tackle this kind of situation.

Mr. Speaker, the question has been clearly put by the hon. Mover of this adjournment Motion and, on behalf of the Government, I accept that the Government is going to look into this case, but what I would ask the hon. Member to do is to ask these people to come to the district commissioner. We are going to instruct the district commissioner, and I hope the Assistant Minister for the Ministry for whom I am replying, because the hon. Minister fell sick when he was in the House, will take this up, by informing the district commissioner that when these people come for registration they should be referred to his Ministry and the Ministry of Agriculture for immediate consideration.

With these few remarks, Mr. Speaker, the Government greatly sympathizes and accepts the arguments that were raised by the hon. Mover.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, I would remind you that tomorrow is the day on which the Minister for Finance is to make his Financial Statement on the Annual Estimates, and it has been our practice always on that day, for the convenience of the House, and particularly for the Minister, to sit later than usual and to confine the proceedings of the day to his speech, moving that the Speaker do now leave the Chair. So we shall be sitting tomorrow at 4.30 instead of 2.30 p.m. The House is now adjourned until tomorrow, Wednesday, 15th June, at 4.30 p.m.

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

WRITTEN REPLY TO QUESTION

*Question No. 3*SPEED LIMIT SIGNS THROUGHOUT THE
COUNTRY

Mr. Godia: asked the Minister for Home Affairs whether, in view of the fact that many lives were lost weekly due to careless driving at excessive speeds, he would, in consultation with police headquarters, indicate at certain points on all tarmac roads maximum speeds to be adhered to by all public service vehicles and lorries in Kenya.

The Minister for Home Affairs (Mr. arap Moi): The maximum speed at which certain classes of

vehicles may travel, and this includes omnibuses, is laid down in the Second Schedule of the Traffic Act. The speed of these vehicles, along with every other class of vehicle on the road, is further governed by whatever speed limit is in operation on any particular stretch of road. The problem facing us is not the lack of road signs or statutory speed limits but the failure of motorists to observe these requirements. Last year (1965), 3,131 drivers were convicted for overspeeding; this compares with 1,187 in 1964 and 937 in 1963. The Government has set up a Road Safety Committee which I hope will recommend ways of dealing with the problem. In the meantime I am satisfied that the police are doing their best to enforce the law in this respect.

Wednesday, 15th June 1966

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

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

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—

The Military Forces (Service Pension and Gratuities) (Soldiers) (Amendment) Regulations, 1966.

The Pensions (Amendment) (No. 2) Regulations, 1966.

(*By the Minister for Finance (Mr. Gichuru)*)

Maize Marketing Board, Annual Report for the Financial Year ended 31st July 1965.

(*By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie)*)

Treatment of Offenders Annual Report, 1964.

(*By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie) on behalf of the Minister for Home Affairs (Mr. arap Moi)*)

The Speaker (Mr. Slade): Before proceeding with the next Order, I think we will just await the arrival of His Excellency the President.

**ARRIVAL OF HIS EXCELLENCY
THE PRESIDENT**

(*The Speaker announced the arrival of His Excellency the President, the hon. Mzee Jomo Kenyatta, M.P.*)

(*The House rose while His Excellency, the President, took his seat on the Front Bench*)

COMMITTEE OF WAYS AND MEANS**MOTION**

**THAT MR. SPEAKER DO NOW LEAVE THE
CHAIR**

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

The House has already had the Estimates of Expenditure for 1966/67, and the Economic Survey for 1966 which has been so ably compiled under the directions of my colleague the Minister for Economic Planning and Development. I now present the Estimates of Revenue for the year ending 30th June 1967, together with the Financial Statement.

PAPERS LAID

1966/67 Estimates of Revenue of the Republic of Kenya for the year ending 30th June 1967.

Financial Statement for the year of Account, 1966/67.

(*By the Minister for Finance*)

(*Resumption of Budget Speech*)

Before I proceed any further, I should first of all like to convey my thanks to all the Treasury officials who not only had the task of preparing the Estimates in their present form and coping with unusually high bids submitted by Ministries and Departments, but also had to spend many hours adjusting the Estimates to take account of the recent Ministerial changes. A word of thanks should also go to other Government officials who co-operated with the Treasury in containing the Estimates at their present level and to the Attorney-General's Department and the Government Printer who had to deal with the drafting work and the printing of the Estimates now before the House.

In the Budget debate last year, one hon. Member was kind enough to say that I caused the House to listen for over two hours just to hear two small changes in taxation. I can assure him that my speech this year will not be so long but I hope that he and other hon. Members will accept that a Budget is more than a mere statement of taxation changes. For example, I could perhaps announce that I intend to impose an extra charge of Sh. 5 a seat whenever a James Bond film is shown and that all members of the K.P.U. will have to pay double personal tax and income tax. I could then sit down. However, I do not intend to do this, and it is necessary that we should once a year review the financial position of the Government and of the country and take stock of our progress and future prospects.

One day, perhaps I, or my successor may be able to present a Budget with no taxation increases and in fact some concessions to taxpayers. We have now absorbed the extra expenditure which we had to take over at the time of Independence and have published a Development Plan which gives an indication of what the Government proposes to do over the next few years. The implementation of this plan has recurrent implications particularly for public debt and education which we have to accept. If we are to grow economically on the lines suggested in the plan the Government must restrict the annual growth in recurrent expenditure to about 7 per cent or not more than about £3 to

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£4 million per year. This means that the annual Budget will take its proper place in the plan period and will not, I hope, contain any major surprises or major shocks. Unless we are to adopt the course which has led many other countries along the road to bankruptcy and devaluation, we must accept reasonable limitations on the rate of growth in our recurrent expenditure.

Chapter 8 of the Economic Survey deals with public finance in a clearer and more detailed manner than in any previous year. The first table shows that taking recurrent and development expenditure together, we did in each of the four financial years from 1961/62 to 1964/65 manage to do a little more than cover our expenditure either from taxation, local loans, or what we could get or borrow from overseas. The surplus figures must, however, be considered against the background of the growth in the public debt which increased from £69 million in 1961 to £95 million in 1965. The service of the public debt is now the largest single item in our expenditure and we will have to be very careful to see that loan money is spent on productive purposes which will generate sufficient income to enable us to meet our obligations. The figures in fact suggest that we have found too little money from taxation towards development expenditure. As stated in the Development Plan we must aim by 1970 to be in a position to find an increasing annual sum from taxation towards development costs.

The last figure in the table to which I have referred suggests that in 1965/66 there will be an overall deficit of over £7 million. The position will in fact not be quite as bad as this. Last year when I presented the Budget, I forecast that we would at the end of the 1964/65 year have a credit balance taking the recurrent and development exchequer and tax reserve certificates together of about £200,000 and that we would end the year with an overall deficit of £2 million. Although, therefore, technically and from the accounting point of view I budgeted for a deficit of about £2.2 million on the year, I had it in mind that we had accumulated sufficient money to enable us to repay contractor finance and certain other debts totalling about this amount without fresh borrowing. We have in fact during the year repaid £1.7 million of contractor finance and have also repaid to the Uganda Government a loan of £333,000 for the Mombasa Water Supply. My present estimate is that we will end the year with an overall deficit of £3.5 million. Or, in other words, the position will be about £1.5 million worse than I expected. We started the year with

a credit balance of £900,000 and the true deficit on the year is, therefore, £4.4 million. This we have been able to carry without undue strain and only for a short period did we have to use our facility to borrow money on Treasury Bills from the Currency Board. But we cannot allow this deficit to increase and it is essential that I should produce a balanced Budget for 1966/67.

I do not propose to go into any great detail on the revised estimates of revenue and expenditure for the present year but briefly I expect to end the year with a credit balance of about £600,000 in the recurrent exchequer and a debit balance of about £6 million in the development exchequer. The balance at the end of the year in the recurrent exchequer would in fact have been almost exactly my target figure of £1 million if it had proved possible to recover in full the amount due from African settlers on settlement schemes. The shortfall was about £400,000 and it is essential that recoveries should be improved and that the arrears due should be paid up. On the recurrent side, expenditure is up in accordance with the supplementary estimates which have been approved by Parliament, but we have also got an additional £1 million in income tax mainly owing to a special drive by the Income Tax Department for collection of outstanding arrears. On the development side both expenditure and receipts are down on the estimate and it is in fact possible that the published deficit at the end of the year will be slightly higher than my forecast of £6 million owing to delays in the receipt of aid for which the negotiations have been only recently concluded. But this position will correct itself early next year. We have succeeded in converting a local loan of over £3 million and have also raised a further sum of about £775,000 on the local market towards development expenditure. Our refinancing problem is less formidable in 1966/67 and we will be able to make a significant contribution to development expenditure from money raised locally.

There is one more matter to which I should refer before I leave the present year's Estimates and out-turn, which is that we have received £540,000 from the Currency Board towards the expenses of the Central Bank which will not be paid over to the Central Bank until 1966/67, but I do not regard it as necessary in order to balance the Budget to cover this payment by taxation in 1966/67.

The Economic Survey which I have just referred to has, at great length, analysed the state of our economy in the calendar year 1965, and has also given a forecast of the likely economic picture in 1966. Although this document is now

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available to the House and the country, there are certain aspects of it which I would wish to touch upon before I proceed to other parts of my speech.

The 1965 Economic Survey forecast that, in that year, our Gross Domestic Product would rise by 4 per cent over the 1964 figure. Our limited ability to prophesy, however, could not have allowed us to foresee that the main rains would fail and that one of our worst dry weathers would persist right up to the end of the year. Mainly because of these factors, therefore, a rise of only 2.3 per cent in our Gross Domestic Product at current prices as against the 4 per cent forecast was achieved. In the circumstances prevailing in 1965, when the principal industry of the country, namely agriculture, suffered severely from drought conditions, this overall increase cannot be viewed as entirely unsatisfactory.

However, looking at the two years 1964 and 1965 together, the Gross Monetary Domestic Product of the economy had an average growth rate of 7.5 per cent as compared with a rise of 7.1 per cent forecast in the Development Plan. Apart from the agricultural sector, the rest of the economy was sufficiently strong to continue to move forward and to sustain, overall, the level of the Gross Domestic Product. Except for the off-setting effects of the increases in the value of subsistence livestock, fishing and hunting, the fall in subsistence agriculture in 1965 would have been 8.3 per cent as against the actual fall by 4.6 per cent. Dry weather conditions significantly affected the production of our main crops such as coffee, which was also hit by the incidence of Coffee Berry Disease, and tea, whilst prices for sisal remained low.

One other encouraging aspect is that the estimated cash income of small farmers continued to rise during the year although at a slower rate than in past years. It is significant to note that the small farm section of the agriculture and livestock sectors accounted for £13.4 million equivalent to 31.4 per cent as against the 27.9 per cent for 1964. In our small mining industry, copper production benefited from rises in prices, and manufactures had a good year in spite of very severe restrictions imposed by Tanzania on our exports. Notably the Mombasa Oil Refinery expanded its production and also increased its exports overseas and to the rest of East Africa. Industries other than food industries recorded a rise in production and the construction sector had a

12.6 per cent increase—an increase which represents a useful start towards the target set in our Development Plan.

The wholesale and retail trade and service industries maintained the 1964 level of production and there was a recorded small increase in production of electricity although consumption remained the same as in 1964. In our transport industry, importation of bulk commodities partly accounted for a 12.5 per cent rise in the transport, storage and communications product.

Wage earners as a whole were better off in 1965 than in 1964 since they received higher incomes which include a rise of 7.8 per cent even though consumer prices probably rose by 4 per cent or 5 per cent during the period. This means that self-employed farmers who are the great majority of our population were relatively worse off during the year and taking into account the growth in population, the national income per head in 1965 fell. It will be one of the major aims of our Development Plan to ensure not only that the target increase in national income is achieved but also that the increase goes to those who need it most. This will involve containing increases in the level of wages to ensure that self-employed farmers enjoy their fair share of the growth in the national income. It will also involve a major effort in land consolidation, farm planning, agricultural extension services, the use of improved seed and fertilizers, irrigation schemes and range management schemes for the ranching areas. It is on these lines and not from prestige projects that economic growth beneficial to the whole country will be achieved.

Our 1965 capital formation target of £38 million was just achieved and reflected a rise of 8 per cent over the previous year. As a percentage of Monetary Gross Domestic Product, the achievement was higher than the previous two years. As for the future, it looks likely that the present rate of growth of capital formation will continue and that consequently it will be possible for the revised Development Plan annual target of £65 million to be reached by the end of the plan period. In farming, capital spending on large farms was in 1965 higher than in the previous year, and on a per-acre basis the highest since 1960. As regards the value of our exports, there was an improvement by £2 million which is mainly attributable to expansion of manufactured exports and re-exports, particularly petroleum products even though there was a sharp drop in export prices for sisal and a shortfall in the quantity of coffee available for export. I have

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already made reference to the effects of drought on our agricultural exports and I would now wish to turn to our imports.

Importation of abnormally large amounts of foodstuffs notably maize plus a 25 per cent rise in the import of intermediate goods, for processing purposes, such as crude oil and iron and steel explain for the unusual rise in imports during the period. In our export and import fields perhaps I should briefly refer to the fact that while the United Kingdom remained our principal trading partner, African countries supplied 14 per cent of our imports while 43 per cent of our exports were sold within the Continent of Africa, mostly to our Common Market neighbours. As for export prices, these showed a small improvement over 1964.

The gap between the rich and the poor countries is getting wider while the value of aid being given for the development of poor countries seems to be shrinking in relation to their requirements. I have for some time felt that the spate of economic advice and economic publications on how developing countries should order their affairs gives insufficient weight to the problems arising from continuing deterioration in the terms of trade between industrial nations and the rest of the world. In fact in some cases the aid given may only be a small proportion of the loss sustained through deterioration of the country's terms of trade. I know that this problem has been considered at international conferences, but there is no point in industrial countries claiming to want to help and then failing to provide markets for the produce of the poorer nations who frequently have seen the benefits of greater production lost through falling prices, lack of markets and increases in prices of imports. Indeed, restrictive trade measures against goods from developing countries are becoming quite widespread in the industrial nations. This international problem requires re-examination of aid and trade policies, for what under-developed countries need is not only aid but also trade.

Some hon. Members may have been alarmed to see from the published figures and from the Economic Survey that we had a deficit in our visible balance of trade in 1965 of some £36 million and that after taking into account our credit balance on inter-territorial trade that there was an overall deficit of £19 million. However, the balance of payments table in Chapter I of the Economic Survey shows that the position overall was satisfactory, and that the current account as a whole was more or less balanced. There was also a sharp rise in tourist income and

mainly owing to the imposition of exchange control the net outflow of private capital which had taken place in 1964 was converted into a small net inflow.

If I may, Mr. Speaker, I would now like to turn to the finance and banking matters. In my last Budget Speech, I announced a number of important issues which have influenced and will continue to play the same role in our economic activities. I touched upon the likely future of our common currency in East Africa and on the position which events in East Africa had forced us to assume in the management of our medium of exchange, namely the currency. Our two partners in this field, namely Tanzania and Uganda, have already announced the dates on which their respective Central Banks will commence their operations, and many of you will remember that the date announced by Tanzania was the 14th of June which was yesterday. The Central Bank of Uganda, I am told, is likely to open its doors to its customers some time next month. I am aware that this House, the country and the interested world have been expecting a similar announcement from me, but before I give it, I will give a brief résumé of the progress the Government has made in the process of establishing the Central Bank of Kenya otherwise known as the *Banki kuu ya Kenya*.

From the time the Government became aware beyond reasonable doubt that the future of our monetary association in East Africa had a limited life, preparations for the setting up of our national bank were set in motion. Work is just about to be completed in converting the former Army Pay and Records Office into premises befitting this national institution. I am indebted to His Excellency the President and the Minister for Defence who, at very short notice, were agreeable to my proposal that the building should be made available as a temporary measure for conversion into our Central Bank premises. A nucleus of staff mainly for planning purposes has been at work for the last few months and the selection of additional staff is currently in progress. Initially, the staff of the bank will comprise 100 members, many of whom will be experts in their own fields of work. His Excellency the President has already appointed the Governor of the bank and four Directors on the board of the Central Bank which had its first meeting on the 3rd June this year.

Consignments of notes forming part of our national currency are already in the country and it is my belief that sufficient ground work and preparation will have been completed by the 14th

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of September which is the date I intend to publish in due course as the date of commencement of business in our Central Bank.

From the date of its opening, the bank will accept the East African Currency Board's shilling notes and will exchange them for Kenya shilling notes of the Central Bank. It will also deal both in sterling with the commercial banks and the Government within published limits on a commission basis. The new coins of the Central Bank will not be ready until at a later stage and, to begin with, the Central Bank will use East African Currency Board coins under a special arrangement. The period needed to accomplish the exchange of the currency can be estimated as one year for bank notes and another two years for coins. In the meantime, the Currency Board shilling will still be legal tender in Kenya.

I am confident that the initial foreign cover of Kenya currency will be about 80 per cent which represents a slightly higher ratio than that now applicable in the case of the East African Currency Board. The denominations and size of the bank notes and coins will generally follow those used hitherto, but there will be a new note of 50 Kenya shillings and new coins of Sh. 2 and of 25 cts. The second change will be that all denominations will bear the replica of the head of our President Mzee Jomo Kenyatta.

Hon. Members: Without the *kofia*?

The Minister for Finance (Mr. Gichuru): I can assure the hon. Members the *kofia* is not there.

One other change will be the elimination of the hole in the 10 cts. and 5 cts. coins. These two latter coins will be a bit thinner but will be able to be used in existing slot machines in the country so that neither the Post Office, the Railways, the City Council or any other organization will require to replace their slot machines as a result of the introduction of our national currency. I have thus avoided the possibility of being called upon to pay compensation for replacement of slot machines which might have been unable to accommodate our new coins. I have not investigated whether the new coins will fit into machines known as one-armed bandits or amusement machines—I sincerely hope they will not!

I would like also to say a few words in relation to what might be termed the guiding principles on which our Central Bank will operate, since I feel that this ought to be understood from the outset in order to obviate any misconceptions that may be held in certain interested quarters. The principal aim of a Central Bank is to take

care of the money supply of the country it has been established to serve either directly by issuing notes and coins or indirectly through the control of the country's banking system. It must be borne in mind that by opening customers' accounts which can be drawn on by cheques, the banks are in fact providing means of payment to a large sector of the country's economy. Because this is an additional source of money supply, the banks have to be placed under the influence and supervision of the institution responsible for the monetary system in the country. It can, therefore, be said with justification that the credit activity of a Central Bank is a control by which the bank influences the volume of money in circulation with the ultimate aim of a proper monetary policy which is to keep the value of the currency stable both in relation to the internal price level and to gold and principal world "reserve" currencies. A Central Bank is certainly not a source of automatic extension of the volume of credit in a country. Neither could it make additions to or supplement the credit volume based on savings of the public. It can only serve as a cash reserve for commercial banks which keep customers' moneys or provide these banks with incidental or seasonal credit facilities of a temporary nature to improve their liquid position. It will also provide banking services to the Government. The Central Bank will take into account that the volume of Government funds can fluctuate heavily according to seasonal movements or economic cycles and that the holding of such large and fluctuating funds as Government would have in commercial banks may cause abrupt changes in the latter's disposable funds and expose the normal credit activity of the banks to considerable strain by shifting it from undue expansion to harmful restriction. By banking with the Central Bank the Government will insulate its funds from the undesirable role of a factor determining the volume and price of credit.

It is also material to refer to the fact that the maintenance of the external value of our currency as expressed by its par value is normally guaranteed by the continued readiness of the Central Bank to sell to commercial banks sterling or other "reserve" currencies at a fixed rate of exchange. In order to provide an effective backing for such policy, an adequate amount of foreign currencies must be held by the Central Bank. In this connexion and in the case of our Central Bank, a target has been provided by the Central Bank of Kenya Act which requires that our Central Bank will hold at any given time foreign convertible currencies equal to the value of four months' imports. It might be considered that this

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target is high and that it may take some time to achieve, but I am satisfied that it allows some flexibility and is also related to prudent policy in addition to being appropriate in the actual conditions prevailing in Kenya. In the long run, however, the maintenance of a sufficient cover for the currency can only be assured by the absence of inflationary tendencies caused by excessive expansion of credit either in the Government or in the private sector. We must avoid, as indeed we have done in the past, policies aimed at pumping into our economy a money supply which would exceed the value of the material resources available. We can only achieve this by trying as far as is possible to match up our imports with adequate exports and thus avoid a deficit in our balance of payments, the balance of payments which together with the bank's foreign reserves are the indicators of stability of the currency or of inflationary conditions. Borrowing from the Central Bank by the Government will be restricted to a level consistent with the stability of our currency and thus forestall inflationary conditions which experience has shown elsewhere occur through excessive borrowing by the Government. The Government has undertaken not to embark on inflationary spending in relation to the Development Plan.

With these declarations, the country can look forward to having the services of the Central Bank of Kenya which will play the role of fiscal agent and financial adviser to the Government.

The application of Exchange Control regulations over sterling area transactions introduced in June 1965, has had very satisfactory results on bank deposits and advances, currency in circulation, share quotations on our Stock Exchange and on our balance of payments. In June last year, private bank deposits rose from about £44 million to just under £57 million while advances rose from £46 million to just under £53 million. The private advances/private deposits ratio which was at a peak of 109 in January 1965, eased to 93 by March 1966. This latter ratio must be regarded as still high compared with the normal ratio of about 70, and I ought to urge income earners to deposit more in order to make it possible for further improvements to be made in the credit operations of our banks.

The currency in circulation which was £56.3 million at 30th June 1965, rose to £65.5 million by the end of the year. During the year 1965, the East African Currency Board assets covering the currency in circulation increased to just over £73 million so that the currency in circulation had a backing of more than 100 per cent. The

external assets of the Currency Board rose from £46.8 million to £49.1 million and the external backing of currency reached the 75 per cent mark as compared with the previous figure of 73 per cent.

It will be recalled that the East African Trade and Industry Share Index stood at 91.8 at the beginning of 1964. At the end of 1965, the Index was 111.1 and by the beginning of May 1966, the Share Index stood at 125.5. There can be no doubt that improvement in these monetary fields owes a great deal to the application of the Exchange Control regulations over the sterling area other than Tanzania and Uganda and also to the increasing confidence in our economy and the policies of the Government. It is also clear that the availability of money in the country together with the shortage of scrip in the Stock Exchange market explains the unusually high quotations in the market. The Government Stock and Conversion Issue of £3.5 million was substantially over-subscribed in December 1965 and subsequently three small issues totalling about £775,000 were successfully floated. The recent City Council Stock Issue of £250,000 was over-subscribed on the same day it was announced while in fact the Stock was closed a few hours after the announcement. One of the conclusions that can be made out of all this is that we should be in a position to raise a reasonable amount of money internally to support expenditure on our Development Plan projects.

As a result of the decision to establish separate Central Banks in East Africa and the consequent break-up of the common currency, the commercial banks have in the last few months been adjusting their assets/liabilities so that the banks in each country are now very largely independent of the banks in the rest of East Africa. I am told that in some cases balances are being cleared between branches, say, in Kenya and Uganda through London instead of directly as previously. Our commercial banks continue to be in credit with banks in both Tanzania and Uganda and at the end of March 1965, they were in credit of over £5 million with banks abroad. This I venture to say must be viewed as a good atmosphere within which our commercial banks will enter into business with the Central Bank of Kenya.

I now turn to the development estimates for 1966/67. At £22 million they are far higher than ever before. They include only about £1 million of re-financing as compared with over £2 million in the present year, and I am glad to say that we will be making the final payment under the contractor finance road project. The estimates

[The Minister for Finance]

contain a little over £4 million for settlement schemes and land transfer, but the major increase is on the provision for general development which totals nearly £17 million. The estimates correspond closely to the suggested programme for the year in the Development Plan. I hope that hon. Members will find time to read this plan and we can now for the first time claim to have a plan which is very much more than a mere catalogue of Government capital expenditure.

I am sure my hon. colleague the Minister for Economic Planning and Development will, in speaking in the Budget debate, explain in some detail our programme for the year which will undoubtedly provide a considerable amount of additional employment and will lay the foundation for further advance on the road to a more prosperous Kenya. I do not propose to go into much detail myself on the projects included in the estimates but we can note that the provision for Education has more than doubled on the present figure of some £937,000, that we are hoping to spend over £5 million on transport and communications, that the provision for Agriculture is significantly up and that we have increased the provision for Housing from £450,000 to £1.4 million. My main responsibility is to try to find the money and I am reasonably confident that I will be able to do so. I fear that there will be under-expenditure but this is more likely to arise from lack of executive capacity than from lack of money.

It will be seen that, out of the £22 million, I have undertaken to find, nearly £7 million is from internal resources. This may seem very ambitious but I hope to achieve this target in three ways.

The Central Bank will be purchasing sterling securities from various Government funds and from the Post Office Savings Bank. The Government will then issue local stocks to absorb the money produced in this way. The sterling investments concerned will remain with us as part of the overseas reserves of the Central Bank. In addition, substantial contributions will flow into the National Social Security Fund and will be invested in local stock. I have also been encouraged from the success of recent public issues on the local market, to believe that further issues will be absorbed. In these three ways it should be possible to raise most of the £7 million.

The problem of negotiating the remaining £15 million required from overseas sources will not be easy and if there are delays in these negotia-

tions, this may involve some slowing down of development expenditure. Our two largest sources of aid will be the British Government and the International Development Association. As a side effect of the disastrous drought in 1965, we have obtained a loan from the United States Government covering the cost of the maize which we had to import. I would like to make it clear that the money so generated is to be repaid over twenty years and as for other development loan moneys, we will have to use it for productive projects.

Before I leave the question of development and the raising of money to cover our planned expenditure, I would like to draw the attention of our friends overseas, particularly our donor countries, to certain aspects of our development needs. I have already mentioned that rapid development of developing countries requires both aid and trade. In the field of aid the donor countries have yet to appreciate the full significance of the problem of local costs. In our Development Plan, it has been calculated that the local cost element is about 80 per cent. There is, therefore, a limit on the extent to which aid tied to the purchase of imports from donor countries concerned can be used. It is unfortunate but true that aid is increasingly becoming tied to imports and that the balance of payments problems in a developed country arising from her transactions with other industrialized countries, are now being used as an argument for raising the proportion of tied aid to the developing countries with whom the developed country concerned may have substantial trade surpluses. There is the likely danger of aid programmes being used as export promotion devices, and it would appear that some countries want to give what they call aid without any real cost to themselves.

As far as Kenya is concerned, we believe that the development strategy which we have formulated in the revised plan is appropriate, and we expect our donors not only to give us aid relating to the capital imports but also aid to supplement our resources in undertaking those local cost expenditures without which the imported capital would contribute little in our development. Therefore, although we understand the problems of some donor countries, we hope that it will be generally accepted that gross inequalities of wealth between different countries in the world are incompatible with a healthy international society in much the same way as gross inequalities in the distribution of wealth within a country are inconsistent with the requirements of a happy and contented national society.

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In addition to the problem of finding money for development, the greater part of which will be in the form of loans which will have to be serviced and repaid, I will have a new problem. Before the creation of a Central Bank, automatic checks and balances operated, which limited the extent to which our economic position could be damaged by balance of payments difficulties, but in future this will not be the case. On the best advice that I have been able to obtain, I believe that the proposed borrowing for development will not cause inflation and a balance of payments crisis provided development money is used for productive projects which add to our income and overseas earnings. But this is something that will have to be very carefully watched and on which I hope to receive the advice of the experts of the International Monetary Fund.

I now turn to the recurrent estimates of expenditure for the year 1966/67 which amount to £52,805,700 as compared with £49,670,012 in 1965/66 including the first Supplementary Estimate. The additional expenditure in 1966/67 has been necessitated by the need to provide more for the Kenya Armed Forces, Social Services notably Education, and Health and improvements of security measures in our Prisons. There is also a large element representing commitment in our Public Debt. Out of the £759,200 increase in the Ministry of Education, £500,000 will go into secondary education to finance 177 new secondary education forms. Provision has also been made for additional students at the Teacher Training Colleges, Adult Literacy, Teachers' Service Commission and for a nucleus of staff for a medical school at the University College, Nairobi. Under the vote of the Ministry of Health, the additional provision is mainly accounted for by the need to provide more staff and equipment in relation to the already announced free medical treatment.

Under the Ministry of Commerce and Industry, a sum of £26,000 has been provided as a grant to the Export Promotion Council in order to assist our industrialists to advertise and look for more markets for our industrial products. It will be noted that other smaller increases have been off-set by less provision for the Ministry of Local Government.

Our expenditure estimates for 1966/67 taking recurrent and development together total some £75 million. This is a frighteningly large sum, and although I hope that it does frighten hon. Members, I fear that in the debate their main complaint will be that the Estimates are not large enough. They in fact represent as high a level

of Government expenditure as can possibly be justified in relation to our resources. A recent publication of the International Monetary Fund states that while the share of the Government sector in Gross Domestic Product in developing countries generally exceeds 20 per cent, it is below that level in most less developed countries. In our case, as the Economic Survey shows, Government expenditure in 1965/66 was over 35 per cent of the monetary sector of the Gross Domestic Product and over 27 per cent of the total. This illustrates the very important part which the Government plays in development and in the generation of the national income and also demonstrates that we are doing more on the Government side in relation to the total resources of the country than many other nations.

The 1966/67 Estimates of recurrent expenditure, as compared with the printed Estimates for 1965/66, show that they exceed the latter by £4,222,100. This is an enormous sum all of which, in our present circumstances, could not be raised from new taxation without damaging the economy. The additional expenditure, however, must be met and I have a number of ways in which I intend to balance the recurrent expenditure.

When I announced my interim Budget measures last April, I stated that they would yield about £1.2 million per annum. My present assessment of these sources indicates that the sum will be realized in the 1966/67 financial year. I am also hopeful that growth in revenue at existing rates of taxation will produce £1,716,100, and in addition a carry-over of £540,000 out of a sum allocated to the Central Bank by the East African Currency Board in 1965/66 will be made towards meeting the excess expenditure.

This brings me to my new taxation measures, and in accordance with our normal practice, I would ask, Mr. Speaker, this speech be taken as a Notice of Motion to be placed before the Committee of Ways and Means which is to deal with the measures I am about to announce.

Firstly, I will deal with the new Excise Duties which in addition to the need to raise more revenue have been necessitated by the effects of import substitution consequent upon our policy of protecting our young industries until they are in a position to compete with similar imported manufactures. The raising of duty on imported goods for this purpose has, over a number of years, meant that less of such manufactures have entered the country and that, therefore, less revenue has accrued to Government. I have carefully looked into the operations of these industries and I have been convinced that some of them can

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no longer invoke the principle of inability to compete and that their financial state does now justify my calling upon them to start making some contribution towards the public purse. From midnight tonight, therefore, the following measures will become effective.

The present duty on matches will go up from Sh. 3 to Sh. 5 on every 144 boxes of matches each of which is in packing of less than 50 matches, including other quantities of matches specified in the Act. This increase is equivalent to about 2 cents per one ordinary box of matches. Mineral waters and similar beverages, aerated and non-aerated, bottled ready for consumption without further preparation or dilution, will have duty thereon raised from 80 cents to Sh. 1/60 per imperial gallon, which means an extra 5 cents per bottle. It is not much. One other commodity I have in mind in this series is biscuits, on which there will be excise duty of 25 cents per lb. The duty will not, however, apply on biscuits made in bakeries for direct retail sale without being put in enclosed packages. There will also be duty at the rate of Sh. 25 per 100 lb. on soap, soap powders, soap extracts and substitutes therefor.

The Budget proposals also contain additional measures aimed at protecting local industries which manufacture soap, biscuits and mineral waters.

My import duty revenue measures relate to two items. Complete radio receiving sets, including television sets and motor vehicle radios not elsewhere specified in the Customs Tariff Schedule, will carry duty at the rate of 50 per cent *ad valorem*, instead of the existing duty of 30 per cent *ad valorem* together with a suspended duty of $7\frac{1}{2}$ per cent. The present specific suspended duty of Sh. 50 will become specific import duty. The second proposal is in connexion with petroleum, crude or partly refined for further refining, including other motor spirit on which the duty will go up from Sh. 1/40 per imperial gallon at 62° F. to Sh. 1/50 per imperial gallon at 62° F. The present Consumption Tax on petrol of 45 cents will go up to 55 cents per gallon, so that the overall increase on petrol will be 20 cents per gallon. I am hopeful that less pressure on the accelerators by motorists will not only minimize the effects of the measures I have taken on petrol but will also lessen the number of ghastly sights we have seen in our local newspapers and on our roads mainly because of speeding.

The less speed, the more petrol you save.

My last revenue measure relates to a service or throughput charge on aviation fuel—that is, when

planes land at our airport, they pay 10 cts. extra on the fuel they take—on which there will be a charge of 10 cts. per gallon. My colleague, the Minister for Power and Communications, will today publish a Gazette Notice to this effect. Aviation fuel charge paid by the East African Airways will be shared equally amongst Tanzania, Uganda and Kenya, because this is an East African service and, for the time being, this is the agreement.

Some hon. Members would have liked to see the passenger service charge imposed instead of, or in addition to, the charge on aviation fuel. I am aware that a number of countries, including some in Africa, have a passenger service charge at their airports, but I must point out that besides being a possible source of irritation to passengers and the cause of delay in getting them through the airport, the proposal would not, at what I would consider a reasonable charge, yield as much revenue as I hope to obtain from the charge on aviation fuel. I am also convinced that it would not have been proper to impose the two charges concurrently.

The Financial Statement and the Finance Bill, 1966, include both protective and formal proposals which will also be effective from midnight to-night. The protective measures have been taken on the recommendation of the East African Tariff Committee, and are intended to protect, amongst others, local industries manufacturing items such as electric wires and cables, electric light bulbs, round steel bars and rods, and liner-board for making corrugated cardboard.

The formal changes to the Customs Tariff Schedule are meant to minimize administrative difficulties so far experienced by the Commissioner of Customs and Excise in the administration of the tariff.

I estimate that the new taxation measure will produce £26,000 from biscuits, £30,000 from matches, £150,000 from soap, £90,000 from mineral waters, £300,000 from petrol, £80,000 from radios and similar receiving sets, and £90,000 from aviation fuel: all making a total of £766,000. I am advised that as a result of these measures, the Nairobi Wage Earners' Cost of Living Index will not go up by more than 0.3 of a point, and that the Nairobi Middle Income Index is unlikely to rise by more than 0.5 of a point.

There are two criticisms of the Budget which I expect will be made in the debate. The first is that not enough has been done and that the Estimates have not gone up sufficiently. This criticism can hardly stand up in relation to the Development Estimates which are not likely to be

[The Minister for Finance]

fully spent for physical rather than financial reasons. I admit that on the recurrent side, there is not as big an advance for the social services as I would have liked, but we had a big and unavoidable bill to meet for the Armed Forces, and I am hopeful that next year we will be able to do a little more for the social and economic services. I hope it will be accepted that we cannot, without departing from the principles of sound finance management, cover a greater increase on the recurrent side in any one year than about 7 per cent. The proportion of the national income taken in taxation has risen, and including Graduated Personal Tax, it is now well over 20 per cent.

The second criticism will, I am sure, be that, accepting that we needed to raise an additional £2 million in taxation, I should have found other means of producing this sum. There are several answers to this. The items chosen are those from which I am reasonably confident that I will get the additional money for which I have budgeted. We have increased our taxation on luxury goods considerably to a point where in many cases they may be yielding a lesser return than if our taxation was more modest. It is, I think, interesting that following the increased charges on cigarettes early last year, the consumption of cigarettes in Kenya was lower in every month in 1965 after the increase as compared with the corresponding months of 1964. Another reason for choosing the items that I did, was that I was able to reach general agreement with my colleagues in Uganda and Tanzania and have, therefore, been able to maintain the common external tariff which is basic to the common market.

There are two criticisms which may not be made in the Budget debate but may well be made by other critics and which do have considerable weight. The first is that I have been too hopeful in assuming that revenue at the existing rates of taxation will bring in about £1.7 million more than my original Estimates for last year. I admit that I have been hopeful. For example, I was advised by the Commissioner of Income Tax and by the Kenya Statistical Department that company profits in 1965 are likely to be at least 10 per cent down on 1964, and that revenue from the taxation of companies which will be received in 1966/67 will probably be at least £1 million less than the corresponding figure for the previous year. I must admit that my estimate is on the high side, but I am hopeful that the introduction of P.A.Y.E. will bring in some more money. With regard to customs and excise, I have assumed greater prosperity and greater purchases

of goods liable to import duty and excise. This in turn assumes that we will have a good agricultural year, as the Minister for Agriculture has promised me!

I have assumed that Graduated Personal Tax will be efficiently collected and that local authorities will not require the whole of the special assistance which they had from the Government this year. I have assumed that it will be possible to recover in full the sums due from settlers on settlement schemes. I have assumed that following the Philip Commission Report, the East African Common Market will be maintained and strengthened. As I have explained, inter-territorial trade is most important to our economy. My general justification for doing this is that as stated in the Economic Survey and as planned for in our Development Plan, we should have a good year and I hope that I will be proved right. But I have left little or no margin for Supplementary Estimates—may the Ministers please note—and if things do not go as well as I hope, it may be necessary for me to impose some further taxation during the year.

The second valid criticism that can be made is that I am relying too much on loan funds to finance development expenditure and that in particular, instead of seeking to find £7 million locally in borrowed money, I should have increased taxation by £2 or £3 million towards the financing of the Development Estimates. The only answer is that I believe that the projects on which loan funds are to be spent are in general sufficiently productive to generate a growth in the economy and will enable us to service the very large increase in our public debt vote in 1967/68 and that there are sufficient unused resources to enable us to incur this additional expenditure on the basis of loan funds without leading to inflation. The situation will, however, have to be carefully watched.

In conclusion, I feel that I ought to remind the country that more demands for additional services inevitably mean additional taxation, particularly in relation to our recurrent expenditure which can no longer be financed through external assistance. I can only hope that this additional burden will be accepted, realising that the Government is being continually called upon to provide more services, and that the concept of mutual social responsibility enunciated in our policy of African Socialism will guide those who are more fortunate, in accepting that it is more than our moral duty to sacrifice a proportion of our individual wealth to aid the less fortunate citizens of this country.

Mr. Speaker, Sir, I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Hon. Members rose in their places while His Excellency, the President, left the Chamber)

DEPARTURE OF HIS EXCELLENCY THE
PRESIDENT

The Speaker (Mr. Slade): Now, hon. Members, before we adjourn according to our common practice at this point, I think that His Excellency—rather when he sits on the Front Bench, Mr. Kenyatta—would like to take his leave.

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Thursday, 16th June, at 2.30 p.m.

The House rose at fifty-eight minutes past Five o'clock.

Thursday, 16th June 1966

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

SENATE AGREEMENT TO BILLS

The Speaker (Mr. Slade): I have to inform hon. Members of two messages received from the Senate.

The Senate agreed to the Supplementary Appropriation (No. 2) Bill without amendment, on Wednesday, 8th June 1966.

The Senate agreed to the General Local Loans (Amendment) Bill without amendment, on Tuesday, 14th June 1966.

MISTAKE IN QUESTION APPEARING ON THE ORDER PAPER

The Speaker (Mr. Slade): Hon. Members, with reference to the first question on the Order Paper, Question No. 143, I have to inform you with regret that there has been a mistake in our office. The Minister of State did ask us to divide this question into two parts, because it really concerns two Ministries. I am afraid that that was overlooked; and so we shall have to deal with that further before it can appear on the Order Paper, with our apologies.

ORAL ANSWERS TO QUESTIONS

Question No. 170

NAME OF KENYA AMBASSADOR TO MOSCOW'S RESIDENCE

Mr. Khaoya asked the Minister of State, President's Office, to tell the House whether the residence of the Kenya Ambassador in Moscow was named after our former Vice-President who was now the leader of the dissidents. If not, what was the meaning of "*Bolshaya Ordinga*".

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. In the first place, the questioner has got his spelling wrong. The last of the two words under reference should be "*Ordynka*".

"*Bolshaya*", which is derived from the word "*Bolshoi*" means "big" or great in the Russian language. "*Ordynka*" is a Mongol word derived from the word "*Orda*" which means "camp" in the Mongol language.

The street on which the Kenya Embassy is situated in Moscow is named after a big camp which was mounted several hundred years ago by a military wing of the Mongols and it has nothing to do with the name of our former Vice-President.

Mr. Khaoya: Mr. Speaker, Sir, since it appears to be just a coincidence and since we have decided that we have nothing to do with communism, would the Minister consider changing the residence of our ambassador from this place to another place, so that the country does not associate its name with Mr. Oginga Odinga?

Mr. Koinange: Mr. Speaker, Sir, the question of communism has nothing to do with our embassy which our Government is accorded in Moscow, and we have also accorded that Government an embassy here.

Mr. Muruli: Mr. Speaker, Sir, would the Minister tell us where and when he studied the Russian or Mongolian language to tell us that this is true?

Mr. Koinange: Mr. Speaker, Sir, if we are to reply to these questions accurately, we have to investigate the sources for the satisfaction of Members.

Question No. 164

MARIAKANI AND KEMBENI HEALTH CENTRES TO BE HOSPITALS

Mr. Omar asked the Minister for Health if he would consider, as a matter of urgency, converting the Mariakani and Kembeni Health Centres to the status of hospitals.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. It is not the policy of my Ministry to extend health centres and turn them into hospitals. Health centres are built to fulfil the specific policy of providing a preventive, promotive and curative role in the health services of the country. The curative role played by health centres is that of out-patient treatment and the channelling of the more serious cases that need hospitalization into existing hospitals.

The development programme of my Ministry consists of building district hospitals in those districts that do not have such hospitals, as well as enlarging the facilities of the existing district hospitals, according to the pressing needs of each area, as far as limited resources are available.

Mr. Omar: Mr. Speaker, Sir, could the Minister tell the House the number of out-patients who go to these health centres in a day?

Mr. Otiende: Mr. Speaker, Sir, that depends entirely where the health centre is located. There are certain health centres which have more

[Mr. Otiende]

patients attending the out-patient department than some hospitals, but, despite that fact, Mariakani cannot claim to be a hospital on those lines.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Minister's reply, can he tell the House what are the factors to be taken into account when a health centre might be made a hospital?

Mr. Otiende: Mr. Speaker, Sir, many factors come into play here. One of the first is situation; where it is situated. Mariakani is on the tarmac road to Mombasa, not a few miles out and, therefore, patients can be driven straight to Mombasa, but there are other places right in the bush from which you cannot reach a hospital easily. All these factors are taken into consideration. Of course, in this case, the policy of my Ministry is being fulfilled. The more health centres we build, the better, and the less hospitals.

Question No. 142

HOMA BAY PIER

Mr. Ngala-Abok asked the Minister for Power and Communications if he would tell the House what immediate steps his Ministry was taking, in conjunction with the East African Railways and Harbours, to improve the present Homa Bay Pier.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. As hon. Members know, there has been an exceptional rise in the level of Lake Victoria in recent years. Consequently, much effort and large sums of money have had to be spent in order to keep the principal ports open. This work, which has involved the raising of approach roads and working areas without interruption to the normal flow of traffic, has been undertaken as a series of emergency operations. Much of the work done has, inevitably, been of a temporary nature. The replacement of these emergency works by permanent improvements will be undertaken as soon as the level of the lake is seen to have stabilized and the necessary finance can be found.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister agree with me that Karengu Pier, which is on this side of Homa Bay, was repaired under the same lake level conditions and it is now functioning and very much better off? What is the argument about?

Mr. Masinde: I do not agree, Sir.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister take it from me that it is true, this pier has been repaired and it is working well, at the same level of the lake?

Mr. Masinde: No, Sir.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, if the Assistant Minister continues to say that it is no, could I substantiate this tomorrow, because the then Vice-President, Mr. Oginga Odinga, went to open it?

The Speaker (Mr. Slade): No, I am afraid not. You do not have an opportunity of substantiating a statement which you ask the Minister to accept and he does not accept. If you want to prove what he does not now believe, you will have to do it outside the House.

Mr. Omweri: Mr. Speaker, Sir, since the lake rise was only two years ago—about 1964—and last year we had a persistent drought which resulted in the level of the water in the lake subsiding, would the Assistant Minister now tell us what his Ministry is doing to see that the Homa Bay Pier is repaired, so that it can give effective service, because it is not a question of the level now which is high; there is no high level now.

Mr. Masinde: Mr. Speaker, Sir, I would assure the House that we have our people who are already checking on the area and the reply they gave us was that it is now very dangerous to start working on. It might be possible that with the opposite pier there was possibly a lower level than this one. Therefore, we cannot commence working unless we are satisfied the level of water is to the normal standard, to enable our engineers to work.

Mr. Ngala-Abok: Mr. Speaker, Sir, since the starting of work on this pier is tied up with the availability of funds, will the Assistant Minister tell me what his Ministry is now doing to make sure that funds are available, so that, as soon as the lake level gets down a bit, the work starts immediately?

Mr. Masinde: I have assured the hon. Member, Mr. Speaker, that we are trying to find funds, but even if we could find funds, we could not start working now. We are doing some other things in some other places.

*Question No. 150*TEACHING FOREIGN LANGUAGES TO EMBAKASI
AIRPORT STAFF

Mr. Mate asked the Minister for Works if he could tell the House, since Embakasi Airport was international, what steps the Government had taken to teach the catering staff and others different foreign languages so that they could communicate easily with non-Swahili-speaking travellers.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. As English is one of the international languages commonly used at Nairobi Airport by most of the passengers and by most of the people employed at Nairobi Airport (with the exception perhaps of the portorage staff), there is no reason why the Government should take any steps to teach several foreign languages to the various categories of staff employed at Nairobi Airport so as to enable them to communicate with non-Swahili-speaking travellers.

Mr. Mate: Mr. Speaker, Sir, since English is not known by all the travellers passing through Nairobi Airport, is it not possible to teach them a second language?

Mr. Masinde: Mr. Speaker, Sir, as far as the catering staff at Nairobi Airport is concerned, the hon. Member might not be aware that this category is employed by the Nairobi Airport Services—Caterair Limited—which is a commercial organization holding the catering concession for the airport. They are not Government employees and the Government cannot, therefore, take any steps to teach them foreign languages.

So far, Mr. Speaker, as the Government Information Desk receptionists are concerned, every effort is made to employ women receptionists who have some knowledge of foreign languages and, at present, three of them speak French and two others speak both French and German. One of the latter two also speaks Russian and Polish.

I should also add that the various airlines which operate at Nairobi Airport have nationals of their countries whenever their flights are in transit and no difficulty has arisen because of lack of knowledge of foreign languages on the part of the staff employed at Nairobi Airport.

Question No. 159

KENYA'S OWN ELECTRIC SUPPLY

Mr. Godia asked the Minister for Power and Communications if he could tell the House whether the Government would consider a plan for generating its own electric power, in case the Uganda Government ever decided to cut off the electricity supply from Jinja.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The Kenya Government does not anticipate that the Uganda Government will cut off the electricity supply from Jinja. The agreement between the Uganda Electric Board and the Kenya Power Company is a legal contract covering the bulk supply of electricity to Kenya and has nearly forty-three years to run.

However, as the load on the system grows, and with the introduction of the first stage of the Seven Forks hydro-electric development at Kindaruma early in 1968, the relative importance of the Uganda supply will diminish eventually.

In any case, there is some 26,000 kilowatts of hydro-electric plant in Kenya constantly feeding into this system as required, and there are also available to the system thermal generating plants at Kisumu, Nakuru, Eldoret, Kitale, Kericho and Nairobi.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, where he says that there is an agreement with the Uganda Government and that it will be respected, what assurance has he that the Kenya Government and Uganda Government will still respect this agreement?

Mr. Moss: Mr. Speaker, Sir, in the first place, Kenya and Uganda are never at war. Secondly, Sir, as I have already mentioned, the agreement between the Uganda Electrical Board and the Kenya Lighting Company is legal and it is a contract of about forty-three years. Therefore, I do not see how the Uganda Government can break up such an agreement without any proper reason.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the effect that he almost feels that there is a guarantee because of an agreement by law. Is he aware that governments change and, in any particular country, the heads of government have their different policies, therefore any man can come into power and cut off the electric power? If he is not aware of that, will he try and read history where he will find out that these things do happen?

Mr. Moss: Mr. Speaker, Sir, if legality will never work and if it is true that governments are subjected to change, then we must also change.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell us what investment the Kenya Power Company has in the Jinja Owen Falls project to assure him, or his Ministry, and the Government that this contract would not be changed any time the man holding the highest share decides to change, because this is likely to happen at the moment?

Mr. Moss: Mr. Speaker, Sir, if we speak in terms of the investment, it is the same investments which led to the agreement, to legality. In other words, the investment itself within that power is enough. Otherwise, the Uganda Government would not have agreed to legalize the agreement.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's latest reply where he emphasizes the question of legality, would he now

[Mr. Shikuku]

try and understand the feelings of the Members of this House, that legal business happens during legal times and that there are times when legality is not taken into account? Now, Sir, in that case, would he tell us what we are to do when legality fails in Uganda? It has already failed in some cases where the Kabaka is missing.

Mr. Moss: Mr. Speaker, Sir, it is quite interesting, but I think I have already mentioned to the House that we have started our own Hydro-electric Power at Kindaruma which will be in operation by 1968, but should anything happen now, and as a Government of the people, we shall have to take the appropriate steps to make sure that we do not have to go without lights.

The Speaker (Mr. Slade): The question is when one kind of power interferes with another kind of power.

We have to go on now.

Question No. 171

STOCK ON TRANS NZOIA SETTLEMENT SCHEMES

Mr. Khaoya asked the Minister for Lands and Settlement if he could tell the House whether he was aware that citizens who were given land in the settlement schemes in the areas formerly known as Trans Nzoia, were not permitted to bring in their cattle.

The Speaker (Mr. Slade): Is there anybody to answer from the Ministry of Lands. We will leave that for the moment.

Question No. 158

VOICE OF KENYA IN MOMBASA

Mr. Balala asked the Minister for Information and Broadcasting if he could tell the House when the Mombasa Station of the Voice of Kenya would be reinstalled at Mombasa again, and when Mombasa people were going to be able to have television programmes ready for viewing.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. There are no immediate plans for reopening the sound studios at Mombasa, since it is not considered in the best interests of the country, financially or otherwise, to have a number of mushroom stations growing up. Mombasa is now being used as a booster station for programmes designed for the Coast listeners and broadcast from Nairobi. This is working fairly satisfactorily, and it is expected that it will be even more satisfactory when new transmitters, now under construction at Ngong, are put into operation.

One of these will be 100 kW. and two others of 50 kW. strength. It is expected that these, with the help of booster stations, will make it possible for the Voice of Kenya to be heard satisfactorily throughout the whole of the country, with much more inexpensive receivers than are required now in the remoter areas.

As for television at the Coast, the question is being actively pursued with the Treasury. There are several technical difficulties as well as financial ones, but it is hoped that Coast people will be able to enjoy television by early 1968. It will probably be necessary to cater for only a fairly small area around Mombasa at first, but this will be extended as demand requires and facilities permit.

Mr. Balala: Mr. Speaker, Sir, is the Minister aware that the Government has assured this House in answer to a question put forward last year that television will be at the Coast by July this year? This was the assurance received by the Government.

Mr. Osogo: Mr. Speaker, Sir, I do not remember this assurance having been given and if the hon. Member can substantiate that it was given, then I will pursue the matter.

Question No. 138

PRIVATELY OWNED SCHOOLS

Mr. Ngala-Abok asked the Minister for Education if he would explain to the House the machinery which his Ministry employed to see that all privately owned schools did not exploit the position unchecked, because the country was lacking in schools, specially for secondary education.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. My Ministry employs the powers provided in the Education Act to ensure that unscrupulous persons do not exploit our people, and our people's need for secondary education for their own selfish financial ends. These powers are designed to ensure that suitable and adequate educational facilities are provided at every school and include the Minister's power to approve managers of such schools, registration of such schools after satisfying the necessary standards in buildings, equipment, staff and the proposed curriculum. All teachers in such schools must hold valid licences issued by the Chief Education Officer. The Ministry must be satisfied in all these factors before such schools can submit candidates for recognized public examinations, as certificates and diplomas issued by such schools on

[The Assistant Minister for Education]

their own authority are generally not recognized in Kenya. All these aspects of a school are inspected by my officers from time to time.

Mr. Ngala-Abok: Mr. Speaker, Sir, how far is the Ministry now satisfied that all privately owned secondary schools do not charge the students any more than necessary?

Mr. ole Konchellah: Mr. Speaker, Sir, as far as the fees are concerned in private schools, we do not actually go into this case of financial positions of the private schools. All we do encourage is the standard of education.

Mr. Muruli: Mr. Speaker, Sir, is the Assistant Minister aware that there are some privately owned schools which have never been visited by his Ministry?

Mr. ole Konchellah: Mr. Speaker, Sir, probably I agree with the questioner that we might not have visited a number of schools. However, I can assure the House that this is going to be done very soon. I am quite sure that a number of private schools, after being visited by our inspectors, or some of them, had to be closed because the standards and facilities were not adequate.

Mr. Makone: Arising from the other reply of the Assistant Minister, where he says that there is supervision and inspection of these privately owned schools, will he tell the method employed to check the management and running of these privately owned schools? What methods does he employ?

Mr. ole Konchellah: Mr. Speaker, Sir, I will now give a slightly longer reply to the Members of this House, particularly to the questioner.

First of all our Ministry. All schools, within the meaning of the Act, must have their management approved by the Minister for Education. This entails the managers being substantial, responsible persons or an organization which has the intention of, and resources for, conducting worthwhile educational institutions. This is one point which our Ministry looks into, to see that the managers are able to control the schools.

Now, registration of schools. All schools have to be registered by the Chief Education Officer, which means that their managers must also satisfy him that they have the capacity to run satisfactory establishments; that they have, or can undoubtedly obtain, an adequate or suitable site which they will use, or erect buildings which are functionally appropriate, and comply with the health and safety

regulations and local by-laws; that they are able to furnish and equip the buildings properly; that they can engage a competent teaching and non-teaching staff; that they will follow an approved curriculum and syllabus; and that the school will serve a genuine educational need. So, registration also is being looked into and the facilities and standards must satisfy the Ministry of Education before a school is registered.

Now I come to administration and functional inspection. In order to ensure compliance with these requirements, all prospective school managers should obtain the professional advice of the Ministry's officers in respect of size, buildings, equipment, staff, curriculum, syllabus and enrolment. Once established, all schools are liable to inspection with regard to all these aspects of their organizations.

Mr. arap Biy: Mr. Speaker, Sir, would the Assistant Minister tell this House whether his Ministry sends out inspectors to go and see, in practice, what is being done by these schools, and whether the right teaching methods are being carried out?

Mr. ole Konchellah: We do, Sir.

Mr. Ngala-Abok: Mr. Speaker, Sir, since in my view what constitutes the worst exploitation in the world is to charge higher fees to the people who cannot afford to pay these fees, will the Assistant Minister agree with me that this Act should be changed so that the Ministry can go into the finances charged and change the excessiveness as far as the charge is concerned?

Mr. ole Konchellah: Mr. Speaker, Sir, I am not quite sure whether the law will allow my Ministry to go into this affair, but I assure the questioner that I will take the matter back to the Ministry and I am sure that we will look into it.

Question No. 165

AFRICAN STUDENTS IN NON-AFRICAN HIGH SCHOOLS, MOMBASA

Mr. Omar asked the Minister for Education if he would give the number of African students admitted into Form I in 1965 and 1966 in the following former non-African schools:—

- (a) Alidina Visram High School, Mombasa.
- (b) Mombasa Technical School, Mombasa.
- (c) Goan Institute, Mombasa.
- (d) Aga Khan School, Mombasa.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. Yes, Sir. The figures required are as follows:—

	1965	1966
(a) Alidina Visram High School ..	5	18
(b) Technical High School (Mombasa Technical School) ..	45	3
(c) Sacred Heart School (Goan Institute)	18	2
(d) Aga Khan School	12	7

I would advise my hon. friend to note the correct names of these institutions.

Mr. Omar: Mr. Speaker, Sir, could the Assistant Minister tell us the reasons why there was a fewer number of entrants into Form I in 1966 than in 1965, particularly in the Alidina Visram School and the Sacred Heart School, Mombasa?

Mr. ole Konchellah: Mr. Speaker, Sir, I beg to reply further. In 1965, the total Form I places in Alidina Visram School were 99, the Technical High School were 89, Coast Girls' High School, Mombasa 168, Sacred Heart School (Goan Institute, Mombasa) 68.

Mr. Shikuku: On a point of order, Mr. Speaker, I thought the hon. Member was asking for the figures in 1965. What we are hearing now is a different thing altogether, it is about places. Is that in order?

The Speaker (Mr. Slade): I do not think that the answer is altogether irrelevant.

Mr. Shikuku: I do not think it is relevant, Mr. Speaker.

The Speaker (Mr. Slade): I think it is. Will you continue, please, Mr. ole Konchellah.

Mr. ole Konchellah: Mr. Speaker, I would like to ask the questioner, if possible, to repeat his question.

The Speaker (Mr. Slade): No. There was a point of order which I did not think was a very good one. You go on, Mr. Konchellah.

Mr. ole Konchellah: At the Aga Khan School, there were 131 places, at the Star of the Sea School 64 places, Mombasa Technical School 150 places.

Mr. Muruli: On a point of order, Mr. Speaker, is the Assistant Minister in order to give the figures when he was asked the reasons that led to the drop of the number of pupils who entered these schools?

The Speaker (Mr. Slade): It may be relevant. Let him continue. You can carry on. Mr. Konchellah. Do not take any notice of these points of order.

Mr. ole Konchellah: I would like to give the House the following information which reveals the progress made in the integration of these and other schools in Mombasa. 1965 seems to have been a year in which many Africans have obtained places in these schools, but there has been a drop in 1966 which is explained by the following considerations: (1) The schools concerned are day schools and have no boarding facilities. Pupils from the mainland who could not get accommodation on Mombasa Island were unable to accept places there. (2) Some of these schools were still charging about Sh. 414 per annum when the former African schools were charging Sh. 200 per annum. This deterred some people, some pupils, who might otherwise have accepted places.

As a result of the transfer of Tudor Secondary School to the former *Majimbo* primary school building, two forms have been transferred from the Alidina Visram Coast Girls' School to Tudor School, giving Tudor a three-stream entry this year. Tudor School is a low-fee school, and its enrolment predominantly, if not entirely, is African.

In accordance with the national policy, the order of merit in the preliminary examination was the main factor for Form I selection in 1966, and in Mombasa this, apparently, militated against special consideration such as had evidently been given in 1965 to African pupils who had not gained high marks equal to non-African candidates.

Now, Mr. Speaker, as regards the question put forward by the hon. Member, a number of pupils who were admitted to this school in 1965 are understood to have dropped out in consequence of the high fees and lack of boarding facilities.

Mr. Pandya: Mr. Speaker, Sir, will the Assistant Minister tell us what positive steps the Government proposes to take to make these schools truly non-racial in character, carrying out the policy of the Government? What steps does he propose to take to see that there is a reduction in the fees, which is the prime factor for the inability of the parents to send their children to some of these schools?

Mr. ole Konchellah: Mr. Speaker, Sir, I am very glad to mention that the hon. Member who is questioning me was a second-class citizen during the colonial time, and he has accepted at this moment that people are equal in the whole State.

Mr. Pandya: On a point of order, Mr. Speaker, I think the hon. Assistant Minister does not realize that I recognized this long ago, before he even came to this House.

The Speaker (Mr. Slade): I am sure you accept that, Mr. Konchellah?

Mr. ole Konchellah: I accept that, Sir.

Mr. Speaker, Sir, I would like to inform the hon. Member and the House that our Ministry and the Government do not at all encourage racial schools. This has been put up as a policy. Now, in so many schools which encourage racialism, there is a lot of multi-racialism going on because pupils in schools have been mixed up. I do not know whether there is any school which exists now with a sort of racial name, or one which enrolls pupils of one race only. This is actually against the Government policy. I support the hon. Member and say that the Government is taking steps in the right direction.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 165:
AFRICAN STUDENTS IN MOMBASA HIGH SCHOOLS

Mr. Omar: On a point of order, Mr. Speaker, I am not satisfied with the reply given by the Assistant Minister and I would like to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 153

COMPENSATION: NGOKA MWARO, DECEASED

Mr. Mwatsama asked the Minister for Local Government if he could tell the House why compensation had not been paid to Ngoka Mwaro, deceased, who had been killed at Guruguru (Tsangatsini), on 27th January 1964, by Kilifi County Council Motor Grader No. KFY. 314, driven by Kimando Nzola.

The Assistant Minister for Local Government (Mr. Njiri): Mr. Speaker, Sir, I beg to reply. An agreement has been reached between Kilifi County Council and the next of kin of Ngoka Mwaro, deceased, that the council would pay compensation for the dead person in accordance with local custom as follows: twenty-eight cows, valued at Sh. 130 each, forty-eight *Kajama* (measures of local beer) at Sh. 4 each.

Mr. Speaker, Sir, the total sum to be paid as compensation will, therefore, be Sh. 3,832. May I add that this amount was demanded by the relatives of the deceased man, and it was not disputed by the county council.

Mr. Mwatsama: Mr. Speaker, Sir, can the Assistant Minister tell us the reason why this matter has taken so long, from 1964 to 1966, to be settled?

Mr. Njiri: Mr. Speaker, Sir, the relatives and my county council were still continuing with discussions, and they did reach agreement.

Mr. Mwamzandi: Mr. Speaker, Sir, will the Assistant Minister tell this House why he has said agreement was reached, and now he has stated that the relatives and the county council reached agreement. Is there any reason why up to now this agreement has not been reached and the money not been paid?

Mr. Njiri: Mr. Speaker, Sir, as the hon. Member may know, the question was raised but we did not get the information. So far agreement has been reached and the procedure has been carried out.

I do not know whether they paid him yesterday or the day before yesterday, but things are being dealt with.

Mr. Kamau: On a point of order, Mr. Speaker, in reply the Assistant Minister said that it was 3,832. We do not know whether it is £3,832 or whether it is Sh. 3,832. Could the Assistant Minister please state clearly?

Mr. Njiri: I am sorry the hon. Member did not understand me. It was Sh. 3,832.

The Speaker (Mr. Slade): We will go back to Mr. Mate's first question. Mr. Mate.

Question No. 147

RESTORATION OF IGOKI LOCATION TO MERU

Mr. Mate asked the Minister of State, President's Office, if the Government would consider the restoration of the former Igoki Location of South Imenti in Meru in order to make administration easier, as the present locations of Nkuene and Abogeta were too big.

The Speaker (Mr. Slade): Is the Minister of State not here to answer? Is there nobody to answer on behalf of this Ministry? It appears not. I am afraid this will have to wait for another day, then, if the Minister of State is not here.

Mr. Shikuku: On a point of order, Mr. Speaker, I thought it was an accepted fact that the Government works as a team: is it fair then that we should postpone the reply to a question on the Order Paper which has been accepted—and the Ministry is aware that it was going to be on the Floor of the House today—when there are Ministers here? Does this not show that they are not working as a team?

The Speaker (Mr. Slade): I would point out that the Minister of State was here when this question was due for reply, but Mr. Mate was not here. The Minister of State, I know, had to

[The Speaker]

go and attend to some rather urgent and unexpected business in the Senate, and I do not suppose he had time to warn any colleague before he left that this question would have to be answered. I see him just reappearing now, so perhaps he can answer it now.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I apologize for my unavoidable absence from the Chamber and I beg to reply. No, Sir. The hon. Member for Meru Central will recall that Igoki Location was split and absorbed into Nkuene and Abogeta Locations, because its small size did not justify maintaining it as a separate location. It is not the Government's intention to encourage further divisions.

The Government is satisfied that the administration of the Igoki area is very satisfactory.

Mr. Mate: Mr. Speaker, Sir, is the Minister aware that the reasons for the disbanding of these locations were not the reasons as given? The reason for so doing was that there was a shortage of money; and the people there are not happy about the whole situation.

Mr. Koinange: Mr. Speaker, Sir, it was not so much a question of money but mainly one of administrative convenience.

If I may be allowed to do so, I would like to point out the population of the four locations of that area. Igoki Location had 8,000 people; Nkuene Location had 20,460; Abogeta Location had 11,890; and Egoji Location had 16,468. After the annexation of Igoki, approximately the population of the new locations is as follows, Mr. Speaker: Nkuene Location, 22,380; Abogeta Location, 18,345; and Egoji Location, 16,468.

Mr. Mate: Mr. Speaker, Sir, with all due respect to the Minister's analysis, is he aware that the nature of the area is so different that if we take other areas of Kenya, where we have an even smaller population and even less problems, there are smaller locations than that?

Mr. Koinange: Mr. Speaker, Sir, as I have just explained, from the administrative point of view, we are satisfied that that area is being administered properly.

Question No. 146

HEALTH CENTRE FOR SOUTH IMENTI

Mr. Mate asked the Minister for Health to tell the House, since all the other divisions and sub-divisions of Meru had health centres built by the Meru County Council with the exception

of South Imenti, what plans the Government had for making funds available for building and maintaining at least one such health centre in South Imenti. Would the Government consider taking over Kanyakine or Mikumbune or the Kathigu projects in order to help South Imenti with their self-help.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. It is a well-known fact that the policy of building health centres and running them is the responsibility of local authorities. However, Government is prepared to assist at any time, if requested to do so, with capital funds, and this request should always come in through the medical officer of health and the provincial medical officer of health. My Ministry may then assist by meeting part of the cost of construction or extension. In this case, here, my Ministry has not been approached by the County Council of Meru and it has not been requested that a health centre is required in that particular area.

As to whether Government should consider taking over various self-help schemes, that is a matter that can always be looked into.

Mr. Mate: Mr. Speaker, Sir, would the Minister agree with me that that division, of all the divisions of Meru, has been neglected in that respect?

Mr. Otiende: Mr. Speaker, as far as I am advised, I do not know whether that area is neglected. If it is neglected, then there must be a reason why.

Mr. Mate: Mr. Speaker, Sir, for the Minister's information, would he not agree with me that, as we have only one mission hospital and one Government dispensary, compared with other divisions, the Government has been wrong, or the local government or even the Ministry of Health, in neglecting such an area?

Mr. Otiende: Mr. Speaker, Sir, I have no facts and figures before me and I would not like to cross swords with my hon. friend without being well informed, but I dare say that, according to what he says now, it appears to me that the population of that area does not deserve any more facilities than are given at present.

Mr. Nyaga: Mr. Speaker, Sir, since I understand from the Minister that the Ministry has never received any information from the county council, or from the hon. Member from that area who asked the question, does the Minister mean that we hon. Members have to collect material or anything from the county council and bring it to this House?

Mr. Otiende: Mr. Speaker, Sir, with all due respect to the hon. Member being the representative for that area, the normal practice is for the Government machinery to run, whether there are Members of Parliament or otherwise.

Question No. 171

STOCK ON TRANS NZOIA SETTLEMENT
SCHEMES

Mr. Khaoya asked the Minister for Lands and Settlement whether he was aware that citizens who were given land in the settlement schemes in the areas formerly known as the Trans Nzoia were not being permitted to bring in their cattle.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Lands and Settlement, I beg to reply. New farmers in settlement schemes accept the following conditions governing livestock before they enter their plots: "Not to keep livestock on their land without the prior consent in writing of the Settlement Fund Trustees which may impose such conditions regarding the number and type of livestock as it may think fit."

The trustees must safeguard a settler's interests by ensuring that his plot is not overstocked and that he keeps productive milk cows on his farm. If the farmer applies to keep useless, unproductive animals, he will not receive the necessary permission. It is in the interest of productivity and good farming that settlers do not keep unproductive stock and, for this reason, new farmers are not permitted to bring in their cattle indiscriminately.

Mr. Khaoya: Mr. Speaker, Sir, would the Minister tell me whether working oxen are considered unproductive?

Mr. Osogo: Indeed, Sir, the hon. Member, being a farmer himself, knows very well that working oxen will feed on grass and it depends on how much grass there is to feed these cattle.

Mr. Shikuku: Arising from that reply, is the Minister aware that those people in settlement schemes have difficulties in getting tractors to plough their land and, as a result, many of them have had to lose their crops because they planted so late? Would he agree with me, therefore, that if anybody has four oxen, he can bring them and make use of them, but that this is not allowed?

Mr. Osogo: I have said, Mr. Speaker, that applications will be made and they will be considered on their own merits. If it is very necessary for a settler to have the oxen for ploughing his land, this will be considered and it might be allowed on its own merits.

Mr. Muliro: Mr. Speaker, Sir, would the Minister agree with the questioner, the hon. Shikuku, that the work oxen are for ploughing the land in order that settlers may plant and tractors are mostly unavailable? Would the settlers in the settlement schemes be given permission to keep work oxen?

Mr. Osogo: That assurance cannot be given, Mr. Speaker. The hon. Members might not know that the Government gives facilities in the form of loans for the settlers to hire tractors, and we are satisfied that there are enough tractors for hire.

Mr. Muruli: Mr. Speaker, Sir, would the Minister tell the House how many settlers in this area have applied to the settlement trustees and how many have been allowed to keep cattle and how many have been refused?

Mr. Osogo: I shall need notice of that question, Mr. Speaker.

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

NOTICE OF MOTION FOR THE
ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 171:
STOCK ON TRANS NZOIA SETTLEMENT SCHEME

Mr. Shikuku: On a point of order, Mr. Speaker, I feel this is a very pressing issue and, in view of the unsatisfactory reply from the Minister for Information who does not know that these people are in such difficulties, I wish to raise this matter on adjournment.

QUESTION BY PRIVATE NOTICE

"PROTEST STRIKE": KENYA BUS SERVICES LTD.,
MOMBASA

The Speaker (Mr. Slade): Mr. Balala, you have a question by private notice?

Mr. Balala: Mr. Speaker, Sir, I—

Mr. Makone: On a point of order, Mr. Speaker, I am not quite sure whether this is a point of order, but something needs clarifying.

Mr. Speaker, I am a member of the settlement schemes in Kisii and I am not quite sure whether these people get loans as small-scale farmers or large-scale farmers, so when this debate comes up, the Minister will then be on the safe side to say whether this applies to small plot-holders or large-scale farmers. Which is he talking about, Mr. Speaker, because this is very important?

The Speaker (Mr. Slade): I think you will have to explore that outside the House, Mr. Makone, before this comes up on an adjournment.

Mr. Balala: Mr. Speaker, Sir, in view of the recent "Protest-Strike" called by the Transport and Allied Workers Union, Coast Branch, on Friday, 10th June 1966, at Mombasa, to all drivers and employees of the Kenya Bus Services which was sparked off as a result of an allegation that a European member of the staff of the Kenya Bus Services had allegedly told a redundant employee who asked for his wages that even if he went to President Kenyatta at Gatundu he would not receive his money, what action has the Government taken against such abusive behaviour by the European officer concerned towards his Excellency the President of the Republic of Kenya?

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The allegations are being investigated and they will be dealt with in accordance with the law, depending on the results of the investigations. As matters stand, I cannot possibly say more than this.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House how long this investigation will take, to get the result?

Mr. Wamuthenya: Mr. Speaker, this matter is in the hands of the law officers, and since that is so, I would not give further information regarding it, as it might prejudice the case.

Mr. Mwamzandi: Mr. Speaker, Sir, in view of the fact that the matter is being investigated, will the Assistant Minister promise this House that the results of the investigation will be reported to this House?

Mr. Wamuthenya: Mr. Speaker, Sir, as the matter is under investigation, I cannot predict how this matter will come out, and if the result of the investigation gives me a reason for bringing this matter to the House, I will do so.

Mr. Makone: Mr. Speaker, Sir, will the Assistant Minister not agree with me that the delay in the investigation is because of the deterioration of his intelligence service?

Mr. Wamuthenya: Mr. Speaker, Sir, this case concerns His Excellency the President of Kenya and my Ministry is very acutely aware of this.

Mr. Makone: On a point of order, Mr. Speaker, Sir, I am not satisfied that the Assistant Minister has replied to the question.

The Speaker (Mr. Slade): You cannot raise that as a point of order, I am afraid.

We must go on now.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE
THE CHAIR

(Minister for Finance on 15th June 1966)

COMMUNICATION FROM THE CHAIR

SCOPE AND LIMITATION OF DEBATE IN
BUDGET DEBATE

The Speaker (Mr. Slade): Now, before we proceed with the Budget debate I would remind hon. Members of the limitation of time for speeches on which the House has agreed, which is twenty minutes for every Member apart from the Mover's speech and reply.

I think we might also usefully consider the precise scope of this debate. Hon. Members will appreciate that it is a debate on the Financial Statement on the Annual Estimates which was delivered by the Minister for Finance yesterday; and that is a very general statement on all the economic and financial problems of the country as they were yesterday, as they are today, and as they may be tomorrow. In the past, there has been a tendency to use this debate for discussion of almost anything, even the most parochial matters, but I do not think purely parochial matters are really relevant to a financial statement on the general economic and financial outlook of the country. So I do propose, in the course of this debate, to stop hon. Members who start to talk entirely about parochial matters, unless they are talking about them as an example of a fairly general issue. I think we shall have a very much better debate that way.

POINT OF ORDER

SESSIONAL COMMITTEE AND BUSINESS OF THE
HOUSE

Mr. Shikuku: On a point of order, Mr. Speaker, I am seeking your guidance on this. It was the practice in the past that, after the Minister for Finance had given the Financial Statement, we had some sort of adjournment to enable us to look at the Financial Statement by the Minister. I was wondering whether that has been ruled out. If so, I would like to know when it was debated and decided so.

The Speaker (Mr. Slade): Hon. Members are aware that, subject solely to the direction of Government as to when the House is to sit again after an adjournment, all the business of this House, including the question of temporary breaks in our sittings, is controlled by our Sessional Committee. This matter was put to the Sessional Committee as to whether we should—according to

[The Speaker]

what has been done in some other years, though not all—have a few days' break after delivery of the Financial Statement, and they decided that there should not be any break this year.

POINT OF ORDER**ADJOURNMENT OF DEBATE AND OF THE HOUSE
(BUDGET DEBATE)**

Mr. Omar: On a point of order, Mr. Speaker, Sir, as you have said that this was a decision by the Sessional Committee that the debate should continue after one day, now, Sir, would it be in order for this House to debate whether we should continue the debate or adjourn it, in order to enable the Members to go and start preparing their speeches, because we only received the speech in our pigeon-hole this afternoon?

The Speaker (Mr. Slade): It is always open to hon. Members to move either the adjournment of the House or the adjournment of a debate unless the Speaker thinks that it is a sheer abuse of procedure. I would certainly not regard it as an abuse of procedure if an hon. Member wished to move that this debate be adjourned. It would mean that it then comes onto the Order Paper again whenever the Sessional Committee think it should come onto the Order Paper again, but that it would not continue today. As we have no other business today it would mean, in fact, the House adjourning.

MOTION**ADJOURNMENT OF DEBATE: BUDGET DEBATE**

Mr. Muliro: Mr. Speaker, Sir, I beg to move that the debate be adjourned until next Tuesday. The debate tomorrow, Mr. Speaker, Sir, is Private Members' Motions and that is why I suggested next Tuesday. Sir, it is only fair that the hon. Members have an opportunity to read the content of the speech which was delivered so ably by the Ministry for Finance yesterday in order to be able to debate effectively the Speech given by the Minister.

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

Mr. Shikuku: Mr. Speaker, Sir, I feel I should second this Motion, because I just do not see any good reason why the old tradition should be done away with. I am a Member of the Sessional Committee, but unfortunately, I was not at the meeting on that day when this matter was decided. Personally, Sir, I believe that no hon. Member cannot contribute effectively, and to the benefit of this Government, if he has not read his stuff properly. Of course, Mr. Speaker, Sir, we were

in this House when the Minister for Finance was reading his speech, but reading to us and us reading for ourselves is two different things. I think, Mr. Speaker, Sir, a Member should go back home, have some *ugali*, sit down after he has taken off his coat, have a good read of the speech and analyse some sentences so that the following day he can come here and speak reasonably and contribute effectively.

Mr. Speaker, Sir, in order to do that, we cannot start debating this speech today because we will not be able to contribute effectively. Therefore, Mr. Speaker, Sir, I am of the opinion that the hon. Members in this House, who have the interest of Kenya at heart, and who wish to contribute constructively and responsibly, will agree with me that we adjourn the discussion of the Financial Statement until Tuesday, because tomorrow is Private Members' Motion day.

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

(Question proposed)

Mr. Balala: Mr. Speaker, Sir, in supporting this Motion I would like to point out one or two things. Mr. Speaker, Sir, for the Members to be able to speak in the Budget debate, it is a necessity for a Member to go through all the documents that we have in our possession, for example, the Economic Survey, the Economic Planning and—

Mr. Kamau: On a point of order, Mr. Speaker, Sir, in view of the fact that the Motion is fully accepted by the hon. Members, may I move that the question be now put?

The Speaker (Mr. Slade): Did I understand you were proposing the closure, Mr. Kamau?

Mr. Kamau: Yes, Mr. Speaker.

The Speaker (Mr. Slade): No, I do not think so. Hon. Members must be entitled to express an opinion either way on this before we have the closure. We have only had one side of the opinion so far.

Mr. Balala: Thank you very much, Mr. Speaker. As I said, Sir, we have so many documents in our possession which also relate to the Budget debate with regard to the speech which was delivered by the Minister for Finance.

Last night, Sir, I was sitting trying to jot down some of the things which I wanted to speak on. I found, Sir, that I need such a lot of research into these documents to enable me to come out with positive material to put forward before this House, but, Sir, if the Sessional Committee thinks that by steamrolling and for us to say, "yes" to whatever is brought here, we will not be true

[Mr. Balala]

or general representatives of the people in this House. We are supposed, Mr. Speaker, to voice the grievances of the people of this country. We are supposed to talk sense and contribute towards the building up of this nation, and if we are to be told to hurry up and approve this thing, we will not get anywhere. It is a shame for the Sessional Committee and the members of the Sessional Committee to try and push us to do things which are not proper. It is absolutely shameful of them. Although we are members of the same party, we are members of the same Government, we will not, under any circumstances, tolerate such steamrolling by the Sessional Committee.

The Speaker (Mr. Slade): Order! I do not think I can allow hon. Members to become violently critical of a Committee which they themselves have elected. If you do not like the performance of the Committee, you can move for their replacement and then criticize them as a ground for their replacement. Otherwise you can disagree with them, but that is a different thing from beginning to talk as Mr. Balala is talking.

Mr. Balala: Thank you, Mr. Speaker, Sir, I just wanted to say that we have enough of Bills and things coming into this House which we have been forced to pass in this House, before we have really had an opportunity to study them.

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

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I would like to oppose this Motion. Mr. Speaker, Sir, the main argument is that some Members, I repeat, some Members, have not studied the Financial Statement and are therefore pleading for time to do so. Mr. Speaker, Sir, on the other hand, there are some Members who have studied the Financial Statement, and I would like to plead on their behalf that they be given a chance to make their contribution now while waiting for those who have not done their homework to do so.

Mr. Speaker, Sir, this attitude is negative. The Specially Elected Member is very violent today, and I do not know why. Mr. Speaker, Sir, the Sessional Committee which has been criticized very violently by the Specially Elected Member, Mr. Balala, has just done its work. This, Sir, is not the first time the Sessional Committee has put up a debate on the Financial Statement for discussion in the House immediately after the Minister has made his statement. There is nothing new here and the Sessional Committee has done nothing wrong.

Mr. Speaker, Sir, the House has a lot of work to do during this Session and any delay is only going to result in a lot of inconvenience. I would therefore like to plead with the House that those who have done their homework be given a chance to contribute straight away to the debate rather than put it off today.

Mr. Speaker, Sir, I beg to oppose.

Mr. Ngala-Abok: Mr. Speaker, Sir, I beg to oppose any adjournment of the debate on the Financial Statement. Firstly, Mr. Speaker, Sir, since this morning, the Members had four hours to look at the Financial Statement which took the Minister less than two hours to read yesterday. Moreover, Mr. Speaker, Sir, in this debate, you will hear a lot of repetition which will be a nuisance and which will show that the Members, if we delay the debate today on the Financial Statement, will not get the sort of material which they are now pleading time for to go and collect. In fact, Sir, we know very well that the debate ranges from somewhere between Kisumu and Mombasa. It covers everything you can think of, for all this time, since the last Financial Statement, last year, and this year. In fact, Sir, any capable Member of Parliament who has been having—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to insinuate that any Member is incapable? Is he not implying that we are not capable?

The Speaker (Mr. Slade): No, I do not think so. I think the hon. Member is entitled to make this argument without giving undue offence to anyone.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wanted to say that a Member who has been doing his homework from time to time, seeing that he represents the people and has points to put forward, knows this is the only opportunity where an hon. Member can recall back from the last year's Financial Statement to this year, and, in fact, by this time, Members were not only waiting, I presume, for the Minister to make this Financial Statement. Moreover, Mr. Speaker, Sir, what usually strikes people most is any—

Mr. Omar: On a point of order, Mr. Speaker, Sir, whilst the issue is clear in the House, Mr. Speaker, am I in order to move that the question be now put?

The Speaker (Mr. Slade): We are getting near the point where we should have the closure, but I think we should just let Mr. Ngala-Abok finish rather quickly; then I will allow it.

Mr. Ngala-Abok: Mr. Speaker, Sir, since I have started speaking, the Members have become very irritated, I think I must be given time as I gave other Members time.

Mr. Speaker, Sir, what I was saying was that in this particular Financial Statement, there is nothing very striking. The increases on taxation and so on were so mild, and if any hon. Member wishes to speak he will, in fact, only speak on what he has kept in his mind and what is worrying his constituency, and what is worrying Kenya as a whole. He may mention the KPU and such-like subjects, but I do not see why Members should be allowed to delay or waste public funds for having sat for so short a time and saying that they are going away to study the documents. So, Mr. Speaker, Sir, it is high time the Members were allowed to speak.

Mr. Speaker, Sir, I would like to speak on the Financial Statement for all of this afternoon.

Mr. Omar: Mr. Speaker, Sir, I beg to move that the question be now put.

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

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

(Question put and negatived)

The Speaker (Mr. Slade): You are asking for a Division? Order. I think hon. Members know that there will always be a Division on demand, either if the Speaker has any doubt as to the outcome of the Division or if, in a case other than a procedural matter, the demand is supported by ten Members. Well, as you gathered from my words, I have doubt as to the outcome, and so you are entitled to a Division.

DIVISION

(The House divided)

The Speaker (Mr. Slade): The Tellers for the Ayes are Mr. Ngala-Abok and Mr. Mbogoh, and the Tellers for the Noes are Mr. Makone and Mr. Kiprotich. I would ask the Tellers of the Ayes now to take up their positions here, on my right, and the Tellers of the Noes on my left.

Mr. Kiprotich: On a point of order, Mr. Speaker, I am not prepared to be a Teller for the Noes.

The Speaker (Mr. Slade): Order! Order! You are not prepared to be a Teller?

Mr. Kiprotich: No, Sir.

The Speaker (Mr. Slade): Order! It is very unsatisfactory if I am presented with the names of Tellers who are not prepared to tell. I hope this will not happen again.

May I have, please, another Teller for the Ayes?

Mr. Alexander: I will be a Teller, Sir.

The Speaker (Mr. Slade): You want to be a Teller for the Ayes, Mr. Alexander?

Mr. Alexander: For the Noes.

The Speaker (Mr. Slade): This was a Teller for the Ayes. Now let me explain this.

I asked for two Tellers for the Noes and two Tellers for the Ayes. I then received for the Noes, Mr. Ngala-Abok and Mr. Makone, and for the Ayes, Mr. Mbogoh and Mr. Kiprotich. I then divide them, a No and an Aye, telling on either side.

Mr. Kiprotich: Then I will be a Teller, Mr. Speaker.

The Speaker (Mr. Slade): You are quite happy about this now, Mr. Kiprotich? You are going to vote, Aye, but you are going to watch those who tell the Noes to see that there is fair play.

Will the Tellers please take up their positions now.

(Question carried by 21 votes to 8)

AYES: Messrs. Balala, arap Biy, Dr. De Souza, Messrs. Dingiria, Ithirai, Jahazi, G. G. Kariuki, Kiprotich, Mate, Mbai, Mbogoh, Mulama, Muliro, Muruli, Mwalwa, Nyaberi, Ochwada, Omar, Seroney, Shikuku, arap Soi.

Tellers for the Ayes: Messrs. Kiprotich and Mbogoh.

NOES: Messrs. Alexander, Godia, Khaoya, Makone, Mwanyumba, Ngala-Abok, Odero-Jowi, Otiende.

Tellers for the Noes: Messrs. Makone and Ngala-Abok.

The Speaker (Mr. Slade): Consequently, this debate on the Financial Statement will be adjourned until next Tuesday, 21st June, and tomorrow, Friday, 17th June, will be occupied by Private Members' Motions as usual without being superseded by this debate.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper today. The House is therefore adjourned until tomorrow, Friday, 17th June, at 9 a.m.

The House rose at five minutes past Four o'clock.

Friday, 17th June 1966

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 139

POSTS HELD BY FOREIGN ADVISORS AND
TECHNICIANS

Mr. Ngala-Abok asked the Minister of State, President's Office, whether the President would tell the House how many public posts in the whole country were now held by foreigners purely for their advisory and technical experience and how many would be due for replacement and when.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. There are 138 advisers attached to various Ministries and 733 expatriate technical officers. Perhaps, Mr. Speaker, I may inform the House that the *cadre* of advisers are not held against the established posts in the public service. These are made available by foreign countries and organizations under technical assistance arrangements, whereby their salaries and cost of international transport are paid for by the donor country or organization.

No public post may be established without the approval of the Director of Personnel and Treasury. The filling of such a post is, of course, done by the Public Service Commission.

For the information of the hon. Member for Homa Bay, I would like to tell him that technical officers are distributed as follows according to professions.

There are 361 doctors, 97 engineers, 122 veterinarians and 153 agriculturists. If the hon. Member wishes, I can give him the breakdown of the officers and the donating countries' organizations.

Question No. 140

POPULATION CENSUS BEFORE 1968 GENERAL
ELECTION

Mr. Ngala-Abok asked the Minister for Economic Planning and Development if he would undertake to carry out a country-wide census before the 1968 General Election, to establish the true picture of the Kenya population.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply on behalf of my colleague, the Minister for Economic Planning

and Development. The Government appreciates the desirability of undertaking another general census of the population and active consideration is being given to the feasibility of taking such a census in 1967. Very careful consideration must, however, be given to this question before a firm decision can be taken, for not only is a general census of the population extremely expensive (the last general census of the population cost the Government in the region of £100,000) but it entails a major disruption of the whole Government machine during the period of the census. Careful consideration is now being given to all these points and I hope to be able to give the House a more definite answer to this question in the near future.

Mr. Omweri: Mr. Speaker, Sir, while the Minister gives an indication of carrying out a general census in the near future, would he agree with me that it would be correct to have proper registration of births and deaths to give accurate figures to the Statistical Department under the Minister for Economic Planning, so that we do not incur unnecessary expense, as he has said that the last general census was very expensive?

Mr. Nyagah: Mr. Speaker, Sir, if the hon. Member had listened to my answer, he would have heard that I said due consideration is now being given to all these points. I should probably have added other points that I did not mention: maybe his point will be considered, too.

Mr. Omweri: Mr. Speaker, Sir, would the Minister then tell us whether there is an established machinery under which proper registration is carried out of the population in the country, under the Statistical Department?

The Speaker (Mr. Slade): Do you mean births and deaths registration, Mr. Omweri?

Mr. Omweri: Yes, Sir, a proper machinery.

Mr. Nyagah: Mr. Speaker, Sir, I answered the question of the next general census of population, and the hon. Member has just raised this question of the recording of births and deaths. I said the Government is making a very careful consideration of all these points which will produce an accurate census of population. No doubt, what he is saying is one of the necessary points.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House what factors are taken into consideration when a census of population is taken?

Mr. Nyagah: The hon. Member who asked the question wanted to know whether, before the next general election, there will be as accurate a census of population of the Kenya Republic as possible. This is an opportunity for the people who are

[Mr. Nyagah]

interested, and for all of us indeed, to try and make any suggestions which they think might be omitted by the Government, but the Government is making a very careful consideration of all the points which will be necessary to produce an accurate census.

Mr. Shikuku: Arising from the reply by the Minister, Mr. Speaker, is he aware that during the census a lot of things happened? For instance, Indians do not have their children counted and as a result they might overtake us in population. Would the Minister consider strict measures to make sure that every Indian is counted?

Mr. Nyagah: Yes, Sir, Mr. Speaker. The matter that has been raised by the hon. Member for Butere is now on the record and it will be read in the HANSARD when this matter is being reviewed.

Mr. Wariithi: Mr. Speaker, Sir, my hon. friend here, Mr. Omweri, raised a very important point which I would like to pursue with the Minister: that is, do we have machinery at the moment for recording births and deaths? If we do not, what does the Minister intend to do to introduce it and even make it compulsory throughout the country?

Mr. Nyagah: Mr. Speaker, I believe that certain districts are already in possession of machinery for registration of births and deaths, but so far, to the best of my knowledge, it is not a country-wide practice.

Mr. arap Soi: Mr. Speaker, Sir, is the Minister aware that, during the last census, many people did not come out for it and tried to hide? Is the Ministry now taking steps or will the Government make sure that they teach the people the meaning and the importance of census, so that people come out next time?

Mr. Nyagah: Mr. Speaker, Sir, everybody here is well aware that some people did not probably avail themselves of the census, but the Government would also like to ask all hon. Members between now and the time of taking the census to go all out, flat out, in the country and teach the population that it is necessary to have every single person counted.

*Question No. 151***LATE ENTRY OF MERU PUPILS TO SECONDARY SCHOOLS**

Mr. Mate asked the Minister for Education how many pupils who had failed to get places in a Form I somewhere right away did get places in a secondary school by the end of the second term 1966. What schools had absorbed the greater number of these pupils.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Ninety-six pupils from the Meru District, who had qualified for secondary education but had not been admitted to Form I in the first instance, obtained places by the beginning of the second term, 1966. Fifty-five of these pupils were admitted at St. Mary's, Egoji, and Kaaga Girls' School. Seventeen were given places at the Mombasa Technical Institute, while the remainder were absorbed in a small number of secondary schools situated in the Meru District.

Mr. Muruli: On a point of order, Mr. Speaker, is the Minister in order to talk about Meru when the question does not include Meru?

The Speaker (Mr. Slade): The Minister may have misunderstood the intention of the question. Did Mr. Mate mean it to be country-wide?

Mr. Mate: Mr. Speaker, Sir, the question is country-wide.

Mr. Nyagah: Mr. Speaker, Sir, this matter of children failing to get admission after Form I has been raised in my Ministry by Meru and has been like a chronic disease. When I received this question from the Member for Meru Central, I answered for Meru, but I have no fear of trying, at a later date, Mr. Speaker, Sir, with your permission, to give the country-wide figures.

The Speaker (Mr. Slade): Well, in these circumstances if the Minister misunderstood the scope of the question, we will put it down on the Order Paper a few days later again when the Minister is ready to answer it as it was intended.

*Question No. 141***REDUCTION OF MEDICAL TRAINING PERIOD**

Mr. Ngala-Abok asked the Minister for Health if he could explain to the House the category of trainees of the Medical Training School who would have their training period reduced and by how many years, and when would this reduction take effect since the Minister had made this speech at the Medical Training Centre Speech Day recently.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The gist of what I said at the Medical Training Centre was that my Ministry was considering the shortening of the period of training for medical auxiliaries. This is a high policy matter which is now being examined by the Government machinery. I am not, as yet, in a position to elaborate on the issue until a final decision has been reached.

However, since the hon. Member has been very specific in his question, I might assist by giving him a little detail. The proposals are still tentative

[The Minister for Health]

and have not yet been approved by Government, but my Ministry has already put to Government a plan for reducing the period of training for enrolled nurses, including midwifery and health visiting, which extends over five to six years to three years. The present period of training Kenya Registered Nurses is to be reduced from three and a half years to three years. A new curriculum is being worked out for post-registration midwifery training which I can now say has already been introduced into the Kenya Registered Nurses' programme here to include three months' training in obstetrics, which means that the duration of midwifery training will be reduced from twelve months to nine months, if the students have finished their Kenya Registered Nurses' training.

I am not yet in a position to forecast the exact date for the implementation of the above, but we hope to work out our schemes before 1970. I can also tell the House that a review is being made of the training of other para-medical staff and a Bill to that effect will come before the House in due course.

Mr. Ngala-Abok: Mr. Speaker, Sir, since our Development Plan specifically states that the Ministry is going back to the training of medical assistants and that by 1970 there will be an output of about fifty a year, will this category of staff also get their period of training reduced because it was four or sometimes five years in the past?

Mr. Otiende: Mr. Speaker, Sir, the medical assistants are the backbone of our Ministry of the department, so to speak, and we have to be very careful before we think of reducing the period of training. Without medical assistants, I do not think our work in Kenya would have gone as far as it is.

In fact, Sir, our neighbours in Tanzania are now introducing that *cadre*. I would like to say that what we now have in mind is to bring back some of our senior staff from the field to regular refresher courses and upgrade those who are not yet medical assistants to medical assistants. That is the first step. The next step is what I have said will be worked out later.

Mr. arap Biy: Mr. Speaker, Sir, would the Minister agree with me that this question of reduction of the period of time for these specialists is going to endanger the lives of many people in this country which instead should be increased?

Mr. Otiende: Mr. Speaker, Sir, with all due respects to my hon. friend, I think we are not reducing the teaching but we are teaching more

in a lesser time. Even in the whole educational programme, and even in our own education programme, there is room for improvement. There are many months which are wasted. I have given you an example here that, instead of training a Kenya Registered Nurse in other subjects and then taking her for another year to a maternity home to learn maternity work, we are doing it all at the same time. We have built our own maternity home at the Kenyatta National Hospital so that they can learn at the same time, which will save time.

Mr. Mate: Mr. Speaker, Sir, would the Minister assure this House that the rumour that is current today, that the hospital assistants and medical assistants are going to be mainly women and we are not going to have men trained for that particular job? Sir, is this not true, because the hospital assistants and medical assistants, according to him, the Ministry or the hospital work in this country and furthermore—

The Speaker (Mr. Slade): I think, Mr. Mate, you are on a different question.

Question No. 149

NAIROBI CITY COUNCIL TEACHING STAFF

Mr. Mate asked the Minister for Local Government if he could tell the House what the total establishment of the teaching staff of the City Council of Nairobi was in all the city primary, secondary and technical schools. How did the provision of housing for teaching staff compare with other departments.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. The total number of teachers in the City Council of Nairobi is 1,440. About one-quarter of them were either provided with houses or received housing allowances. Mr. Speaker, with regard to the second part of the question, the city council has not got a particular policy to house its employees. Council employees including teachers, apply for houses like any other person and they are given preference in the city council.

Mr. Mate: Mr. Speaker, Sir, could the Assistant Minister give the House the figures, as far as the total number is concerned, for primary, secondary and technical schools? Can he give us the breakdown of that big number?

Mr. Njiiri: Mr. Speaker, Sir, I have given the total number of teachers. I have not yet divided how many of them are in primary or secondary schools. If the hon. Member would like to be supplied with those figures, I would be very happy to do that later.

Mr. Mate: Mr. Speaker, Sir, with regard to part (b) of the question, how does the provision of housing compare with the other persons in the city council?

Mr. Njiri: Mr. Speaker, Sir, I must reply to my hon. friend that, as far as the city council is concerned, they take care of every person applying for a house allowance or where to stay without distinguishing which department a person comes from.

Further, Mr. Speaker, Sir, I must assure the hon. Member that the city council is taking care of everyone who is interested in obtaining a house.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House why only one-quarter of the teachers of the city council get houses or a house allowance? Is it because the other teachers did not apply for houses, or is it because it is the policy of the city council to house some and not others?

Mr. Njiri: Mr. Speaker, Sir, I must tell my friend that there are two categories of teachers, some of the teachers are married and some are unmarried. Also some of them always stay in their own houses and live with their parents. That is the reason why we have this figure of one-quarter, because they are divided into two, married and unmarried teachers.

Mr. Shikuku: Mr. Speaker, Sir, arising from that explanation given by the Assistant Minister, would he not agree with me that the one-quarter which he is referring to is made up, mainly, of Europeans and Indians and that there are a lot of Africans who have not been given housing because they do not happen to have the right pigmentation; that is white or yellow?

Mr. Njiri: Mr. Speaker, Sir, I did not quite get the question.

Mr. Shikuku: Mr. Speaker, Sir, I would like to repeat my question.

The Assistant Minister has told the House that a quarter of the figure which he gave is either provided with a house or housing allowance. Now, Sir, could he tell this House, or will he not agree with me, that the one-quarter which he is referring to is either European or Indian and that Africans are not among that quarter? If that is so, could he tell us how many Africans, Indians and Europeans receive a house allowance or houses?

Mr. Njiri: Mr. Speaker, Sir, I think the hon. Member will understand that a quarter of them, the teachers, were either provided with houses or receive a house allowance. To that effect, Mr.

Speaker, Sir, we do not categorize the races as far as the policy of the Government of taking care of each person who is teaching is concerned.

Mr. Shikuku: Mr. Speaker, Sir, is the Assistant Minister aware that he has hopelessly failed to reply to my question? The question, Mr. Speaker, now is whether he could tell the House with regard to the one-quarter which he has talked about, how many Europeans, Africans and Indians there are? It is futile for him to try and fool this House that they do not categorize.

The Speaker (Mr. Slade): Order! You have asked your question.

Mr. Njiri: Mr. Speaker, Sir, I would like to assure the hon. Member that, as far as my Ministry is concerned, it does not distinguish the races as far as the teachers are concerned. If my friend, however, is very keen for me to do that, I can do it at any time, but the policy of the Government is to take care of the teachers whatever race they come from.

Question No. 148

EXCISION OF FOREST: SOUTH EMENTI AND NITHI DIVISIONS

Mr. Mate asked the Minister for Natural Resources what were the Government's reasons for excizing that bit of forest along the western borders of South Imenti and Nithi Divisions for cultivation of high-zone crops and cattle.

The Speaker (Mr. Slade): Is anyone prepared to answer for the Ministry of Natural Resources? If not, we will leave this question over to appear on next Tuesday's Order Paper.

POINT OF ORDER

ABSENCE OF MINISTERS: DISSATISFACTION OF THE HOUSE

Mr. Shikuku: On a point of order, Mr. Speaker, I think I rose on a point of order the other day and tried to point out the collective responsibility of the Government. It appears it is becoming a habit for the Ministers to absent themselves from the House. It is also a fact that some of them can hardly reply to questions either on their own behalf or on behalf of another Ministry.

Now, Sir, could you give us a proper ruling on this because if it is going to be a question of Ministers absenting themselves and then we have to put the questions on the Order Paper for another day, thereby depriving another question which was to have come up on the Order Paper for that day the chance of doing so, then I feel this is a very bad system. Do we have any

[Mr. Shikuku]

other way of expressing ourselves now in order to make it known to the Ministers that we are fed up with this kind of messing about?

The Speaker (Mr. Slade): I think the House has not hesitated to make its dissatisfaction known on such occasions, but I cannot, as a matter of order, direct that a question to one Minister should be answered by another Minister if he is not here.

Mr. Shikuku: On a point of order, Mr. Speaker, if that is the case, would I be in order now to move a Motion, expressing the dissatisfaction of this House as to the behaviour of the Ministers of this Government?

The Speaker (Mr. Slade): No, there is no procedure that enables you to do that, I am afraid.

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Speaker, in view of the fact that the answer to Question No. 148 has just been given to me, would I be in order to reply on behalf of my colleague?

The Speaker (Mr. Slade): Yes, would you answer it now then.

Mr. Mate: On a point of order, Mr. Speaker, since personal matters concern personal affairs, is it in order for a Minister who is responsible for a Ministry to keep on acting for others who do not care for the department?

The Speaker (Mr. Slade): Order, order Mr. Mate! You may get unsatisfactory replies, but then you often get unsatisfactory replies from the particular Minister concerned.

Yes, Mr. Osogo.

(Resumption of discussion on Question No. 148)

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to apologize on behalf of the Government. On behalf of my colleague, the Minister for Natural Resources, I beg to reply.

The Government has never been convinced that excision from the Mount Kenya Forest bordering the South Imenti and Nithi Divisions are necessary. This is one of the problems that the Minister for Natural Resources intends to look into at any early opportunity.

Mr. Mate: Mr. Speaker, Sir, is the Minister who has given the answer aware that that area that the Meru people want for cultivation of high-zone crops, is an area of bush and it is not a real forest?

Mr. Osogo: Mr. Speaker, Sir, in fact, the hon. Member has referred to it as a forest, and I presume that, when he asked this question, he knew it was a forest. Whether it became a bush yesterday or not, I do not know.

Mr. Mate: Mr. Speaker, Sir, for the information of the Minister who was formerly an Assistant Minister for Agriculture, is he not aware that that bit of forest, big bush, that the Meru want is needed for high-zone crops like tea, which is a bush—like Kericho—and the forest and water aspects cannot be improved, as far as the Meru people are concerned?

Mr. Osogo: It should not be overlooked, Mr. Speaker, that the Ministry of Agriculture and the Ministry of Natural Resources should go hand in hand in that forests are used for water conservation. Water is needed for agricultural purposes.

It is only recently that the hon. Member wanted some development in his own area, for development, in the form of water. Now that the Minister for Natural Resources has agreed to look into this matter, it might be found that this forest is very necessary as far as water is concerned.

Mr. Mate: Mr. Speaker, Sir, is the hon. Minister aware that once before, when I was a Member of Legislative Council, I was given a reason that the Government, after the Perkerra experiment as to water conservation, would consider surrendering the area? Since that time Government has agreed that this forest is not indispensable as far as water conservation is concerned.

Mr. Osogo: Mr. Speaker, Sir, at that time the colonial experts looked at things differently, we now look at them differently.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 148:
FOREST EXCISION: SOUTH IMENTI AND NITHI
DIVISIONS

Mr. Mate: Mr. Speaker, Sir, on a point of order, in view of the unsatisfactory reply, I wish to raise this matter on adjournment.

The Speaker (Mr. Slade): You will give written notice, Mr. Mate, will you?

NOTICES OF MOTIONS FOR THE ADJOURNMENT

DELAYED TELEPHONE CALLS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received, among many notices, notice from Mr. Shikuku of his desire to raise on adjournment the matter of reply to Question No. 162, which was asked by Mr. Tialal concerning telephone call delays in Kenya. I have fixed the adjournment on next Tuesday, 21st June, for that matter to be raised.

FOREIGN MONEY FOR POLITICAL PARTIES

The Speaker (Mr. Slade): I have also had notice from Mr. Muliro of his intention to raise on adjournment the reply to Question No. 107, which was asked by Mr. arap Too, concerning foreign money provided for political parties. That will be raised on Wednesday, 22nd June, on the adjournment.

MOTION

WATER SUPPLIES FOR BOMET

Mr. arap Soi: Mr. Speaker, Sir, I beg to move that:—

THAT this House draws the attention of Government to the damage that lack of water supply for domestic use and stock has done to the people of dried areas of Bomet Division and further urges this Government to take immediate steps to remedy this situation.

Now, Mr. Speaker, Sir, my Motion concerns the same Ministry which has just failed to be present to answer a question directed to it in this House. The Ministry is not here to take matters which will be raised in this Motion and which I consider important.

Mr. Speaker, I want to mention the dry areas first and what I mean by dry areas.

Now, in Kericho District there are places which are very dry, almost semi-desert. These places border Masailand, and are places such as Longisa, Sigor and Location 6 which is Chepalungu. This is where there is a lot of trouble and hardship which the people have to undergo. In these places the women have to go for water, they have to travel long distances, even as much as ten miles; even more sometimes. This is what used to happen many years ago and till today the place has never been developed by either this Government or the previous Government.

This Motion draws the attention of Government to such places. We do not want the Government to neglect the people in the rural or poor areas as the other Government used to do. The Government says it is trying to improve the standards of the poor people in the country.

Apart from the long distances the women have to travel to get water, the other difficulty is that the water they obtain is from dams. So, the water obtainable there is only dirty water and this causes diseases to human beings as well as animals. Many lives are lost due to this dirty water. This is very serious and if left like this it will be a bad mistake on the part of the Government, the Government which is trying to improve the health of the people, the standards of the people. So,

the Government must not fail to recognize the difficulties which these people experience. Children die when they drink this dirty water. People do not know how to filter the water and they continue to drink dirty water. The people cannot afford to buy filters.

Apart from disease there are frequent famine spells in these areas. Famine comes as a result of the lack of water. This water is required not only by human beings but by animals as well. If there is no water, then the animals die. Cattle, goats and other animals have to go long distances in search of water and they cause damage as they go along. They cause damage to the country, to the land, and this damage is soil erosion. Here is where the Department of Agriculture should do its work in order to stop this soil erosion. This is serious.

Mr. Speaker, Sir, you find that the agricultural officers do not visit the areas concerned as they used to do in the past; they do not work in the field and hence they cannot advise the Government how it should develop water systems in the dry areas.

Mr. Speaker, farming is not something which is planned there; people just lived in these dry areas and suffered from the famine. People have tried to consolidate their farms and for this reason there is no proper route along which the cattle can go miles and miles in order to find water. The Government must have a plan for the farmers, there must be routes along which the cattle can go to find water.

Now, Mr. Speaker, Sir, when animals have to go long distances, everybody knows that their condition deteriorates. Walking miles and miles is not good for the animals. Then there is no milk. When cattle are in lactation it is not good for them to walk long distances. They become thin and are valueless. They are useless and as a result the area suffers from famine.

In the past the Government has tried to make arrangements for water but what it has done is only to construct dams. These have failed to supply water in some places. This is due to several reasons. Dams get dry during the hot season. It is only during the long rains that we get water in these dams. When the dams get dry, then the women have to resume the work of going long distances in order to bring water. The same thing applies to cattle.

I know the Government will say that it has constructed dams but, in fact, it was not this Government that did so. As I have said, the dams are useless. If any money is being spent on such dams, I would like to say that the Government

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is wasting money because the dams dry up; also they produce dirty water which is bad for human beings as well as animals. This dirty water causes disease. The cattle go and drink this water, they carry infection, they infect the water, and when human beings drink that water they become ill. It is a shame for our independent Government to think that people should live on water which is so dirty. There is also the point that the dams dry up quickly.

There are two things which the Government should bear in mind. The first is that the dams dry up quickly and the second is that the water in these dams is dirty. So, what I urge the Government to do is to leave out the dams and instead provide the people with boreholes and piped water because there are necessary rivers to make this possible. Water could be piped to the people. Boreholes have been constructed in other places such as Masailand, and this could easily be done in the dry areas of Bomet Division.

Mr. Speaker, Sir, the Government should not say, "We are going to construct more dams," but they should turn to boreholes and piped water. Mr. Speaker, Sir, it is a well-known fact in the whole country that the Government has no water plan.

QUORUM

Mr. Muliro: On a point of order, Mr. Speaker, I do not think there is a quorum.

The Speaker (Mr. Slade): No, I do not think we have. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now.

Mr. arap Soi: I was going on to say, Mr. Speaker, that the Government should plan for water, especially in the rural areas, or should take over the water system in the dry areas because they will improve the farming economy and the economy of the country as a whole.

Mr. Speaker, Sir, I would also like to mention the incomplete plans at Sigor where the Government had adopted the necessary way of piping water, but—I do not know what happened—they cut down the money and then made a short distance of piped water and stopped there. They should complete this plan and pipe the water as far as the hills where many people will make use of it. Mr. Speaker, I would like to point out to the Government that they have forgotten this plan; they should go back and revive it.

Another plan which was envisaged a long time by Government was on the waterfalls at Longisa near Kapkimolwa which could be used by the

Government to put in such things as water ramps or any other way which the Government can adopt. This is where people could get clean water, not only for human consumption but also for stock.

Mr. Speaker, Sir, what the Government usually do is to leave it to the officials in the district, but the officials usually fail to plan for a good water system. The officials whom the Government mention are the district commissioners and the agricultural officers, but these officials have their own specific duties. Therefore, the Government should post a planning officer in each district and in each division who should plan for water. The life of the people will be improved and they will see that this is an African Government which is caring for them. The people in these remote areas require nothing apart from water, and small other things. Water is very important for them and unless the Government do something about water in these places, they are neglecting these people and are improving towns and roads in the high-potential areas where they are already developed. So, Mr. Speaker, they should have a planning officer to plan for water in these different places, and even a department of water supply should take over the water system in the whole country, in the rural areas. This is where the people will benefit from the money which is provided by Government. I would like to point out that the plan at the moment is very poor. In fact, the Government have no water plan, they should make a good plan and arrange for planning officers in the provincial areas at district level.

Mr. Speaker, Sir, as I usually do, I never labour very much on my Motions, but I hope the other Members will bring more facts about these places.

Mr. Speaker, I beg to move the Motion.

Mr. Kamuren: Mr. Speaker, Sir, I stand to second the Motion and congratulate the hon. Member who thought fit to bring this Motion to this House.

I remember this is not the first time we have had this Motion in the House, this is the second time. It was brought the first time by the Assistant Minister, Mr. Tipis, and it was debated in the House, concerning lack of water having occurred in Masailand.

Mr. Speaker, this is a very important issue which should have been tackled by the Government since we came to power in this country. We found several times people moving their cattle from place to place being stopped because of foot-and-mouth disease, and yet it is not their fault, Mr. Speaker. I remember the Veterinary

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Department normally have to stop people moving their cattle when such a disease occurs anywhere. It is just because the people lack water. If they were given some water in their own respective places, I am sure such diseases as foot-and-mouth disease would not have been spread because of moving cattle from one place to another in search of water.

Sir, I remember also we have been discussing in this House cattle going into other people's farms. It is not because the people intend to have their cattle trespassing on to land belonging to certain individuals, but it is just because they lack water, and when they drive their cattle to the rivers or wherever they get water, they have to go through some places where there are other people's farms; then eventually their cattle are confiscated: owing to such a position, I am sure people in this country cannot help themselves.

Mr. Speaker, we talk of Kenya being an agricultural country, but it is true that it cannot be an agricultural country unless water is available everywhere. I remember the Kipsigis County Council, which has been doing very well, having what we call a water system planning committee, as I have been informed. This water system planning committee in that particular district has been doing very well in sending some recommendations to the Government through the county council and trying very much to see whether the Government would get them some money to assist them in having the water system accelerated within the area. Now, Sir, it has been failing because the Government cannot actually look into the backward areas and those places which were neglected during the colonial days.

If I have to widen my speech, I know this does not only apply to the Kipsigis. I would like to include also Masai where people are always urging the Government to get them some water. Also, Turkana Members here have been complaining very bitterly that they do not have water in their own area, and we are not actually going to make any progress in this country unless the water system is very well planned in every district down to village level.

Mr. Speaker, as far as water is concerned, I think the domestic supply is very important in this country. Civilization cannot be expected to come to Kenya, unless people are given water in their own places, so that they do not have to go far to fetch whatever water they need. We must have some water given to our people. The Government should go into each and every district and ask the district commissioners of such districts to

have what we call water system planning committees, whose only responsibility will be to send recommendations to the Government on whatever water is needed.

The Government is always putting statements over the radio indicating that a lot of things have been done in the last three years since this Government came to power. I have never heard of water being mentioned in some places, such as West Pokot, East Pokot, Turkana, Masai, the Bomet area, where the Member comes from, and also Samburu. When we come here, we hear Members complaining from time to time that their people do not have water, and I am sure the Government would have heard this and when His Excellency the President made his speech on *Madaraka Day* he would have included that, water being very essential in this country, it must be very thoroughly planned, and that the Government would be in a position to assist those people who need water very badly.

Now, Mr. Speaker, turning to land consolidation in this country, we cannot consolidate the land unless people have water, because once my land is consolidated, I must remain on my land and nobody else has to penetrate my land. If that is the case, Mr. Speaker, how can I live and how can my friend live if he does not have water, if he is told to keep the cattle he has within his own place which is a 100-acre or 60-acre plot? Mr. Speaker, this is, of course, exploiting the poor African in this country by not giving them priorities in having water.

Mr. Speaker, I would like to elaborate on this question of land consolidation. In some districts, such as my own of Baringo District, of course it takes time and up to now the Survey Department is still finding it very difficult to go into the district and ask people to agree to consolidate their own land. People have found it very complicated. There are some places where people have to go six miles to get water, and how can such people consolidate their land when they do not have enough money to have their own boreholes on their plots?

Mr. Speaker, Sir, I have only seen that the Government is overlooking those areas, and most of the Ministers in the Government, as far as I know, have beautiful cars—good Mercedes cars—and remain only on the tarmac roads in Nairobi here; they do not go to the countryside and see how people suffer and that they are really representing poor people who need some help. When they come here, they only talk of Nairobi. The Government talks of some advanced areas, such as the former White Highlands, where people have

[Mr. Kamuren]

water and where the same Government has had a lot of money given to some individuals to buy good land where they have enough water. Mr. Speaker, Sir, the Members in this House actually speak nothing but the truth and they fear even to stand in 1968 and ask for votes from those poor masses; I am sure it is just because they feel desperate because of having no water in their own places. By 1968 I understand that people in this country will be becoming very clever. As far as I know, even in my own constituency, nobody can stand unless he has a programme and can tell the public he has done this, this and that. No one can deny it. This is not 1957, this is not the 1940s, it is the 1960s where people are advancing and getting more education, and also people are realizing what an African Government is, after the last three years.

I would like also, Sir, to labour more on obtaining water in some places where, of course, cattle or stock are always available. I remember very well that today stock in this country— of course, the Kenya Meat Commission exists because of the Kalenjin; I may say so. The cattle that comes from Kalenjin land are always so many that they cannot be compared with cattle coming from any other tribes. Mr. Speaker, we want to see the Government giving the Kalenjin the first priority in giving water. We want to have water boreholes all over the area and not to give them to Butere where people have to *mangamanga* on the road.

Now, Mr. Speaker, without labouring more and wasting more time, I would only support the Motion as it stands. With these few remarks, I support the Motion.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I wish to congratulate the hon. Mover for this Motion, the intentions of which are very reasonable and, at the same time, very ideal.

Whereas I support this Motion, Mr. Speaker, I believe that this is a national assembly, which means that when we are here we are supposed to look beyond our own little places where we came from, in the interest of building the whole country as such. We know from our geography that there are very many places in Kenya which are dry and which require water. I feel that we have to take those into account and tell this Government to do something about those particular places which are dry.

Mr. Speaker, I do not wish to indulge in a quarrel with the hon. last speaker who says that the Butere people just *mangamanga* on the road,

but let me tell him that the Butere people have done a big job to elect me to this Parliament, somebody who can see beyond Butere. I would like to be national-minded here, and I am always national-minded, to look at the other parts of the country and not only Butere.

Now, Mr. Speaker, this not being a tribal assembly but a national assembly, may I point out to the Government that our economy—and I need not repeat it to them because they should know and they do know that Kenya is an agricultural country and depends very much on agriculture and, of course, amongst other things, agriculture also goes along with cattle farming which, in itself, contributes a great deal to the economy of this country. In order to have cattle farming going on on a productive basis, water is a necessity. It is not only for the animals, Mr. Speaker, but also for human beings because if the whole of Kenya went without water, many people would die. Therefore, Mr. Speaker, I feel the Motion is a very ideal Motion because it caters for water which, in itself, is very necessary, both for animals and human beings.

Mr. Speaker, when I come to my conclusion, I feel I shall have to amend the Motion, so that we cover many other places, let us say, for example, Kano Plains. I do not come from Kano, Mr. Speaker, but I pity the people in Kano Plains, because you will find those trenches, which were dug by the Ministry of Works for the purpose of getting water to enable them to tarmac the road between Kericho and Kisumu, being used now by human beings, and what goes there, Mr. Speaker, is horrible. I am sure God is doing a hell of a lot of work to keep the people in Kano Plains alive because in those trenches the cows drink, the women wash their clothes, they take a bath there and they drink the same water. I am sure God is doing a lot of work to keep those people alive; and we should not overtax God, we should try and do something and not expect too much from God to keep these people alive.

Therefore, Mr. Speaker, Sir, I feel that these water facilities for animals, as well as human beings, should be a priority in the minds of the Government today, because we have to look after our nation and to be economical because if we have less people sick we shall spend very little, or less, in our expenditure as far as health in this country is concerned. We will look at the places like Turkana where it is so dry that the people there hardly have enough water in which to take a bath. If you do not take a bath, then, hygienically, it is wrong, because all those people have been to school and know that if one does not take a bath they grow old quickly. Secondly,

[Mr. Shikuku]

Mr. Speaker, Sir, you are apt to become sick quicker as one does not have much resistance. Thirdly, Mr. Speaker, Sir, the holes in your skin become blocked up and the result is then obvious.

Therefore, Mr. Speaker, Sir, I feel that in these places like Turkana, for example, take Machakos, the poor women in Machakos suffer. If you go there, Mr. Speaker, Sir, you will see that the life is abominable. The women have to go, by foot, as they cannot take a bus, to the water where they can only wash their faces and their legs, because the water is so limited. They cannot get anywhere at all. Mr. Speaker, in Butere there is no dry place, but I believe that if the whole of Kenya progresses, Butere will, like other parts of Kenya, be progressive, because we will have less to worry about because our brothers are also enjoying what we ourselves are enjoying.

Now, Mr. Speaker, Sir, I would like to move an amendment to this Motion, so that it covers the whole country and becomes a national Motion. I am sure the hon. Mover will agree with me on this. I am not changing the meaning of the Motion or the intentions but only deleting three words in the Motion. Mr. Speaker, Sir, I would like to delete the words “of Bomet Division”, so that the Motion will now read:

THAT this House draws the attention of Government to the damage that lack of water supply for domestic use and stock has done to the people of drier areas and further urges this Government to take immediate steps to remedy this situation.

Mr. Speaker, Sir, with the explanation which I have just given, you will find that I have not changed the meaning or the intention of the Motion, I have just made it country-wide instead of it concentrating just on the Bomet Division. The Motion will now cover all other dry places where the domestic use of water and stock is required which the Government should consider.

Mr. Speaker, Sir, I feel the Government will be forging ahead tremendously if they could take this Motion seriously and act so that we can get the support of those people in the dry areas who are suffering and whose cattle die on which their livelihood depends. This, Mr. Speaker, Sir, is the most important part of it. When the cattle die, for example, in Turkana, the Masai, and the people in the Kalenjin area of Bomet and so forth and other dry places where their cattle die through the lack of water, their livelihood is very much infringed, and we should therefore try and make every possible effort to try and remedy this situation. There should be an immediate remedy rather than having to hope that the

Government amending it and telling us that the Government is considering the point. Mr. Speaker, Sir, there is no time to consider when our people are suffering.

Mr. Speaker, Sir, if this situation is remedied, then this question of subscription to the hunger fund will disappear, because, Sir, how long are we going to ask our friends to contribute every year, because there is famine in that place, because there is famine in another place, they will have to go on contributing, but, Sir, there will come a time when the people will say they are sorry but they have no more, because the stomach never gets any food.

Mr. Speaker, Sir, I would like to take this chance also to say that the time has come when the Kenya Government should also consider the question of irrigation very seriously, so that every now and then we will not have to contribute to places like Machakos, Turkana and Kano Plains, because the money which we are now contributing towards this could be, at the moment, best used in other ways and on other items. If we give the people what they want, these people will not work for themselves. I believe in the principle, Mr. Speaker, Sir, that if you want to make a good boy of your son, or a good girl of your daughter, you had better not get them used to that fact that things are always given to them every now and then, for example, ten cents or even Sh. 1 from your pocket, but rather teach them how to work and earn that money, so that when their parents die, they will be able to work and earn their own money. In this respect I feel that if the Government could only supply water in these areas these people would do the rest for themselves and the Government would not be confronted with the difficulty of raising a famine relief fund every now and then. At any rate, Sir, this famine relief fund does not prove to be enough in some places where they have extreme hardship and where they also hardly get any relief, because it is so limited. So, Sir, in order to remedy this situation, I feel the Government will not find it difficult to accept this Motion as it is, and I am sure the hon. Mover will not find it difficult to accept this simple amendment which caters for the whole country, so that we can cover all our brothers in this country.

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

Mr. arap Biy: Mr. Speaker, Sir, I would like to second the amendment.

Mr. Speaker, Sir, this Motion being national, as the hon. Mover of the amendment has quoted, I beg to second the amendment and to support it

[Mr. arap Bii]

nationally. I would like to say a few words in support of the whole Motion.

Mr. Speaker, Sir, it is already clear in the records of this country that stock theft and other burglaries have been emerging from areas where there are difficulties such as getting water and other facilities to keep people of such areas busy, in order to forget about going to their neighbours and stealing their property from them. For instance, Mr. Speaker, Sir, in the areas of Bomet and other parts of Kericho District the stock-theft is very, very serious indeed due to idleness that the people of the said area meet simply because they find no work to do. This, Sir, is because they find their land absolutely dry. They find themselves completely idle. If they had water in their areas, I know for sure, Mr. Speaker, Sir, they could easily work on their land. They could plant some cash crops such as tea, coffee and many others. Furthermore, Mr. Speaker, they could plant maize, *wimbi*, millet, etc., but because they find that their areas are dry and that there is no water all the year round, they therefore are tempted to find other means of getting a livelihood.

Mr. Speaker, Sir when we look at other parts of this country for example, Turkana, we find that there is a lot of stock theft. You find the Turkana people going across the border into Uganda in order to get thousands and thousands of head of cattle so that they can sell them or slaughter them for their own food and, so, Sir, if we could give these people some water, then I know that they will not be tempted to carry out the same practice that has been continuing for many years in this country.

Mr. Speaker, Sir, when we also look at the areas such as the one around Lumbwa, we again find the women of the area suffering a lot, because they have to walk miles and miles in order to get water. So, Sir, if these women could get some help by the Government to get permanent water around their homes, I know they would get down to work on these self-help projects, such as building nursery schools, community centres, roads and bridges, etc. However, Sir, without the availability of water, they have to waste a whole day going miles and miles just to get, perhaps, a tin of water, which they have to refill each day.

Mr. Speaker, Sir, this kind of life is another encouragement of slavery, because you get men going into the question of taking pots and tins to go for water, but the women are the ones who are made to do that work. Therefore, Sir, you get women complaining that they are being treated

as slaves in this country. If the Government, therefore, Sir, would provide these dry places with water, I hope this sort of practice—going for water—will stop. I hope also that these people will be helped immensely.

Mr. Speaker, Sir, this country is an agricultural country as has been said by previous speakers. Therefore, Mr. Speaker, being an agricultural country it needs permanent water improvements so that we can get a better living by growing crops which would enable the people of this country, and which will make the hon. Shikuku no longer the president of the poor, when everybody is rich. The hon. Shikuku, once this has happened will no longer be the president of the poor and will no longer find any need to be the president of the poor. We want, Sir, to make these people rich, and by so doing I hope the Government can find ways and means of getting to these people in various corners of the country.

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

(Question of the amendment that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): I think it would be best if we limit the debate on that amendment to that particular question of whether we leave out those words, and dispose of it as soon as possible in order to return to the debate on the whole Motion.

Mr. Makone: Mr. Speaker, Sir, I do not want to speak on this Motion, but I have been prompted to speak and therefore, Sir, I would like to oppose the amendment moved by my hon. friend the Member for Butere, now residing in Nairobi South "C". I have just been informed by the Minister for Information that it is Nairobi South "B".

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I was wondering whether it is in order for the Member to say where I stay. In addition to that, Sir, is it in order for him to state that I am staying at Nairobi South "B" when I am not staying there? I am staying in Butere. Is it in order for the hon. Member to try and make me the Member for Nairobi South "B" when I am the Member for Butere?

The Speaker (Mr. Slade): If he makes a statement you can ask him to substantiate, if it is worth while, but I should not worry on this occasion. Let us go on.

Mr. Makone: Mr. Speaker, Sir, as the hon. Member, who has just sat down said, we should look into this question nationally and think nationally and I believe that this is a national

[**Mr. Makone**]

issue which affects particular people of Bomet Division. Mr. Speaker, Sir, the Mover of the Motion was elected to look after the interests of his people and if he did not bring a Motion of this type to this House, then he is not catering for the interests of his own people. Mr. Speaker, Sir, I happen to come from that part of the world—the former Nyanza—which was so during the *Majimbo* government, but now is in the Rift Valley. I know exactly what is happening in that area.

Mr. Speaker, Sir, what is being asked for here is to draw the attention of the Government to need No. 1, which is the requirements of the people in the Five-year Development Plan. If the Government was aware of the No. 1 requirement of the area they would know that it is water.

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): It is education.

Mr. Makone: Mr. Speaker, Sir, I hear the Assistant Minister telling me that the first need is education, but it is helpless giving anyone education and health centres when the basic No. 1 need is not being met by the people—

The Speaker (Mr. Slade): Mr. Makone, we must limit the discussion at present to the amendment. That is to say, should the Motion be limited to Bomet Division or should it refer to all dry areas of the country. That is all we can argue about.

Mr. Makone: Mr. Speaker, Sir, I say that the amendment to this Motion is undesirable and uncalled for, because as I say, Sir, this is a matter of a national issue affecting particular people where the human material is being wasted. There are even children of two years dying, the cattle are dying during the dry season. These people are not dying in Butere when there is drought. Children are not dying in Butere. Mr. Speaker, Sir, children and cattle are dying in Bomet Division, particularly in the dry season.

Therefore, Sir, in that manner, the national manner, I think it should remain in connexion with Bomet Division and not be made a general issue of the nation.

Mr. Speaker, Sir, I beg to oppose the amendment as being uncalled for and undesirable, and support the original Motion as put on the Order.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, in the course of the debate of my friend the Member for Wanjare—

Mr. Makone: On a point of order, Mr. Speaker, Sir, I am the Member for Kitutu East and the Minister knows this very well, is he therefore in order to misquote me as the Member for Wanjare?

The Speaker (Mr. Slade): I think the Minister for Information was misinformed.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I apologize for having given my friend the wrong constituency. However, Sir, in the course of his debate, I am surprised to note that the hon. Member for Kitutu East seems to be thinking not on a national basis. It is true that the hon. Members in this House bring Motions concerning their own constituencies and it is the duty of this House, because it is a national House, to see to the best of any Motion whether it should cater for the whole country or not.

Now, Mr. Speaker, if we leave the Motion for certain sections, as this one does, then, tomorrow the Member for Turkana will move a Motion mentioning Turkana. Turkana is just as dry as Bomet Division, if not drier, Sir. Places like Kitui are also dry, if not drier than Bomet Division.

So, I thank the hon. Member for Butere for his amendment. It is the duty of this House to see that the interests of the country are attended to generally. All we are doing is that we are deleting—the hon. Member for Butere has only deleted three words, supported the Member for Buret, if I am correct in the naming of the constituency. I do not see why the Member for Kitutu West is hammering on opposing the amendment.

Mr. Makone: On a point of order, Mr. Speaker, is the Minister for Information in order to continue all the time referring me as the Member for Kitutu West when I am really the Member for Kitutu East?

The Speaker (Mr. Slade): Yes, Mr. Osogo, please try to get it right.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, the compass points are mixed up in my head and I am not able to record west or east. I hope the next time I will remember to address the hon. Member by the right constituency.

Mr. Speaker, what I was informing the hon. Member for Kitutu East is that this House is here to see that not very many Motions of this nature come up in this House. In order to avoid this, this House can decide to generalize an idea, in the way it has done now, to cover the whole country, the dry parts of the entire country. I

[The Minister for Information and Broadcasting] am sure that the hon. Member who moved this Motion, the Member for Bomet, has no quarrel with the amendment, because, after all, the Bomet Division is included in the dry areas of the country. So, I do not see why the hon. Member for Kitutu East is insisting on Kitutu East. I do not see why he is looking east all the time, and not at the whole country, east, west, south and north.

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

Mr. Kamau: Mr. Speaker, Sir, it is interesting to note that we hon. Members are sometimes confused by the fact that there comes a time when anything which comes to this House and interests an individual, then that individual either sticks to nationalism or individualism.

It was only last week that I brought a Motion here and the hon. Members suggested that the Motion, though I was speaking about orphan children, should cover the whole country. I did not quarrel with that because as one of the hon. Members said here, the hon. Minister for Information, it is for this House to decide when an issue brought here should be national or individual. I stand to speak now on a national basis.

Mr. Speaker, Sir, I think the amendment is very clear and very genuine and no one can argue that. I sympathize with the people living in the dry areas. I know these areas, including the Northern Frontier District. I have been living with the Samburu, the Borana and the Turkana and I know that these are very dry areas of Kenya. Kenya will, at the moment, be determined throughout the world by the way we decide issues in this House. When such a minor amendment comes I would appeal to the hon. Members not to quarrel with it. It is true that the Mover of the original Motion brought it here in the interests of the people he represents in his constituency, and it is our duty to help each other when such Motions come; we must amend them in order to bring them on to a national basis. So, I am sure that the hon. Makone has no quarrel with this. He has a right to defend the area concerned, but I think that the House will appreciate the fact that Government should be given some homework to look at things in the interest of the whole country. We do not want to look after the interests of certain sections only.

Since this is only a minor amendment, Sir, I very strongly support it.

Mr. Godia: On a point of order, Mr. Speaker, in view of the fact that the whole question with regard to this amendment has been clarified, would I be justified to move that the question of the amendment be now put.

The Speaker (Mr. Slade): Yes. I will now put the question, that the question of the amendment be now put.

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

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

(Question of the Motion as amended proposed)

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I am speaking on this Motion on behalf of the Minister for Natural Resources.

Sir, the Government has no dispute at all as far as the needs for water supply in the dry areas is concerned. In the country we face a problem where either we have too much water or too little water. The level of Lake Victoria, as the hon. Members know, has risen to a large degree, whereas we know that areas like Turkana and others are short of water. I only wish that we could lift this water from Lake Victoria and take it to the drier areas in order that we can make the whole country fertile. We hope that a day will come when we will be able to do this. Perhaps it will be possible the way the country is progressing.

I would like to say that in every dry area, or for that reason, in every rural area of the country, every year water development is carried out. Now, this House was informed some time back, and I would like to bring this to the notice of the hon. Members, particularly to the notice of the hon. Mover, that the Tumoi Piping Scheme in Bomet Constituency was completed in 1964 at a cost of £6,100, which was shared on a £-to-£ basis with the Kipsigis County Council. This House also was informed that over ten dams have been built by the Government in the Chepalunga area, and more recently, a large number of dams have been built as a self-help scheme with the generous assistance of OXFAM, costing about £10,000.

Now, Mr. Speaker, Sir, for the financial year 1966/67, the Ministry of Natural Resources recommended the provision of £4,000 grant and £8,000 loan, totalling £12,000 to the Kipsigis County Council for further dam construction.

What actually happens—and this has been repeated in this House, and I would like to stress this again—is that dams are built and water

[The Assistant Minister for Tourism and Wildlife]

schemes are carried out, but what happens, Mr. Speaker, Sir, is that these are not maintained. The responsibility of the maintenance of the water works carried out lies with the county council.

Now, another important point, Sir, is that for water requirements every district has to submit their needs through their district development committee, through the provincial water authority. Now, Sir, the hon. Mover said we should have a planning officer in each division, and he said the district commissioner or the agricultural committee was doing nothing. Sir, the agricultural committee or the district development committee is composed of people representing that area, and I would like to know from the hon. Mover what he has done to approach this district development committee to see that it has put forward the needs or the requirements of that district to the provincial water authority. It is all right for Members to come to the House and speak about water development. Water development is a long-term plan, and this has to be planned year after year. Now, the machinery has been set up, there is a provincial water authority, there is the district development committee, but what have the hon. Members done? Members do not take the trouble to see that the needs are put forward to these organizations.

Mr. Speaker, we have the staff of the Water Development Department. Once the needs are put forward and these are approved by the provincial water authority and they come to the Central Water Authority, the Ministry is quite prepared to send officers to plan out these water supplies with the available financial resources, and these projects will be carried out. However, the finances have to be provided in advance and this is always lacking; the requirement of the district is never put forward through the appropriate channels.

Now, Sir, it has been suggested by the hon. Mover that the Government should take over water schemes. This may be so, but water, once it becomes a scheme, costs money. Unless the water supply is paid for in one form or the other it cannot continue. It has to be maintained. Unless the scheme is worked out on the basis that the people appreciate that once you put water either in the pipe or you collect it in dams, it costs money because all these things have to be maintained.

As I said earlier, we do not dispute the need of water supplies in the rural areas and, therefore, Sir, I would like to move a little further amendment to the Motion as amended.

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

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

At the end of the Motion add the following words, "to the limit of available staff and financial resources." Hence, the Motion will now read:—

THAT this House draws the attention of Government to the damage that lack of water supply for domestic use and stock has done to the people of drier areas and further urges this Government to take immediate steps to remedy this situation to the limit of available staff and financial resources.

With this amendment, Mr. Deputy Speaker, I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I beg to support the amendment moved by the hon. Assistant Minister for Wildlife and Tourism. We have accepted the first amendment as a Government because, Sir, as we have said before, we would like the Motion to look national. It has not been done to offend the hon. Mover, not at all; it was only in the interests of the country. More of these Motions could be eliminated in this way. The Government and this House should look to the matters concerning the country on a national level.

Mr. Deputy Speaker, the additional few words at the end of the Motion are only natural in that the Government has to look into the possibility of having the experts to do the job and to the financial resources that will be available. The word "immediate" in the original Motion has been taken care of as the House has already been informed by the Mover of this amendment that £12,000 has already been allocated in the coming financial year to the Kipsigis County Council for water development in that area. This amounts to a sort of immediate step which the Government has taken to remedy the situation. However, Sir, leaving the word in as it is, without the addition of the words at the end, will leave a gap which we would not like to be there. That is why, Sir, the Government is adding these few words, "to the limit of available staff and financial resources." I am sure the hon. Members will not see this as a kind of trying to depart from the original Motion; it is only to cover up that when finances are available, steps will be taken by the Government immediately to see to the water needs of the people living in drier parts of this country.

I can hear an hon. Member behind me wondering why this phrase should be put at the end of the Motion. It is for the hon. Member to look

[The Minister for Information and Broadcasting] at the whole Motion and see that a time could come when this House could question the Government why it has not implemented this Motion. This has happened some time back. So, if we leave the Motion as it is, this House will force the Government to implement it. When the Government has not sufficient experts to carry out the necessary survey, it is going to be very difficult for the Government to implement the Motion. With all sincerity we have to look all round the aspects of the Motion. We should not concentrate on looking at one side only. I agree we have some experts, some water surveyors in this country, but, Mr. Deputy Speaker, they might happen to be in Turkana area, they might be working in Kitui area, and other dry areas in this country, and it will be very difficult to get the few experts we have sent all over the country at the same time. That is why we are including the words, "the availability of staff".

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

(Question of the Motion as amended, that the words to be added be added, proposed)

Mr. Omweri: Mr. Deputy Speaker, Sir, I beg to oppose the addition of the words at the end of the Motion. However, before I do that, I must first congratulate the Mover of the Motion, the hon. Mr. arap Soi, for bringing this question to this House, because Government seems to have turned a deaf ear to the water projects.

Mr. Deputy Speaker, the Ministry is not doing much, as far as water development is concerned, to help the areas which are badly stricken. I know that agriculturally we would done much better if the water department had done its best to contribute to nation building. It seems as though the department of water is not doing anything to see that the areas which are dry are given proper water supply. We find that in the drier areas there are streams which pass over from the well-watered areas, and if these streams were dammed or blocked, I think we could have enough water to irrigate the country in the lower areas where there is not much rain.

What should happen is that the Ministry of Natural Resources, as now reorganized, should be more alert and more active. It should get hold of this machinery which the Assistant Minister says exists but is badly misused. The provincial water committee or the district agricultural committee which handle water affairs is under the Ministry of Agriculture, and the process of getting any help from the Central Government to develop

any water supply is so rigorous that you do not get direct answer and immediate effect. At the end you find that there are, as at the moment, for example, applications which came in in 1963, and there have never been any replies from the Ministry concerned. This indicates that the water department, under the Ministry of Natural Resources, is not doing a lot. I do not think the real reason is the excuse the Minister gives, that is, staff and finance, because we have now seen, in the Ministry of Education, for example—I do not praise it—that with a little help people are able to manage *Harambee* secondary schools in small areas up to about five or six standards. Why cannot the Ministry of Natural Resources give a bit of initiative so that water supplies can be made available to the people.

I think that the Minister for Information has forgotten that the Development Plan—I think the Assistant Minister for Natural Resources has forgotten that this £-to-£ will be limited. That is why the word "limit" is put in. It is never shown that if you raise a £ you are given another £. Here I have to inform the hon. Minister that my own project which has raised about £1,500 has never received a £ from the Ministry. So, this is not true. I challenge the Minister for Information to tell me that—

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Deputy Speaker, I would like to get this clearly on record, Sir. The hon. Member speaker says that over £1,500 was raised for water development in his area, and that the Government did not give him a similar grant. Could he clarify this, whether this is for private concern, by the county council, or what, so that we can get the record clear in the Ministry?

The Deputy Speaker (Dr. De Souza): Could you substantiate it, Mr. Omweri?

Mr. Omweri: Mr. Deputy Speaker, Sir, I do not understand what I have to make clear because water is water for use; I mean, people want to use water and I have to—

The Deputy Speaker (Dr. De Souza): No, no, order! What the Minister is asking for—which I think is fair—is substantiation of this allegation of yours that the Government has not matched your own contribution or collection of £1,500, whether you can give details of when you collected this money, when you approached the Government for an equivalent donation or subscription, which it did not give.

Mr. Omweri: Mr. Deputy Speaker, this is a clear indication. The Assistant Minister who replied knows the project very well, he knows the answer he has given, and if the Minister for Information knows—

The Deputy Speaker (Dr. De Souza): No, you must still give the details, Mr. Omweri.

Mr. Omweri: Yes, Sir, I am giving the details. But if the Minister for Information had the proper Government machinery, I think he would have been well informed of what is going on before he asked me to substantiate.

What I am saying here is that in my own project in South Mugirango we have, up to this moment, money available to build a water project and, for your information, Sir, on our own initiative we have ordered pipes to lay out the project ourselves. The Government has said, "We do not have money to match that project." I do not know whether I should give the dates when the Government raised an objection or what I should do, because this is a definite project.

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Deputy Speaker, this is why I want to have this clearly on record. The hon. Member has alleged in this House that his people, on their own initiative, collected a certain sum of money for a water project and that the Government has not matched this. I am wondering if the hon. Member would be in a position to assure this House that his people actually collected this money and it did not come from the Government side by the Government asking the Agency for International Development to give this money.

The Deputy Speaker (Dr. De Souza): It is now quite clear. I think he has made this statement very clear—I do not know whether one can call it an allegation—but if the Assistant Minister for Natural Resources can prove that he is wrong, I am sure he will come and apologize to the Government tomorrow.

Mr. Omweri: Mr. Deputy Speaker, Sir, we need not pursue this because this is on a national basis. I was giving an example, that the Government is not doing much. If the Government defends its own policy and says that it is doing much, we would like—

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): On a point of order, Mr. Deputy Speaker, it is very wrong to say the Government is not doing much. The hon. Member suggests here that, through his own initiative, he has collected this money, which is wrong, Sir. I want him to say here that it was the Government;

whatever money came, it came from the Government, marked for a specific area. The hon. Member just cannot claim that it was he who collected it.

The Deputy Speaker (Dr. De Souza): Yes. I think, Mr. Omweri, if you are now trying to say that it is the Government who collected the money, then, of course, you have made a false statement to the House which you must withdraw and apologize for, because you made quite a clear statement that you, on your own initiative, collected £1,500 and that the Government has not made an equivalent contribution to that amount because it told you that it did not have the money. If you are wrong, I would suggest that you withdraw and apologize now, because if you are found to be wrong later, you will certainly have made a false statement in the House, which would be taken, I am sure, much more seriously than if you apologize now.

Mr. Omweri: Mr. Deputy Speaker, Sir, before I withdraw any statement which I have made, I would say we have Keroka water supply, Wanjare water supply and also, I think, Nyanchwa of which our county council has given an indication in the Estimates, and the Government has said, "We can only give you up to £400", which cannot match—

The Deputy Speaker (Dr. De Souza): No, no. Order! Mr. Omweri, please sit down. You are trying to side-track the issue. You made a very clear statement and you must either try to justify it or withdraw it. Do not try to confuse the thing by adding more and more details which have nothing to do with it. You have made a statement today that you collected £1,500 on your own initiative in your constituency and the Government has not been able to match that by an equivalent contribution. If this is not correct, I would suggest you withdraw and apologize now. Do not try to go into other detailed explanations which are irrelevant to this particular allegation.

Mr. Omweri: Mr. Deputy Speaker, Sir, I beg to give this clarification, too, before I withdraw anything. I was giving a statement as to how, in various places, people have taken the initiative in building a water project, and in this case I used my own example. I could use other examples which I know. As to my own example, if the Assistant Minister would like me to assure the House whether the money was actually collected by the people, by the Government or by another agency, Mr. Deputy Speaker, the answer is that the Government has not matched the money which has come to this particular project, whether the money came—

The Deputy Speaker (Dr. De Souza): Order! I am still asking you either to substantiate or to withdraw, Mr. Omweri. You are not doing either. Please, please; I hope you understand what I have said, and I think I am saying this for the fifth time. You have made an allegation that you collected money yourself and the Government did not match this, according to its promise and its declared policy. The Government has now quite clearly stated that it obtained this £1,500 from the Agency for International Development through its own effort and allotted it to this area. You must now quite clearly state whether you collected the money yourself or whether it was the Government which collected the money. Please, do not beat about the bush, explain one way or the other. Did you collect it yourself or did the Government collect it? If the Government collected it, then you are wrong, and apologize; there is no reason to go round and round the same issue five times.

Mr. Omweri: Mr. Deputy Speaker, Sir, let me tell the House exactly the position. The position is that the Government wrote a letter and said it could not match the grant, but if the Agency for International Development was willing to go ahead, well and good. I do not know—

The Deputy Speaker (Dr. De Souza): The money was then collected from the Agency for International Development, was it, through the Government, not by you?

Mr. Omweri: Not by me, Sir.

The Deputy Speaker (Dr. De Souza): Then that is all right, but you must apologize because you said that you had collected the money, giving us to understand that you had collected it from the people yourself, not from the Agency for International Development. If the Government collected it from the Agency for International Development, then it is a different matter, and it does amount to misleading the House; I am sure you appreciate that.

Mr. Omweri: Mr. Deputy Speaker, Sir, could I give the part we have also contributed?

The Deputy Speaker (Dr. De Souza): Yes.

Mr. Omweri: And see if the Government has matched that because we have also collected materially up to about £200 and the Government has not matched that, Sir.

The Deputy Speaker (Dr. De Souza): I think your time is up now.

Mr. Omweri: This happened simply because the machinery which the Assistant Minister told us about is not working.

The Deputy Speaker (Dr. De Souza): I am afraid your time is up now, Mr. Omweri.

Mr. Godia: Mr. Deputy Speaker, Sir, I would like to support the Government on the amendment, simply because the Government are being asked to take immediate steps to remedy this situation which is very bad.

It is understood that Government will have to consider the amount of money required in the project and also the number of staff. It is the duty of the Government to see that getting the staff they require is speeded up. Whether they are in training or they are to be brought to Kenya from elsewhere, it is the duty of Government to see that this is done. We are not asking the Government to get this situation regarding water corrected by a mere Motion; we want them to act, and they can act through the staff they have in the field.

This situation is all over the country. People in the whole of Masailand are really hungry for water. I know herds and herds of cattle die every week due to shortage of water.

Therefore, if Government would take this matter seriously and see that something is done immediately to remedy this situation, the whole country would be very sympathetic towards the Government.

With these few words, Mr. Deputy Speaker, I would like to urge the Government to take steps to go into this case and make sure that the countryside is satisfied.

With these few remarks, I beg to support.

(Question of the Motion as further amended, that the words to be added be added, put and negatived)

(Debate on the Motion as first amended resumed)

The Deputy Speaker (Dr. De Souza): I will now call upon the Mover to reply.

Mr. arap Soi: Mr. Deputy Speaker, Sir, I am glad to reply to this Motion and I am also glad to accept the first amendment, but I would like to point out to the Government that, although this has been amended, they should not forget Bomet, which the Motion, in fact, concerned. So when they come to adjust their Budget, they should never forget the aim of the original Motion, which was specifically for Bomet Division. When I moved this Motion, I did not intend to be not national; but I was national in my thinking. I knew that this would be amended, but I intended to point out the difficulties and the trouble we have in Bomet Division, and this should never be forgotten by the Government.

Secondly, Mr. Deputy Speaker, I want to thank my seconder and the other Members who contributed to this debate.

[Mr. arap Soi]

Thirdly, Mr. Deputy Speaker, I come to what was said about dams and other things by the Minister who replied on behalf of Government. He mentioned the dams which had been constructed by Government or by other bodies arranged by Government. Mr. Deputy Speaker, Sir, the Minister seems not to be aware of this situation of the dams or aware of the nature of the dams.

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

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

These dams are completely useless. They prove to be nothing, simply because they depend on the Short Rains which is also natural in this particular area. The rainfall in the dry areas is never high enough to produce a lot of water in the dams which will last throughout the year. So, in other words, if Government intend to continue constructing dams in dry areas, they are, to some extent, wasting Government money. They should begin some boreholes, some piped water, and many other ways of getting water to the people. Also, if they leave out the dams, they will avoid or prevent the diseases which are affecting these people.

Mr. Speaker, Sir, the Minister also said that if the water supply department took over the water supply in the rural areas, it would mean that the Government would require people to pay for that water. This is acceptable to the people. If the Government went on and established water in these dry areas, I am very sure the people would be so glad to contribute something and to continue paying for the water. The Government seem to think that people will refuse to pay for water after construction. This idea is wrong and should not be maintained by Government. They should get rid of that idea completely.

Mr. Speaker, whenever the Government go out to borrow money anywhere in the world, they usually concentrate very much on buying out the settlers in Kenya. They should include, equally, the water system, which is the same as giving land to people. When you develop the standard of living and the productivity of the poor areas, it is the same thing as giving land to the people. So I think, Mr. Speaker, Sir, whenever in future the Government get money from world bodies which are rich, they should include the development of water in dry areas. This will mean improving the lives of the poor people and their standard of living.

Mr. Speaker, the Government have appointed almost a specific Minister for water in the Government. This Ministry should go out and see

these places, because I notice that whenever they stand here and speak they are not conversant with the difficulties we have in these dry areas. They should be able to know the troubles we have and this Ministry must come out and work hard to see that we have water. The main reason for establishing or creating a Ministry to deal with water, I think, in the mind of the President, was with the aim of improving the water system in the country. I want to say the Government should not be swayed by the political situation in the country to forget some places, or to be diverted, or to confine themselves to high-potential areas and then to tell us that unless we improve the high-potential areas, we will not make more food.

Mr. Speaker, Sir, I do not want to labour on this very much. I think I have said much about Bomet in my previous speech and I would like finally to thank the Government still for agreeing to take immediate steps to remedy this situation. This should not be forgotten and it is your duty to see that you fulfil your promise and it is a promise to the poor people, to the people of the country.

So, Mr. Speaker, Sir, I beg to move.

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

Resolved accordingly:

THAT this House draws the attention of Government to the damage that lack of water supply for domestic use and stock has done to the people of drier areas and further urges this Government to take immediate steps to remedy this situation.

MOTION

EMPLOYMENT FOR SCHOOL-LEAVERS

Mr. Godia: Mr. Speaker, Sir, I beg to move that:—

THAT in view of the increase in number of unemployed youths most of whom leave school at the age of thirteen due to lack of places in the existing Government aided secondary schools to absolve them up, this House appeals to the Government to give consideration to the setting up of a commission to consider the possibility of devising some plan in consultation with the Ministry of Labour, Ministry of Education, and Ministry of Economic Planning and Development in order to provide for the youths who leave school from Standard 7, Form II, Form IV, Form VI, and Graduates some form of very useful occupation, so that they, too many take up their share in nation building.

[Mr. Godia]

Mr. Speaker, Sir, in accordance with the 1962 census, Volume I, the approximate number of children in the Kenya population is 5 million. The adult population is about 4 million. Mr. Speaker, Sir, our possible birthrate is just over 200,000 every year. This means that every year Kenya has over 200,000 children who are ready to go to school. At present, Mr. Speaker, the approximate number of children who are attending school is 1 million. About another 1 million who are supposed to be at school are not at school; they are away due to lack of fees or to no places in existing schools.

Therefore, in 1965, Mr. Speaker, Sir, the number of pupils who wrote K.P.E. was approximately 152,000, and those who gained places in secondary schools were about 15,200.

So the number of children who cannot go to any school is about 136,800. The number of pupils leaving *Harambee* secondary schools who have no place to go at the end of this year will be about 5,200. Those leaving Form IV will be about 6,500, and those leaving Form VI will be about 712. The total number of children who have left school is about 149,212. This number, added to about 4,000,000 children not attending school now, amounts to 4,149,212.

Mr. Speaker, Sir graduates do not really have a problem; I know they are being cared for. But those presenting the problem to us now, to parents and to the nation, are about 3,000,000 illiterates—those who cannot read and write—those who are Standard 7 leavers and those who leave Form II after being there for two years in *Harambee* schools because they cannot get somewhere else to go, plus the Form IV students who complete school certificate. Mr. Speaker, Sir, these children are left in the hands of their parents, to control them and to find them some form of occupation. The parents find it most difficult to discipline their own children and some of them fall into crime. They become drunkards, some of them begin stealing and some of them join the smoking group, and they become very mischievous in the country. Therefore, Mr. Speaker, it becomes very difficult for the parents to take care of these children and that is why I think this problem is a national problem which needs the attention of the Government.

Mr. Speaker, Sir, this problem was at its peak just before the Tripartite Agreement. This agreement partially solved the problem. The Ministry of Labour considered registering the number of work-seekers, but it is not possible that all the work-seekers who were registered by the Ministry

of Labour have been found jobs. So these work-seekers who have not found jobs also add to the problem of unemployed youths who are causing a problem to the nation. Mr. Speaker, Sir, these youths are a danger, because since they are not employed some of them tend to fall into the hands of certain political leaders who are against the Government. They try to use them to propagate ideas against the policy of the Government. Some of these youths seem to be given some kind of subsistence by these political leaders, because they think that they can benefit by the use of these youths.

Some of these have been deceived by certain politicians—not members of Kanu, of course—that they can receive some free things. It is quite true, Mr. Speaker, that two of our Ministers were assaulted by some of these youths, and the youths who assaulted the Ministers might have been paid to do that; possibly they were used.

Mr. Speaker, I think our Government is vigilant, our Government is wise and intelligent and we have no doubt that this Government will plan to eradicate this problem. That is why I am appealing to the Ministry of Education, because this Ministry is responsible for planning for the education of the African children in Kenya; and the Ministry of Labour, which is responsible for employment; and the Ministry of Economic Planning and Development, which is responsible for planning what would happen to these youths. These Ministries can work together, in consultation with each other, as to what is good for these youths. Whatever they decide, Mr. Speaker, we shall only be too pleased to adopt it. I think, Mr. Speaker, the Government may find it necessary to consider taking more youths into the National Youth Service, so that we have an increase, and these youths who are taken into the National Youth Service must be given some training, so that when they leave the National Youth Service they will be able to help with nation building. It is a pity that some of the youths from the National Youth Service, who have left, have just gone home and are roaming about the country aimlessly, and some of them are even committing crimes. I think the youths who come from the National Youth Service should be able to look after themselves or be absorbed into some kind of occupation so that they become useful citizens of the country. However, Sir, those who cannot do well, we will be pleased to have them out and put under some sort of discipline, but, Sir, it should be possible to get most of the youths who come into service coming out as useful workers in Kenya, so that they too may take an active part in the nation building.

[Mr. Godia]

Mr. Speaker, Sir, I am pleased that a number of the youths who have gone into the National Youth Service are learning something of great help to the nation, but I do appeal to the Government to see that the training introduced into the service is extended to all so that all youths who leave the Youth Service can go out of the service with some knowledge of a definite job, which, Sir, they can do once they are out of the service.

The Government also, Mr. Speaker, Sir, might consider it necessary to get the African participation into commerce and industry increased. At the present moment, Sir, the African has a very limited place in commerce and industry, and we want to see most Africans take full participation in commerce and industry so that they can also help in taking in some of the African youths and train them to do some useful work. It should also be possible to get the Africans to hold executive positions in our banks. We are pleased, Mr. Speaker, Sir, that the Minister for Finance has announced that our national Central Bank for Kenya is going to be established by 14th September, this year, but, Sir, the Government might find it necessary to see that the executive officers of this bank are people who have the interest of this country at heart, who are prepared and willing to help the Kenya citizens, especially Kenya Africans, get advances and overdrafts so that they can also establish businesses which will help to absorb and take in most of these people who are jobless.

Mr. Speaker, Sir, the Government may also find it necessary to raise the graduated personal tax. It is not unwise for those with something in their pockets to pay something more. Mr. Speaker, Sir, the Minister across the Table from me says that I am paying 20 cents more per gallon of petrol, but, Sir, that is all right, I could pay Sh. 3 more per gallon, because I can afford to do it. Those who can afford to pay a little more, if they have something in their pocket, they should pay more, so as to increase the projects which might lead to some kind of occupation for some of our youth. We want our Government to do something. We want our Government to plan. We do not encourage the Government to tax somebody who has nothing in his pocket. If the Government knows that, let us say, I have Sh. 100 in my pocket, it is not a mistake for me to be asked to pay Sh. 90, because I will still have Sh. 10 left. Therefore, Mr. Speaker, Sir, I think the Government might think it necessary to raise the graduated personal tax to between Sh. 200 and Sh. 3,000 per annum for only those who can

afford to pay; for those who have the money in their pockets, so that this money can be used to make projects in the country which would be of great help in absorbing most of our unemployed people, particularly the youth, so that they can learn to work hard themselves.

Mr. Speaker, Sir, I would also like to put to the Government and ask them to consider, particularly the civil servants who are working in offices, and see that they work hard. Some of these civil servants work only according to the time. When it is four o'clock, each one bangs the door of his office and off they go because it is time. It should be possible to measure the work of the day by the work itself, but not by the time. Therefore, Sir, this would encourage more of our people to make sure that they are really planning for the nation, that they are really doing some useful job which would help to build our nation. Nevertheless, Sir, the civil servants who are in the offices because it is time to be there, are not interested in their job. The country expects to get a job which is well done whether the work is finished by five o'clock or by six o'clock, because it is not possible to get all the work finished in every office by four o'clock every afternoon. That is just not possible.

Therefore, Mr. Speaker, Sir, I hope that this will be considered by Government in the course of their consultations with the Ministries concerned.

Mr. Speaker, Sir, I also think it may be necessary for the Government to see that the people who have land do a good job on the land. Some of our people who leave their land at home, to roam about the country, help to create a situation of hunger in the country. Therefore, Sir, anybody who has a piece of land, must be forced by the Government to do a good job of work on their land. The farmers who are doing well should be given an advance of fertilizers and seed so that they can pay for these after harvest. The conditions for the African farmers must be so created as to make farming as attractive as it has been with the European farmers. Mr. Speaker, Sir, I think this being a very important factor, the Ministry of Agriculture should consider this matter seriously.

Mr. Speaker, Sir, the Government might also find it necessary in dealing with the unemployment situation, to see that the drivers who are involved in fatal accidents are given heavy punishment, because some of these drivers become very careless on the road. They drive at speed and sometimes when they are drunk they do not know where they are going. They cause very serious accidents on the road. Therefore, Mr. Speaker,

[Mr. Godia]

Sir, it would be a very good idea for the Government to consider these drivers being given a very heavy punishment and, if possible, they should not be allowed to drive for another two or three years, until they learn to either keep sober or be careful on the road.

Mr. Speaker, Sir, the Government may also find it necessary to consider restricting the time for when the bars open. Some of our people go to the bar and stay there from morning until the evening. They do not work. When they get a small amount of money, instead of banking it or putting it to some useful project, they spend it on drinking the whole day. Therefore, I think that if the Government restricted the time when people could go to the bars, which should be between 5 p.m. and 8 p.m., that will be all right. The time for drinking should be limited, but at times we find people drunk from morning to evening and most of such people are the ones who cause crime.

Now, Mr. Speaker, Sir, I think the Government should consider the time when the bars can open in the morning or evening and when they close, so that there will be limited drinking time. Mr. Speaker, Sir, these people who are found to be committing offences as a result of being drunk should be given very serious punishment.

It might also be necessary for the Government to consider scrutinizing the staff in the local authorities to see that they are doing a good job. Some of the members of the staff in the local authorities do not do a good job, and so it should be the duty of the Government to find means whereby these local authorities can be given supervision and the work which is done scrutinized to make sure that they are doing a good job for the country. This may be necessary because we want everybody to be occupied.

It may be necessary for the Government, in consideration of my Motion, to legislate against strikes.

Mr. Speaker, Sir, strikes really do not help. They cause embarrassment. Already we have negotiating machinery between the workers and the employers which can deal with problems which exist between the employers and the employees. Until the machinery is exhausted, there should be no reason at all why a strike should be called.

The Speaker (Mr. Slade): That is the end of your time, Mr. Godia, I am afraid.

Mr. Godia: Mr. Speaker, Sir, in conclusion, I would like to appeal to the Government to be sympathetic—

The Speaker (Mr. Slade): No, it is the end of your time, Mr. Godia.

Mr. Wariithi: Mr. Speaker, I wish to second this Motion. I would like to say at the outset that this Motion is very important in that it raises very important questions which affect our nation. It raises an entire problem of our planning programmes, educational programmes, employment and development for manpower for the purpose of our young nation. I am grateful to my friend, the hon. Godia, who has moved this Motion so ably, and has given us figures which, when we look at them, are a bit staggering.

I am particularly concerned with the thirteen-year-old group which, as I said once in this House—and do not hesitate to repeat again—is one of the problems which is facing the country unless our Government has a proposal or a programme how to absorb this group of thirteen-year-olds of our population. If Government does not do something it will present a very serious problem. If these figures are correct, and I am sure they are, as my friend has taken the trouble to collect them, it will be seen that out of the 136,000 or 137,000 children who are every year turned out, young people of only thirteen years of age, after only six years or seven years of education, young people who are not properly educated or qualified for any particular job, are turned out without any equipment or training which can make them useful citizens of this country. This is where I feel we must do something. I hope that the Minister for Education who is listening will give us some indication of what the Government's programme is, what plans it has to absorb this group, or give them an opportunity to get them some form of training to enable them to be useful and productive. I believe, Sir, that if a nation cannot absorb young people whom it has educated into a useful and productive form of education, then it is a big waste of national revenue. Here, of course, the Minister might come forward and say that Government has no funds to provide some form of education for this type of young people.

So, Sir, I would suggest a few things which I, personally, feel will help. There is what might be called the multi-purpose type of education which, of course, might not have been started here. There are a few technical schools here which absorb a part of this group, but I would say that those secondary technical schools are so few, that the major portion of them have not been taken care of. What I would suggest for consideration is that in our intermediate schools Government should have a programme whereby you can sort out those types of young people who

[Mr. Wariithi]

do not show any aptitude to continue to secondary education. They could be given a type of education after a few years of schooling, which can make them useful and productive in technical jobs. What I have in mind here, Mr. Speaker, is that you could have technical training centres where you could teach these people how to use their hands. They might show some aptitude during the early part of their studies. I believe this has been done in other countries and I do not see why it should not be done in our own young nation.

The other thing I would suggest, particularly since this Motion refers to Standard 7 pupils, Forms II, IV, VI and even graduates. Here, touching the question of graduates, it is a pity that sometimes in our country, when we are complaining of the shortage of manpower, when we are asking other nations to give us personnel for our different programmes for development, that we still have a few people, our own Kenya citizens whom we have educated, either locally or overseas, who come back and stay for up to a year before they are employed by our Government. As I said earlier, it is difficult to justify having to get expatriates from overseas to do some types of jobs which could be done by our local people, whereas these graduates come back and stay idle. I would suggest to the Minister that it is necessary that most of our manpower, being trained either here or overseas, before they finish, should have a programme where they can be absorbed in the various Government departments, even those who might have been trained in some countries which this Government, or some other Ministry in charge of employment, may not like, but the training they have received, the technical know-how should be made use of by this Government. For Forms IV and VI I do not see any reason why the Government should not have short courses. This will enable these people to be absorbed quickly. This should be stepped up so that all these people will have some form of education—where we have spent our own money—will become productive to the country.

The other day we passed a Motion here, Sir, which called upon the Government to introduce necessary legislation for the private companies to employ, well, up to even 50 per cent. This, as my friend has suggested, is one of the ways of absorbing some of these people who leave school to do the type of jobs which do not require very high educational ability. With a little amount of training courses the Government could easily ensure that these people could be absorbed.

Another proposal which I would like to put to the Minister is that to enable the African people of this country to assist in the process of development and, maybe, in the process of increasing the manpower to be employed, it might be necessary to have legislation to compel our people to save. What I have in mind is, it should be necessary to have a compulsory saving scheme for the people of this country. This can be done by passing legislation that all those employed, out of their total revenue per year, or earnings per year, a certain percentage should be saved. This should be placed at the disposal of the Government for the purpose of giving loans at some form of interest. That sort of thing, in my opinion, will open another avenue where our people who participate in the development of our economy will share in contributing to our development. This fund can become a very large saving fund which could be used by any person who wants to invest or start some form of industry. This money will belong to the person who has saved it. This is important. There is a tendency that most people have not had the idea of saving, it is not a very common thing with most of us. Actually, it is something that is very important and must be encouraged. If necessary, people should even be compelled to save; there should even be legislation for compulsory saving.

The last point now, Mr. Speaker, which I would like to touch upon, is that it is also necessary for the Government—I know there is a report on our education policy, Government is working on this report and very soon it will publish a White Paper—to have a planned form of education to train people for the type of personnel we require. It is no use allowing education to follow its own pattern, to have education without any—I know we have the statistical division in the Ministry of Economic Planning and Development. However, what I have in mind is that we must have a control somewhere of the number of schools we are going to have. They may be intermediate or primary, or they may be secondary schools, but there should be a plan which should control the type of education we need and the form of education. It is no use having schools all over the country. You turn out people and you are not able to give them jobs. Some are not well trained for anything, any type of job.

So, Mr. Speaker, I would like to end by saying that what the Mover of the Motion has asked, on which I am sure the Government will enlighten us when the time comes for replying, is that some form of useful occupation should be started so that these people who leave school can share in the task of nation building. I am sure that some

[**Mr. Wariithi**]

of the things I have mentioned will be useful and I would like the Government to consider them in planning and trying to solve this problem.

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

(Question proposed)

Mr. Omweri: Mr. Speaker, Sir, first of all I must congratulate my friend, Mr. Godia, for bringing this Motion because the essence of it is to help the helpless youths we have in the country. This is the essence of the Motion.

Mr. Speaker, Sir, I would like to make the Motion clearer and probably more mature by contracting it to read shorter, yet convey the same meaning. I will speak on that first, before I give my reasons why I support the sense of the Motion although the wording is rather clumsy and the words repeat themselves. This should not indicate that I have any quarrel with the Mover. I agree entirely with the idea he has in his mind.

For that reason I will immediately suggest an amendment, that we delete all words after the word "youths" in the first line, and we substitute therefor the following words, "mostly school leavers, this House strongly urges the Government to devise means of usefully employing these youths in nation building and support themselves and their livelihood."

Mr. Speaker, Sir, the main reason why I give this amendment is because it is concise and it conveys to the Government that this House wants the Government to help the youths of all levels. I do not want the Government to be confused by the impression that probably the Mover wanted only to help those boys or girls who have passed their K.P.E. but were not placed in secondary schools. We want the House to assure the Government that we want to help all youths who either have failed or passed, because we have to take care of those who have failed the K.P.E. In this case, I would like to insert the words school-leavers as those who need assistance.

I also would like to avoid this clumsy repetition that the word "Government" should include the Ministers whose departments are required to assist in the terms of this Motion. To avoid the repetition of the Ministries the word "Government" should convey that we want the Government as a whole, including the other Ministries which are not mentioned, to come into the operation of helping the youths in the country.

Also the naming of classes, I think, is unnecessary because once we say school-leavers, wherever they leave, even in Standard 3, we must realize that we want Government to take care of them.

Mr. Speaker, Sir, I want to move on with the points I wish to make to the Government so that Government is aware that the country needs help from the Government. Government should not only sit and wait and all the time leave the youths to suffer and be a menace to the country.

The Motion is a nationalistic one and is in conformity with our African Socialism. We want to help our youths. In the Kanu Manifesto we assured that the welfare of our youths would be looked after and they would be provided with a livelihood when we became independent. The problem is that youths are being turned out from schools without being given any directions as to where they should go. We know that year after year we are going to have more and more youths turned out from schools. We want the Government to avoid any accumulation of youths by devising means which will help these youths to be absorbed in the country and support themselves by getting various occupations which will help.

The Mover ably suggested a number of points. I would like now to suggest to the Ministry that we would like the Government to institute training facilities for students who leave school and who are not able to continue with further studies, as well as those who are not able to earn their living. For this reason they should be trained first so that they are well equipped to have means of earning their livelihood in order to support themselves.

Mr. Speaker, Sir, I would like to pay tribute to the private firms which have helped to train, in commerce, certain book-keepers and typists. However, Government has failed to provide means of absorption so that these people when they are trained by private firms can find, immediate employment. We want Government to set up machinery for this so that there is co-ordination between the private firms which are willing to help, either commercially or of their own interest, or because they have the interest of the nation at heart. Government should therefore erect a bridge whereby those people who are turned out can travel and join the world by getting a proper chance of earning a livelihood. We do not want those who have been trained to join those who are untrained and thus become a big burden to our country by becoming hooligans, thieves or thugs. They only do this because they have no better occupation.

I would suggest, Mr. Speaker, that Government should institute skilled training. We have arts, drawings, singing, and all these other things. Government should make useful extraction from

[Mr. Omweri]

those who are talented, but who have not been directed how they should develop their talent in order to contribute to nation building. This is lacking at the moment, particularly in the Education Department, and I think the Minister should take into account that more skilled people are trained. We should have artisans, painters and musicians in addition to those I mentioned earlier.

On the agricultural side, formerly we used to have training centres to train youths who left Standards 6 or 7. These people became able advisers in the field of agriculture. They have helped our country grow. We would now like the Minister responsible the one who will reply, to take into account some school-leavers who should be admitted into a specified agricultural institution. They are trained there and know how to become better farmers. Government should make a record of these people and when they pass out of these institutions they should be given agrarian loans with which they can develop farms. There is no point in saying, "Youths, return to the land," and send them to the land empty-handed. How are they going to utilize the land? They must return to the land with something, they must return with knowledge as well as money, so that they can help with the progress and development of the country. This is a concrete suggestion I am giving because the Government has closed those centres which used to help youths who left school at an early age and were not able to contribute to the country.

I would also like to suggest that the medical services should do something. At the moment those who are employed complain because the work is too much. We would like the Ministry to expand training in the medical services so that we have more than enough people. We have seen in the past that the dressers and dispensers who used to man dispensaries were school-leavers at Standard 7 and 8 level.

With these suggestions I hope the Government will take the initiative and do something to help the nation.

Sir, I beg to move the amendment.

The Speaker (Mr. Slade): Mr. Omweri, may I suggest a very small alteration of the wording of your proposed amendment for the sake of clearer grammar? This refers to the words "and support themselves and earn their livelihood," which should be changed to, "to support themselves and earn their livelihood." It is entirely up to you, Mr. Omweri.

Mr. Omweri: I have not followed you, Sir.

The Speaker (Mr. Slade): I was suggesting that you accept a very small alteration of the last few words for the sake of clarity. I suggest it should read, "to support themselves and earn their livelihood."

Mr. Omweri: Yes, Sir.

Mr. Khaoya: Mr. Speaker, Sir, I would like to support this amendment. The idea is very simple and straightforward. The ideas put forward in the original Motion by the hon. Godia were good, but the wording was a bit ambiguous, and for that reason I support my hon. colleague here in saying that we should make the Motion clear and concise so that the Government can then very quickly take the action we want.

Mr. Speaker, looking at the original Motion, one would probably be misled by thinking that the Mover had, as his intention, certain classes of youths to be supported by the Government. One would, for instance, look at Form II, Form IV, Form VI and also look at the age of thirteen years and probably, because of that, think that the Mover wanted to exclude other grades of students, who either were leaving because they failed their examinations or because they had not reached the age of thirteen years. Because of that, Mr. Speaker, I could not argue any more with the Mover of the amendment.

Mr. Speaker, having said this and having congratulated the Mover of the amendment on the able manner in which he presented his case—in fact, he did it so well that I find it very difficult to find other words to support him—I wish to go on to show why I support the whole idea behind the Motion here. I find that the question here is that of youths and when we discuss youths, one thinks of a certain story of a father talking to his children. I understand that when the father asked his children what they wanted, one of them very smartly came to his father and said, "My name is Jimmy, I want good food and some shelter." I think those few words about summarize the needs of our youths in this country. They have every right to claim from us, as the Government, the right of getting some food. Once they get some food, they have also the right to expect some shelter. What is happening now. Mr. Speaker, is that our Kenya Government has been labouring for months and months to produce a document—and I am sure every hon. Member here has read it—dealing with economic planning for 1966 to 1970. One would, in fact, commend the Ministers concerned with that important document, but I had the chance of reading that document, Mr. Speaker, and I found that probably the Government missed the whole essence of the demands of this country.

[Mr. Khaoya]

I am sure we have accused the Government, at one time or another, of failing to do this or that. The criticism we have failed to level at the Government is that of the inability to reduce a big problem to the barest essentials and, for that reason, I would like to point out that our needs in this country are not as the Government has already indicated in that document. For instance, Mr. Speaker, if I may quote, on page 305 of the document to which I have referred, in paragraph 2 (3), it is stated that one of the long-range objectives for Kenya's educational programme is "to organize the educational system to meet the manpower needs of the country." I read that as the sort of intention the Government has when it deals with education. I think that way we would be climbing a tree from the top. I should have thought that the main intention of the education in this country would be, not only to meet the requirements of the economy but that it should be arranged in such a way that the economy would meet the requirements of every individual, including our youths in this country.

The Minister for Education (Mr. Nyagah): Read the whole.

Mr. Khaoya: Mr. Speaker, I see that my hon. friend, who is also a representative of the Government, is worried about that small bit, but I am sure that if you read the whole thing and then summarised what it says, you would come to the same conclusion. That is why I say that the Government is always failing to reduce the problems to essentials. One of the things I am probably going to move is that our Government Ministers be trained in what I call human problems before they get their appointments.

Mr. Speaker, I see that the time is going on, but I have quite a lot to put to the House. What I intend to do here is to urge the Government to put a lot of emphasis on the agricultural side of our economy. I notice that 1.2 million families in Kenya depend solely on agriculture. You know that we have about 1.6 million in Kenya, so there is a very big fraction of our people depending on agriculture. I should think the best thing now, for the Government to achieve what we want, is to lay a great deal of emphasis on agriculture. One of the ways they should do this is to try and encourage the idea of agriculture in general. Most of our youths do not like agriculture as such because they see quite a number of their friends come to the city, get white-collar jobs, get good salaries and within a short

time, have coats and ties and so on. This is very attractive, so that all the time our youths are being driven to the towns.

I think first the Government has to stop any more expansion of our existing towns, especially Nairobi, so that deliberately some light industries can be put in the country—those like the cattle feed industry—so that some of these youths could be detained in the rural areas. This would create new markets, so that crops could be sold locally, and that way, probably we might achieve what we want.

Mr. Speaker, I wanted to say quite a lot, but as time is up, I wish to thank the Mover of the amendment and hope that when all the Members come to speak, they will support the main ideas in the Motion, so that we see what the Government can do.

Thank you, Mr. Speaker.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): It would be best, I think, in the short time that is left, to include debate on this amendment with debate on the main question. The Mover will be due to reply at about twenty past twelve.

Mr. Mbogoh: Mr. Speaker, I do not intend to speak very long, but I also urge my friend, the Mover of the Motion, to accept the amendment without making a lot of fuss about it, because it gives exactly what the Motion was giving and I hope that the Minister will accept it as amended.

Mr. Speaker, my reason for doing this is that when the Mover of the Motion moved it, he had the sense to give the figures and everything, and he must have worked very hard to get these figures. Therefore, I feel that he believed it also and he was very sincere about the Motion, so he will accept the amendment without any difficulties.

Mr. Speaker, to join my friends in supporting this amendment, I would say that the Government needs a lot of planning, and if a Government does not plan, usually it destroys itself. Mr. Speaker, here you can see also that it is not only in the small matters or in the big matters of education, employment and youth services that the Government should plan. It should also plan its own movements which would not leave anybody suspicious of the intentions. For example, Mr. Speaker, we can see today that our Government has only one Minister in this House, and I do not believe that he is the only Minister who should be planning for the whole House, while the other Ministers are out somewhere else. We

[Mr. Mbogoh]

have so many Assistant Ministers, so many Ministers, and yet the Government has only one Minister in this House today, which means there is quite a lot to be said about the planning of this Government, and I hope that the Minister present will convey this to the Cabinet and say that we deplore very much the absence of Ministers from the House when we are speaking on some important business like this.

Mr. Speaker, when Government does not plan properly and has some half-educated youths, it is very, very easy to get these youths overthrowing the Government because they can be used by anybody, or whatever kind of foreign country this would be. The only thing they would need would be food and some clothes. When they are given food by anybody, they praise him and they do everything that that human being tells them because that is what they are lacking. Mr. Speaker, Sir, to educate our youths—whether girls or boys—is very important in this country, and to give them also a chance to join other people in employment and the high positions which occur in the country.

Sir, here again I would like to join my friends in deploring the fact that birth control in this country has been encouraged for Africans only. It is being encouraged for Africans only because Europeans already have it—they know it and they practise it—and unless Indians in this country are forced, not asked, to practise birth control, in ten years' time we will find ourselves with a population of Indians three times that of Africans. Mr. Speaker, you find these Indians have so many children and they sometimes try to plan for their education—

The Speaker (Mr. Slade): Mr. Mbogoh, the Motion does not raise the question of birth control.

Mr. Mbogoh: I have finished that, Mr. Speaker, I am continuing. They try to plan for their education and you do not find very many thugs in the streets from the Indian community. But if the Government does not plan for this, to suit all the people of this country, you will find them also in the streets and they will be very dangerous because they would not care about anything.

Mr. Speaker, at this stage I also wish to pay tribute to our Government in starting the Youth Service, but what I would like to say here is that this Youth Service should be doubled, because this is one of the outlets of our young men who cannot do anything at home. I would very much like to say that the Youth Service is doing quite a good job at present, after a lot of criticism, and

there is quite a lot of training being undertaken by the Youth Service at this time. Therefore, even if it means looking for money from anywhere to double this Youth Service, I think this is the right time the Government should consider doing so.

Mr. Speaker, our Government should be able to aid our *Harambee* secondary schools because, at this stage, people have shown the thirst for education that they have, and it is quite difficult to build these schools and run them for the rest of their lives. It is now important that the Government should step in and show the appreciation she has of her own people's efforts.

Here again, Mr. Speaker, I would like to ask the Government to have the national farms used by the Youth Service. We have our national policy of "Go back to the land", and you will find that a man like myself will go back to the land very quickly because I have the means to do so, but how about those chaps who do not have the land and who do not have the education to be employed as clerks, and do not have anything they can hold on to? You find that they cannot go back to the land, and instead of going back to the land, they will come to my pocket. In fact, such people are very dangerous because they have so little education and they could not go further than the education they had. So they cannot plan their lives. They will plan to get a means of livelihood from anywhere; even if it is stealing or killing, they are prepared to do so.

Therefore, Mr. Speaker, I think that this is the right time that such people who do not have land and are interested either in working on the land or being employed should now be given a chance to do so.

Mr. Speaker, we also have very many girls who do not have enough education, and when they leave school they are already used to a higher standard of living than their sisters who stay with their mothers at home and do the *shamba* work and some cooking, because these young girls who have been to school can speak a bit of English and are not very shy after that. They can manage to come to the town and try to look a bit brighter if they cannot get any jobs. Mr. Speaker, if we have to get rid of these roaming girls, this is the right time now for our Government to plan to take them up and teach them a different life, not the life in the towns. In the course of time, Mr. Speaker, I hope to be able, during the Budget speech, to move a Motion to reduce all our salaries and those of the Ministers, so that this money can build a reformatory for prostitutes and then, when this is built, we can get rid of this social menace in the streets.

[Mr. Mbogoh]

Mr. Speaker, it is also with great anticipation that I wish the Government to notice the presence of very undesirable characters in the towns, simply because they cannot do anything else; and you find them having placards all round because somebody has managed to use them because of the big education he had at school. Somebody had a good education, but because he wants to use this education to spoil the Government or to spoil some planned work, he comes and uses the little money, or lots of money he has from somewhere, to get these youths demoralized. If they are so demoralized, I think this will be terrible and will not save the face of the Government in front of the people. This is the right time for the Government to do something for the youths of this country and showed the people of the country that it is doing something, not just doing a few things like, let us say, having a higher school certificate somewhere and then, after that, keeping quiet and not telling the people that these schools exist.

This should not be only to cater for the people who have fat pockets. There should be also a system where the people with smaller pockets can fit in and play their part in this country.

So, Mr. Speaker, I hope that the Mover of the Motion will take the Motion as amended, to save time, and also that the Minister will not kick the Motion out without any intention. Then I hope that the Government will give us a chance to see justice done for these poor fellows and inform us that it has been done.

Mr. Speaker, I support the amendment.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I rise to say how very grateful I am to the participants in this Motion, in that they show a great deal of interest and concern over the possible results that one would expect to get from large numbers of unemployed. It is also very encouraging to see on the part of the Government that hon. Members have tried to make some concrete suggestions as to how the problem of unemployment can be dealt with. Not only did they stop at that, but they showed concern for a great deal of the kind of education that this country should have if it is to avoid this increase of unemployment. This, Mr. Speaker, is a very important point, but just before I go on to show or support the Members in some of the points they have raised towards the solution of this problem, I would like to have it clearly in the record, so as to avoid misleading, the quotation that was made by one hon. Member, I think the hon. Khaoya, when he took out of

context one of the long-term objectives of education as planned in the revised Development Plan.

The hon. Member saw it fit to take only one of the three enumerated objectives but forgot to inform the House of the other two which are of great interest to the country, and the overall reasoning behind the planning of education. With your permission, Mr. Speaker, Sir, if I may quote. This comes almost at the beginning of that chapter dealing with education, page 305, section 2, and I quote, "As the Sessional Paper on African Socialism points out, at this stage of Kenya's development education is much more an economic than a social service and should be regarded as the principal means for relieving the shortage of skilled manpower and equalizing economic opportunities among all citizens." This side of equalizing opportunities among all citizens is what the hon. Member tried to avoid by saying that the aim was to organize an educational system to try and meet the manpower needs of the country. It is very important, Mr. Speaker, Sir, that our future education should be planned in such a way that it will take the realistic needs of this country. Not only for the lower classes, but also for the higher classes. After all, Sir, our primary objective is to train people to give us the highest and best service in this country. It is not our concern to supply the manpower for Great Britain, the United States or for India or for that matter America. Our primary concern is for this country, therefore, when, as the hon. Seconder of the original Motion said, we produce the curriculum it must be in that context. This is a long-term view and objective of the Government.

Now, Mr. Speaker, Sir, I would like to point out a few things which were said, some in support of the Government plan already, which, perhaps, has not been well known or has not been known at all, and some in way of their suggesting what can be done. Mr. Speaker, Sir, someone did say that the National Youth Service should be expanded. It would be all right to expand this service, but there are dangers of expanding it beyond the numbers that can be absorbed afterwards.

Mr. Speaker, Sir, I was very delighted to listen to the hon. Mr. Wariithi when he said that whenever we do the planning there must be controls as well. If you allow an unplanned and uncontrolled development the danger is that there will be an explosion. Therefore, Sir, the Government backs him up completely on this point and

[The Minister for Education]

whatever we do in this field it must be controlled and planned so that we do not explode unnecessarily in one direction.

Now, Mr. Speaker, Sir, with regard to the question of taxation, somebody did suggest that we might tax those who have money. I think it was the original Mover of the Motion who said that we should tax those who can pay. He must remember that there is a point beyond which you cannot tax people. If you raise the taxes for the people who earn a salary, or from rich people like himself, then there will be the danger of the people who work for him, the trade unionists, to try and demand more, more services, more salary and the cost of living will go up and up. Therefore, Sir, the whole thing becomes a vicious circle. Instead, Sir, he should thank the Government for the way they have tackled this question of taxation.

Mr. Speaker, Sir, secondary education was another point which was raised. I must say that what I have said earlier, that education must be planned for life and not for employment. The employment of an individual by another is not our sole objective. It is planning education so that whoever leaves school has education of a kind that will be able to fit him into the community and into his surroundings. In order to get this point quite clear, Mr. Speaker, Sir, my Ministry has a section of adult education and this adult education is not going to deal merely with adult illiteracy or literacy. It will go far beyond that. Among the things that we are hoping to try and convey to our people is the appreciation that education is not only for a white-collar job. It is not only that education should produce a person to go and be employed in the *dukas*, in the Government services, or in the commercial world, but he must be educated in such a way that he will go back and become a good tailor, a good village shopkeeper, a competent gardener and be able to look after his *shamba*, his *ngombe* and things like that. It is difficult for most parents to appreciate these points so far. It is a point at which we are in a transitional period between the kind of education the country has been having; i.e. getting somebody educated academically to fit into a job. The time for these jobs is coming to an end, the limit has been reached. Therefore, Sir, we must produce a man and a woman who will go back into the land, into the circumstances in which she finds herself or he finds himself and fit. It is often difficult for the parents to appreciate this. It is also sometimes difficult for the politicians as well.

Therefore, Mr. Speaker, Sir, my department of adult education will go to all adults including some of us here in Parliament, so that we understand what education must not only mean those who leave Standard 7, Form II, Form IV, Form V, Form VI and so on.

Another point, Mr. Speaker, Sir, which was raised was about the savings. I was very pleased to hear the hon. Mr. Wariithi raise this question. There is a Post Office Savings Scheme, the National Provident Fund Saving Scheme and also a Workers Investment Trust that has been proposed and will meet what the hon. Member has tried to suggest.

Right now there is also some proposal by the Minister for Finance to establish a kind of savings scheme which is also to be a national one.

Now I turn to the question of Africanization of commerce and industry. The Government has said that they are going to encourage this and, indeed, the Government is doing something in this direction with the co-operation of the local companies. I do not know whether it is known, Mr. Speaker, that work permits are given by the Government to people from abroad who seek employment here. The Government does not give these work permits to people from overseas if locally we can get people in those categories. This is another way of making sure that the local people have an opportunity in this direction. What the Government cannot agree to is to be very indiscriminate about this, to take local people in positions where they cannot adequately and efficiently do the work. Take, for example, the banks; we must make sure that the accountants at the banks are people who can competently deal with the problems that come their way. On the medical side we must make sure that those people to whom we entrust the health and treatment of our people must be adequately trained. We cannot allow immature, inexperienced people to play about with the lives of our own nation.

It has also been said, Mr. Speaker, that expansion in technical education should be planned. I agree with this, and this is being done. Expansion in the medical services should be planned. I agree with this too, and would say that this is to be found in the Development Plan.

It is also important to notice that next year there will be thirty students entering the medical training school. This medical training school is a big effort on the part of the Government, to fight for a school to be started here in spite of some resistance from certain quarters, because the present facilities at Makerere are not enough. It cannot be said of the Government that it has not been doing something.

[The Minister for Education]

Mr. Speaker, I would not like it to be left without being commented upon that "it was an ill-considered practice by the Government" to introduce free fees for Forms V and VI and that Government did this because it was for the rich. I do not know, Sir, where the statistics to support this came from. As far as I know, everybody who goes to Form V and VI is not necessarily the son or daughter of a rich person; he or she could well be the son or daughter of a poor person. Therefore, when this was introduced it was not introduced because the Government wanted to help the rich and suppress the poor. It must also be agreed that there are some children in primary schools and intermediate schools whose fathers are pretty well off, and in this sector nothing has been done as has been done in the Higher School Certificate level.

The main consideration, Mr. Speaker, was the manpower needs of the country. The Government had to do something very quickly generally for the country. Those people who were at the end of their academic course had to be helped so that they did not drop by the wayside after Form IV, and they did not delay from completing that section of education and recruited for more general work in the country. It is from this *cadre* of people that we will be able to get our technicians, our graduates and what-have-you. It is a well-intentioned Government practice, therefore, that these people should come out as quickly as possible, and do exactly what the hon. Members have been trying to say.

Having said those few words, Mr. Speaker, I would like to say this: the Government cannot agree to support the idea of a commission. After all, all the points that need to be considered have been raised by the Members here, the Government is fully aware of this, the Kenya Education Commission has just finished its work, the manpower survey has done its work, the Development Plan is before us in all these problems. So, we cannot support the appointment of a commission. However, Sir, we agree as a Government with the concern that the Members have and the interests they have shown. Government will do all in its power that it can do. Rome was not built in a day.

Mr. Mbogoh: Mr. Speaker, Sir, may I move that the question of the amendment be now put.

The Speaker (Mr. Slade): It is now time for the Mover to reply, but we must first dispose of the amendments.

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

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

(Question of the Motion as amended proposed)

Mr. Godia: Mr. Speaker, Sir, I am very pleased because the Minister has indicated that he appreciates the contribution which has been presented to him and to the House by Members of this House. Although he says he cannot support the commission because there have been numerous other commissions. However, so long as Government is prepared to consider the problem being raised by youth of this country, then it is all right, because that was the intention of the Motion, to ask Government to see that these youths who are becoming more numerous every year do not go on without some plan for their welfare. The Government should have some plan whereby to alleviate their problems and the problem they are causing the country. If the Minister accepts that, then we have no quarrel with him.

I am also pleased because the Minister has indicated that education in this country is planned for to suit the people of this country and also to suit the needs of the country. I do hope that officers who are planning will plan in such a way that as a result of their planning the problem of getting these youths left off from this stage to that stage will be avoided. We want that all the youths who leave school go out with some usefulness and occupation. We do not want the youths to become a problem to the country, we do not want them to turn into criminals. We want them to become useful to the nation.

The Minister has told us that Government is considering Africanization of commerce and industry, and I am very happy about this. I am happy to hear that this will be done as quickly as suitable staff is available. I do hope that this will be speeded up.

I must thank Members of this House who have contributed to this Motion and made it a success. I am especially grateful to the hon. Mr. Omweri who proposed the amendment which I think is very useful. I hope that the Government will consider seeing that we do not get accumulation of youth without work in the country during the next five years. There ought to be a definite time when this can take effect, because it is said that there are some people who are envious of our Government and us, and they can use these youths for destructive purposes. Therefore, the more our Government takes into consideration the aspirations of this House and this country, the better it will be for the country.

[Mr. Godia]

One of the Members indicated that the youth who are compelled to return to the land should do so with some knowledge and money to help them do the work that is necessary. I hope the Government will see to this because it is known that if a man has no money we cannot expect him to work on the land.

I also hope that Government will consider absorbing in its various departments any secretarial staff trained privately or by individual efforts, provided they can pass the tests which they are given by the Government.

I hope the Minister for Education will consider seriously, at this stage, getting into the Kenya Educational Development Plan the *Harambee* secondary schools in this country, I mean those that are registered. It is here that most of the youths who will be troublesome to the country will come. If these youths are not given good education, if they are left off partly educated, then they are bound to become very troublesome to the country. The Minister should consider seriously taking in the *Harambee* secondary schools which have been registered. If some of these schools cannot be taken in, then through his education officers he can suggest some counter proposals which will be of some use, in order that these youths will not be left hanging around the country.

Finally, I would suggest that the Government would consider teaching the girls in particular, a better way of living so that they do not come to town. They have to be cared for. When they leave school they should join some form of useful occupation which will make them contribute to nation building.

As this Motion has been amended, and as the amendment has been accepted by the House, I beg to move.

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

Resolved accordingly:

THAT in view of the increase in number of unemployed youths, mostly school-leavers, this House strongly urges the Government to devise means of usefully employing these youths in nation building to support themselves and earn their livelihood.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper and the House is therefore adjourned until Tuesday, 21st June, at 2.30 p.m.

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

Tuesday, 21st June 1966

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—
Sessional Paper No. 1 of 1966: Amendments to Standing Orders of the House of Representatives.

Sessional Paper No. 2 of 1966: Rules submitted for the approval of the House of Representatives pursuant to section 7B of the National Assembly (Powers and Privileges) Act.

(*By the Minister of State, President's Office (Mr. Nyamweya) on behalf of the Vice-President (Mr. Murumbi)*)

NOTICES OF MOTIONS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

SESSIONAL PAPER NO. 2: RULES FOR THE HOUSE OF REPRESENTATIVES

THAT this House approves and hereby makes the Rules pursuant to section 7B of the National Assembly (Powers and Privileges) Act, set out in Sessional Paper No. 2 of 1966.

SESSIONAL PAPER NO. 1: AMENDMENTS TO STANDING ORDERS

THAT this House makes the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 1 of 1966.

TANA RIVER BASIN: IRRIGATION SURVEY AND RANCHING SCHEME

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

THAT while greatly appreciating the agricultural educational facilities as those rendered by the Galole Pilot Irrigation Scheme, this House approves that Government continues, with its efforts to survey the Lower Tana Basin for irrigation feasibility and further approves that Government initiates a ranching scheme on governmental and private ownership basis so that the local inhabitants in the Tana River District can have something economical moving while awaiting for the final results of the survey.

ORAL ANSWERS TO QUESTIONS

Question No. 23

PUBLIC LIBRARY FOR ELDORET

Mr. Tuwei asked the Vice-President to tell the House when he was going to consider establishing a public library in Eldoret Town.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, on behalf of the Vice-President, I beg to reply. The Government is very much aware of the need for library services in the country as a whole, and we are all very anxious that these services should be provided as soon as possible. The Kenya National Library Service Board has been set up and its duties are to promote, establish, equip, manage, maintain and develop library services in Kenya. It follows, therefore, that all likely centres, including Eldoret, will be considered in due course.

I, however, hasten to point out that, much as we appreciate their importance, these services cannot be provided everywhere in the country at the same time, and so I would kindly request the hon. Member to give the new board time.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell the House when he envisages the provision of library services will begin?

Dr. Mungai: Mr. Speaker, Sir, as soon as possible.

Question No. 173

QUALIFIED NURSES FROM KISII AND NYANZA

Mr. Omweri asked the Minister for Health if he would tell the House how many nurses had been trained and qualified and passed their course examinations in Kenya last year. Also, how many of these had passed in Nyanza Hospitals and how many from the Kisii District Hospital.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. In 1965 the following number of nurses entered in all hospitals of Kenya:—

In training for admission to Register ..	301
In training for admission to Roll ..	832
Total ..	<u>1,233</u>

The number of nurses qualified at K.R.N. level in 1965 was 74. The number of nurses qualified at enrolled level in 1965 was 202. The total number was 276.

[The Assistant Minister for Health]

Following number of students passed:—

Examination Date	Kisumu Kisii	
	Hospital	Hospital
January 1965	9	4
May 1965	1	3
September 1965	5	3
Total	15	10

Mr. Omweri: Mr. Speaker, Sir, is the Minister aware that this number is likely to decrease when the amount of work is increasing in Kisii Hospital in particular?

Mr. Matano. Yes, Sir, we are aware of that.

Mr. Omweri: Mr. Speaker, Sir, in that case, what is his Ministry doing to ensure that Kisii Hospital takes more students to train as nurses, so that they can cope with the problem?

Mr. Matano: Mr. Speaker, Sir, the situation is constantly under observation and, as soon as we see there is a need for more nurses, this will certainly be put into action.

Mr. Mate: Mr. Speaker, Sir, would the Minister tell the House whether the word "nurse" there means both men and women? Would he tell us the meaning of the word "nurse" there, whether it is technical or ordinary?

Mr. Matano: Mr. Speaker, in medical terms "nurses" does not differentiate between the sexes, but in this particular case "nurse" means mainly girls.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, can he tell the House the reason why, out of 1,233 nurses who were down for training, only 276 passed?

Mr. Matano: Mr. Speaker, Sir, there are a number of reasons. There were cases where the nurses themselves discontinued the courses before they finished, and this also had to be taken into consideration when thinking about the female nurses.

Mr. Makone: Mr. Speaker, will the Assistant Minister tell the House why he stopped taking in men nurse trainees last year?

Mr. Matano: Mr. Speaker, Sir, the demand from the men nurses is not as great as the demand from the female nurses.

Question No. 189

KAPKATET COTTAGE HOSPITAL: STATUS

Mr. arap Biy asked the Minister for Health:

(a) Would he tell the House when Kapkatet Cottage Hospital would be given full hospital status.

(b) Was the Minister aware that this hospital had not enough qualified personnel to serve the cases brought to them day after day? If he was aware, what was he doing to improve the situation?

(c) Why did his Ministry permit both male and female patients to share one ward.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply: (a) Generally, cottage hospitals are self-contained units which may not need enlargement. However, if the daily attendance and in-patients numbers are such that enlargement of Kapkatet Cottage Hospital is necessary, then the Ministry will review the position in the next five-year development period and see if it warrants any enlargement.

(b) There is a shortage of doctors to run smaller hospitals in Kenya, for example, hospitals like Molo, Londiani, Taveta, Homa Bay and many other hospitals are, in fact, run by clinical assistants. But the Ministry is doing everything possible to recruit more doctors, and has stepped up the training of para-medical staff to help in the running of hospitals, and health centres.

(c) The Ministry of Health does not permit male and female patients to share one ward. At this cottage hospital, there are two wards under one roof and between the wards there is a communicating door. This does not mean that males and females share one ward.

Mr. arap Biy: Mr. Speaker, Sir, would the Minister tell this House what factors are required for a cottage hospital, such as Kapkatet, to be considered for an extension, other than cases experienced day after day? This is already experienced in the cottage hospital.

Mr. Matano: Mr. Speaker, I said earlier that we are watching the situation, but if the hon. Member has more facts to give to us, to enable us to give it priority over other places, he is welcome to do so.

Question No. 190

KAPLONG MISSION HOSPITAL: POSITION

Mr. arap Biy asked the Minister for Health to tell the House whether he was aware that:

(a) Kaplong Mission Hospital had not got enough land for a cemetery. If so, what was he doing to help clear up this situation.

(b) This hospital was still charging school-children some fees for treatment.

(c) This hospital had no doctor. Would he tell the House what he was doing to assist those concerned to get one.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply: (a) I am assured that there is sufficient ground for burial at Kaplong Mission Hospital.

(b) I am aware that the hospital at Kaplong is charging fees to patients for treatment, including children.

(c) I am aware that there has been no doctor at the hospital since February this year, but I am now informed that a new doctor is expected to arrive at the hospital later this month.

Mr. arap Biy: Mr. Speaker, Sir, while the Assistant Minister agrees with the question and says that he is aware that this hospital continues charging schoolchildren treatment fees, what is he prepared to do then, to reduce these fees to something smaller than is being charged at the moment?

Mr. Matano: Mr. Speaker, this hospital is a private hospital and all mission hospitals charge varying fees to patients, in order to supplement their financial resources.

Mr. Speaker, I think the hon. Member will be interested to know how much money they get from the Government and I will try to let him know exactly the position in detail. In order to aid and assist Kaplong Mission Hospital, the Ministry of Health contributed on 22nd July 1964, recurrent—that is a token—£1,512, and a £-to-£ capital grant of £1,000 in 1964/65, and a token recurrent grant of £1,512 on 15th July 1965.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, that £1,500 was given as a grant to this hospital, is he aware that, up to this moment, this money has not reached the hospital? I was there yesterday.

Mr. Matano: Mr. Speaker, Sir, I do not agree with the hon. Member.

Mr. Mate: Mr. Speaker, Sir, since the having of mission hospitals alongside Government hospitals is an accepted situation in Kenya here today, and since he admits that fees are charged to schoolchildren, would the Assistant Minister tell us what the Ministry is doing to equate the position between a mission hospital, to the same taxpayers who have free treatment and others who have had to pay? What is he doing about it as a matter of policy?

Mr. Matano: Mr. Speaker, Sir, I said earlier—I do not know whether the hon. Member was here—that the whole question of mission hospitals is under consideration, because it is not an easy question, and we do realize the amount of service they are giving to the country, but it is a question which is under consideration this very moment.

At the moment, I am sorry, I cannot give a direct answer, but I can assure the hon. Members that the whole question is being considered and I am sure that, before long, we shall be able to come to an answer which will satisfy everybody.

Mr. Godia: Mr. Speaker, Sir, would the Assistant Minister assure the House that he is going to consider, in due course, recommending to whatever commission he has which is giving attention to this problem, an increase in the grant to the mission hospitals, so that by 1967/68, the standard of fees charged in these hospitals could be standardized by Government?

Mr. Matano: Mr. Speaker, Sir, I wish I were in a position to do so, but at the moment I cannot do so.

Question No. 167

LAND REGISTRATION IN COAST PROVINCE

Mr. Omar asked the Minister for Lands and Settlement if he could tell the House what plans he had for introducing land registration in the Lower Coast Province, particularly in Kilifi, Kwale and Tana River Districts.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Ministry has in mind the need for starting land registration in the Lower Coast Province Districts. An investigation team was sent to Jiban Location of Kwale District in November last year, to explore the possibilities of starting a pilot scheme in the area. The result was that, although the people had shown interest in land registration, their land tenure was rather complicated in that cash crops like cashew nuts are planted all over, irrespective of who owns the land. Most of the land is owned on a clan basis, and clan elders would have to share it among themselves before it could be surveyed and put on the register. This was explained to the people and it is hoped that they are carrying out the exercise.

The other difficulty in introducing registration in the rest of the districts has been lack of funds. With the money made available for the work, it is impossible to work in all districts of the Republic simultaneously. Nevertheless, it is hoped that more teams will be posted to the province when the accelerated programme is implemented.

Mr. Omar: Mr. Speaker, Sir, arising from that reply where the Assistant Minister said that one of the problems is cash crops, could he tell the House whether it is not possible to start land registration in places where there are no cash crops?

Mr. Gachago: Mr. Speaker, Sir, as I have stated this is just one of the problems and I enumerated a few others; when all these problems are overcome, registration will start without delay.

Mr. Somo: Mr. Speaker, Sir, the question includes Kilifi and Tana River District as well as Kwale, to which the hon. Assistant Minister did not reply at all. However, Sir, with regard to Tana River, would the Assistant Minister state very clearly, where no cash crop has been grown, why he cannot start registering the Tana River land to the people?

Mr. Gachago: Mr. Speaker, Sir, the question that the hon. Member is asking is exactly the same as was previously asked. I replied to that question, therefore, Sir, I have nothing more to add.

Question No. 168

LAND VALUATIONS IN COAST PROVINCE

Mr. Omar asked the Minister for Lands and Settlement if he could tell the House whether he was prepared to appoint a Government land valuer to determine the value of the land and farms sold in the Coast Province.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. There would be no point, Mr. Speaker, for the Government to carry out land valuation in areas which are not yet adjudicated. But as far as lands which have registered titles are concerned, there are certain proposals which my Ministry has placed before the Government and which, when accepted, should go a long way towards satisfying the hon. Member for Mombasa Island South and the Coast people. I cannot, however, disclose what the proposals are since they are still under consideration.

Mr. Omar: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can the Assistant Minister tell us when he thinks these proposals will be out?

Mr. Gachago: Mr. Speaker, Sir, the procedure is continuing every day, and when we are in a position to inform the hon. Member of the time, we shall not hesitate in doing so.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's previous reply, to the effect that the area is not yet adjudicated. Now, Sir, could he tell the House whether he has made any preparations to get land valuers—Africans—rather than settlers in adjudicated areas?

Mr. Gachago: Mr. Speaker, Sir, I do not understand the hon. Member's question.

Mr. Shikuku: Mr. Speaker, Sir, I will repeat my supplementary question. Arising from the Assistant Minister's reply to the effect that land valuation in this area could not be done because the area is not yet adjudicated, could the Assistant Minister tell the House why he has not found it necessary to have land valuers in areas which have been adjudicated, for example, Western Province, where all former settlers are overcharging the Africans there?

Mr. Gachago: Mr. Speaker, Sir, the original question refers to some specific districts of the country and the hon. Member is asking about other areas and I consider it to be a completely different question.

The Speaker (Mr. Slade): It is not altogether a different question if it is aimed at satisfying the House that even when there has been adjudication it will be followed by valuation.

Mr. Gachago: Mr. Speaker, Sir, in that case, I am not aware of where a district has been adjudicated and there have been no valuers.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House whether the proposals in question could be made available so that the Members of the Coast would be able to become acquainted with them? If the answer is in the negative, then my question is why?

Mr. Gachago: Mr. Speaker, Sir, the answer is in the affirmative, because I have already told a previous questioner that, when we are in a position to give any information, we shall not hesitate to do so.

Question No. 172

TRANS NZOIA SETTLEMENT SCHEME FARMERS:
REPAYMENTS

Mr. Khaoya asked the Minister for Lands and Settlement if he could tell the House whether it was true that any farmer in the settlement schemes in the area formerly known as the Trans Nzoia was not allowed to pay off, in a lump sum, for the land allocated to him.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. New farmers on all settlement schemes are encouraged to buy the land allocated to them in one lump sum at any time provided they redeem their development loan in full before or at the same time. The reason for this condition is that, until survey is completed, there is no registered title against which a development loan can be registered and secured. Consequently, the Settlement Fund Trustees, if they lose their interest in the land, might find themselves without

[The Assistant Minister for Lands and Settlement] sufficient security in those cases where a farmer has insufficient loose assets to secure a development loan.

Mr. arap Biy: Mr. Speaker, Sir, does the Assistant Minister encourage this practice to be done or not? He seems to be confusing the House.

Mr. Gachago: Mr. Speaker, Sir, I feel that even if the hon. Member is confused, the whole House is not confused.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Assistant Minister's earlier reply, that he was of the opinion that whoever was ready to buy a farm and pay the whole lump sum at once he could not see any reason why he should prevent such a man from doing so, but on the other hand, he said that the Land Bank and the trustees were not ready to lend these people any money to do so. Now, Sir, this is the reason why I did not follow the answer given by the Assistant Minister.

Mr. Gachago: Well, Mr. Speaker, Sir, that is why I said that if the hon. Member is confused, everybody else is not confused. I explained very clearly that if a farmer has sufficient loose assets to act as security for the Settlement Fund Trustees, then a consideration could be given to the paying off of his debts. On the other hand, if a farmer has no loose assets, then the only security that the Settlement Fund Trustees could retain is the land itself.

Question No. 179

COACHING STUDENTS FOR PUBLIC EXAMINATIONS

Mr. Godia asked the Minister for Education if he would tell the House whether he would, in consultation with the Inspectors of Schools, the Kenya National Union of Teachers, the Kenya Parents' Associations, the field education officers, boards of governors and school committees, make a joint appeal to all teachers for Standard 7 and Forms II, IV and VI students to make special voluntary arrangements for coaching their students after school hours, in order to effect improved performances in public examinations.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The highest standards of achievement in an educational system is the most cherished objective of my Ministry—not only at the examination performance, but also after the pupil has left school.

While recognizing the importance of these public examinations, it is, nonetheless, the Ministry's view that a normal school timetable is adequate when adhered to, to achieve good results in a normal situation. It is also true that extra

coaching outside the timetable may be very harmful to children in that, after a whole day of a good school programme, the child has no more energy left for further coaching without the danger of the following day's work being adversely affected.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will he give the House the percentage of persons in examinations from Standard 7, Form II, Form IV and Form VI during the years 1964/65 to justify his reply?

The Speaker (Mr. Slade): No, I hope not. That is more suitable for a written reply. You cannot ask for so much detail in a question for oral reply, Mr. Godia. Perhaps you would like to ask another supplementary question.

Mr. Godia: Could the Assistant Minister tell the House what percentage the schools secured, particularly in Standard 7, Form II, Form IV, Form VI for the year 1964?

The Speaker (Mr. Slade): It is still rather much to ask in a supplementary question for oral reply. I think you had better follow this up with a question for a written reply another day, Mr. Godia.

Mr. Omweri: Mr. Speaker, Sir, since this is an important question, would the Assistant Minister tell this House whether there are particular schools which are following the suggestions put down in this question, so that we know there is a drive to master the lower percentage which has been recorded recently in public examinations?

Mr. Mutiso: Mr. Speaker, Sir, it is a well-known fact that public examinations are always analysed after the results are out. This does indicate very clearly, that the teaching in the schools is quite sufficient at the moment to enable the pupils to do well in the examinations. Therefore, we do not consider that separate coaching is of any use.

Mr. Omweri: Mr. Speaker, Sir, the KPU percentage was about 43 per cent, or less than 50 per cent. The School Certificate examination result was around 60 per cent. These are low percentages. Now, the country would like to know whether the Ministry is satisfied with these percentages, or whether it is doing something to increase them?

Mr. Mutiso: Mr. Speaker, Sir, if the hon. Member would like to refresh his memory by looking through the results of the School Certificate examinations of 1965, he will see that we had an increase of more than 3 per cent as compared to the previous years. Therefore, this is an indication that the teaching which is received in these schools is quite adequate for the present time.

Mr. Mate: Mr. Speaker, Sir, is the Assistant Minister aware that any appeal for teachers who are hard worked and hard working to work even more, would also mean paying them more?

Mr. Mutiso: I agree with the hon. Member, Sir.

Question No. 180

TEACHERS' SEMINARS

Mr. Godia asked the Minister for Education if he would arrange for district teachers' seminars throughout the country where teachers could receive instruction from senior and experienced teachers as to the ways and means of improving their standard of work, so as to effect improved efficiency in educational morale in Kenya.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. This is already being done, both at national and local level, and my Ministry plans to continue to organize such refresher courses during school vacations, as at present. It is to be hoped, too, that the Kenya National Union of Teachers will both encourage and organize this kind of thing professionally.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister assure the House that at these refresher courses he finds it necessary to invite excellent and experienced teachers of the experience of E. C. Francis to advise teachers as to the best methods of performance in their classes?

Mr. Mutiso: Mr. Speaker, Sir, the refresher courses which are organized, as I said, are on national level and also on a local level, and these are organized under strict supervision of the Ministry. We reckon that the people who give these refresher courses are eminently qualified to do so.

Mr. Shikuku: Arising from the Assistant Minister's reply, is he aware that some of the teachers find it very difficult to improve their standard of teaching, because most of them have to confine themselves to studies in order to improve their salary scales, and the result is that many of the children do not have attention because the teacher is studying during working hours in order to improve his status?

Mr. Mutiso: Mr. Speaker, Sir, I hardly follow the idea of the hon. Member's question, but if he wants to say that teachers should not study in order to improve themselves, then that is a different case. I leave this entirely to the teachers to decide for themselves.

Mr. Balala: Arising from the Assistant Minister's reply, that these seminars are already in existence, can he tell the House in which parts of the country have seminars already been held?

Mr. Mutiso: I said in my earlier reply, Mr. Speaker, Sir, that during the vacation periods we organize these refresher courses. This is during the holidays.

If the hon. Member wishes to know in which parts of the country this takes place, I would say it is immediately after the schools have closed. He can check up during the holiday period and he will know where the courses are being held.

Mr. Balala: Mr. Speaker, Sir, I repeat my question again: in which parts of the country have these seminars taken place?

Mr. Mutiso: This is in the provincial headquarters, and also in the district headquarters.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister tell the House the date of the last seminar which took place in the country, and where it was held?

Mr. Mutiso: This was during the last vacation, Mr. Speaker.

Mr. Godia: Will the Assistant Minister tell the House where this seminar was held, and who the lecturers at this seminar were?

Mr. Mutiso: In every province, Mr. Speaker. I have already stated this.

Mr. Shikuku: Mr. Speaker, Sir, to be specific, could the Assistant Minister, who seems to be avoiding questions from hon. Members here, tell the House, for example, in the Western Province, was there any seminar held there? When was it held? Was it at my home or in the district?

On a point of order, Mr. Speaker, what can an hon. Member do when he finds that the Minister does not know what he is talking about, and he actually admits, by keeping quiet, that he is not aware of what he is talking about? What can we do?

The Speaker (Mr. Slade): You know very well that you can give notice to raise the matter on adjournment.

NOTICE OF MOTION FOR THE
ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 180:
TEACHERS' SEMINARS

Mr. Omweri: On a point of order, Mr. Speaker, since the Assistant Minister has wrongly informed this House that seminars were held in the provincial headquarters when we know that provincial headquarters have one office—

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

Mr. Omweri: I would like to be allowed to raise this matter on adjournment.

The Speaker (Mr. Slade): Yes, unless Mr. Godia wants to.

Mr. Godia: It is all right; I will second him.

The Speaker (Mr. Slade): Very well, Mr. Omweri.

QUESTION BY PRIVATE NOTICE

SUSPENSION OF TEACHERS AND STUDENTS FROM NYANZA SCHOOLS

The Speaker (Mr. Slade): Mr. Makone, I think you have a question by private notice? Will you ask it now?

Mr. Makone: Mr. Speaker, Sir, will the Minister for Education consider as a matter of urgency the suspension of five teachers and eleven Form I students at Masochi, Sameta and Kerere secondary schools, so that the education of these students may continue?

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The cases of seven primary school teachers, and not five as the hon. Member has so put it, who have been interdicted in Nyanza Province, are under consideration by a professional standards committee, in the light of whose recommendations, the Chief Education Officer will give decisions in accordance with the Teachers' Service Employment Regulations.

Since these cases are, so to speak, *sub judice*, the House will agree that no comment should be made at present upon them.

It is not intended, Mr. Speaker, to reinstate the twelve pupils who had obtained Form I places—and I repeat, who had obtained Form I places—in secondary schools in Nyanza Province by improper means, and who after discovery of their improprieties, have been replaced by more eligible entrants from Nyanza.

Five of these pupils were at Masochi school, one was at Kerere Girls' School, and another at Sameta. Five others were at schools in Central and South Nyanza.

The Speaker (Mr. Slade): As regards the interdiction of the teachers, I should explain that a matter of that kind is not strictly *sub judice*, within the meaning of our Standing Orders, which actually prohibit questions on matters *sub judice*, because that only refers to matters which are under consideration by a court of law.

Nevertheless, that does not prevent the Minister from saying that, because it is under consideration as a *quasi* judicial matter, he does not want to be questioned about it in the House and will not answer questions meanwhile. He is entitled to take that line, but as a matter of order, questions are in order.

Mr. Makone: Mr. Speaker, Sir, will the Minister consider reinstating these eleven boys while the case of these five teachers is being considered by the Minister?

Mr. Nyagah: Mr. Speaker, Sir, there are actually ten boys and two girls. I have said that we do not intend to reinstate these twelve pupils who had obtained Form I places in the secondary schools mentioned illegally, but instead we have twelve legally qualified entrants from the same area.

Mr. Makone: Mr. Speaker, will the Minister for Education tell the House what he means by 'improper means, when these boys paid their school fees to properly constituted schools in Kenya by his Ministry? What does he mean by improper means?

Mr. Nyagah: Mr. Speaker, Sir, I would tell the House the cases about these children.

The five boys at Masochi School had illegally sat for a repeat Kenya Preliminary Examination without permission, and the teachers involved had not informed the Ministry as is required to do. The one girl at Kerere School had also done exactly the same; she was an untrained teacher and she sat K.P.E. without permission to do so, and was admitted into this school long before the provincial selection had been made, and the local community started complaining. Therefore, something had to be done. Three others, Mr. Speaker, had cheated in the K.P.E. examination and, therefore, had an unfair advantage over the proper entrants whom we have now admitted. Two others, Sir, had done exactly the same thing, and one, the twelfth, was really almost a father when he entered Form I.

Mr. Omweri: This seems to be a very interesting question, Mr. Speaker Sir. The hon. Member asks for five teachers to be reinstated, the Minister replies there are seven. I wonder if the Minister will clarify and tell us the exact number of teachers he is dealing with, whether their cause of suspension was related to these particular pupils which the question refers to?

Mr. Nyagah: Mr. Speaker, Sir, just to save the time of this House and the time of everybody, I thought I had better include the other two who are similarly affected.

The Speaker (Mr. Slade): There was also a question, Mr. Nyagah, as to whether the matter for which they were interdicted is the same matter as that which you have described concerning these students, or another matter.

Mr. Nyagah: It is the same, Sir.

Mr. Wariithi: Mr. Speaker, Sir, arising out of the reply by the Minister, I am concerned with the five pupils from Masochi School. The Minister said that these five pupils were not allowed into secondary schools because they had repeated an examination without the teacher or the headmaster informing the Ministry. Can we be told by the Minister why these five pupils had to suffer for having been allowed to repeat an examination by the teacher and thereby waste the whole year through no fault of their own?

Mr. Nyagah: Mr. Speaker, Sir, the circular is sent round the schools for the pupils to understand that if they have to repeat an examination they must apply. The headmasters and teachers are also told that for any child to be allowed to repeat an examination, they must apply. Therefore, both the pupils and the teachers knew that there must be some application for repetition of an examination; so it is not true to say that we are making the children suffer. Maybe they are suffering for telling a lie. It is a benefit to those legally qualified entrants who are Nyanza, Kenya, children.

Mr. Wariithi: Can we be told what action has been taken against the headmasters for not having informed the Ministry for having allowed these pupils to repeat their examinations?

Mr. Nyagah: Mr. Speaker, Sir, this is precisely what the questioner wants to know. These people have been interdicted pending inquiry.

Mr. Kamau: Mr. Speaker, Sir, regarding the reply of the Minister, that one of these pupils was found to be a father, does it mean that even if it were an old man who wanted to go back to school, our Government would not allow him because he is a father?

Mr. Nyagah: Mr. Speaker, Sir, let me make this point clear. He was a grown up, an adult, entering Form I. It is not because he was an adult that he was refused, but it is because he told a lie on his application form, thereby trying to deprive a much younger person, who cannot stand on his own feet, from getting into Form I. We have a department in our Ministry, Mr. Speaker, which deals with adult education. If the person in question applies, we shall consider him favourably.

Mr. Kamau: Mr. Speaker, Sir, could the Minister now see that he amends the present regulation whereby old people, because I feel—according

to this reply, Mr. Speaker, it deprives any grown-up person of going back to school and learning. Could then this regulation be amended so as to enable anybody who is able to pay school fees, and so on, to go to any secondary school?

Mr. Nyagah: Mr. Speaker, Sir, I say, no, we cannot do that. If we did that, the hon. Member himself would be one of the first people to complain that his son has been deprived of a precious place in school by an adult. However, if the hon. Member for Githunguri wants to know more about this, I would invite him to go to the Chairman of the Adult Education Board in our Ministry, and he will get an answer.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

DELAYED TELEPHONE CALLS

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today, Mr. Shikuku is to raise the matter noted on the Order Paper.

UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: SUSPENSION OF TEACHERS AND STUDENTS, NYANZA

Mr. Makone: On a point of order, Mr. Speaker, I am wondering whether I would be in order to raise this matter of national importance at a later stage tomorrow?

The Speaker (Mr. Slade): No, Mr. Makone. It is not a matter which I could allow under Standing Order 14, but if you like to give notice of your desire to raise it on adjournment in the ordinary way, I will try to give it some priority.

MOTION

EXEMPTION FROM STANDING ORDERS: ORDER OF BUSINESS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT at this day's sitting the House orders that Orders No. 7 and 8: Exemption from Standing Order 144 (6) and Vote on Account on the Order Paper, shall take precedence over Order No. 6: Ways and Means—Budget Debate.

The hon. Members perhaps know that, according to our Standing Order 139, the debate on the Financial Statement on the annual estimates shall take precedence over all other business, and until disposed of, shall be set down each day as the first business of that day, unless the House otherwise orders.

[The Minister of State, President's Office]

The purpose of this Procedural Motion, Mr. Speaker, is to enable us to deal with Orders No. 7 and 8 so as to enable the Minister for Finance to move a Motion which is of some importance because the Minister should be able to get some money to carry out the business of administration of the Government before the 26th June 1966.

That being a purely Procedural Motion, Mr. Speaker, I do not wish to take the time of the House, and do hope that the hon. Members will save the time of the House by accepting the Motion.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I do not have any quarrel with the Motion as it stands, but I would like to have an assurance from the Minister that, by having Orders No. 7 and 8 exempted from Standing Orders to go before Order No. 6, this one day which is being taken up from Committee of Ways and Means, being the first day, will not be counted at all, so that we still have fifteen more days on the Ways and Means debate because it is a very important one. If the Minister would assure me of that, I would have no quarrel with him.

The Speaker (Mr. Slade): I think I may be able to help the House by saying that it depends whether we get on to Order 7 before 4.30; because, unless we have at least two hours, it does not count as a day for the purpose of that debate.

POINT OF ORDER**WHAT CONSTITUTES A DAY**

Mr. Shikuku: On a point of order, Mr. Speaker, if that is the ruling as such and this does not last two hours as you have stated, is our time not going to be used—be it fifteen or twenty minutes—on this Motion? Shall we add these extra minutes to our Committee of Ways and Means? Because, if this is going to take up our time, then we had better not have this Motion at all.

The Speaker (Mr. Slade): Anything in excess of two hours counts as a day, and the House cannot really grumble if, on any particular day, there is not much more than two hours, because our Standing Orders always contemplate the possibility of other things intervening; but if it does not leave two hours, then it will not count as a day at all for the purpose of the Standing Order.

(Resumption of debate)

If no hon. Member wishes to speak, do you wish to reply, Mr. Nyamweya?

The Minister of State, President's Office (Mr. Nyamweya): I do not think it is really necessary to reply in this case, Mr. Speaker, but perhaps we can meet the fears of the hon. Member for Butere by getting on with the business. Then, of course, the day he is worried is going to be lost will be made use of.

I beg to move.

(Question put and agreed to)

MOTION**EXEMPTION FROM STANDING ORDERS: VOTE ON ACCOUNT**

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move:—

THAT the proceedings on the Vote on Account be exempted from the provisions of Standing Order 144 (6) which requires such proceedings to be taken on the first of the allocated days, being a day before 26th June.

Mr. Speaker, Sir, Standing Order 144 lays down that any Vote on Account shall be put down as the first business on the first of the allotted days, being a day before 26th June. As the House will not be moving into Committee of Supply until after 26th June, this Motion is necessary to permit the Vote on Account to be taken today, so that supply may be granted in good time, to enable continuation of Government services by the 1st July, this year.

Mr. Speaker, Sir, I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

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

MOTION**VOTE ON ACCOUNT**

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Deputy Chairman, I beg to move:—

THAT, in accordance with section 124 of the Constitution the withdrawal from the Consolidated Fund of the sum of £30,605,505 made

[The Assistant Minister for Finance]

up in the manner set out in the Vote on Account laid before the House of Representatives, 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 1967 until such time as the Appropriation Act for the year comes into operation.

Mr. Deputy Chairman, Sir, may I point out that the President's consent has been signified to this Motion.

Schedule

Estimate showing the several services for which a Vote on Account is required for the year ending 30th June 1967.

<i>Vote No.</i>	<i>Service</i>	<i>Total Net Estimate</i> £	<i>Vote on Account</i> £
1.	Office of the President ..	2,750,700	1,375,350
2.	The State House	40,900	20,450
3.	Foreign Affairs Branch ..	676,700	338,350
4.	Office of the Vice-President	720,800	360,400
5.	Ministry of Finance ..	460,700	230,350
6.	Ministry of Economic Planning and Development	174,700	87,350
7.	Ministry of Defence ..	29,300	14,650
8.	Kenya Armed Forces ..	4,914,800	2,457,400
9.	Ministry of Agriculture and Animal Husbandry	2,885,000	1,442,500
10.	Ministry of Health ..	2,921,900	1,460,950
11.	Ministry of Local Government	2,899,900	1,449,950
12.	Ministry of Works ..	3,313,500	1,656,750
13.	Ministry of Communications and Power ..	432,100	216,050
14.	Ministry of Labour ..	709,200	354,600
15.	Ministry of Home Affairs	1,973,700	986,850
16.	Police	4,801,200	2,400,600
17.	Ministry of Tourism and Wildlife	498,900	249,450
18.	Ministry of Lands and Settlement	234,900	162,450
19.	Ministry of Housing ..	30,000	15,000
20.	Ministry of Information and Broadcasting ..	228,900	114,450
21.	The Voice of Kenya ..	217,700	108,850
22.	Ministry of Natural Resources	912,900	456,450
23.	Ministry of Co-operatives and Social Services ..	399,400	199,700
24.	Ministry of Commerce and Industry	149,500	74,750
25.	Ministry of Education ..	5,661,400	2,830,700
26.	Office of the Attorney-General	164,200	82,100
27.	Judicial Department ..	316,100	158,050
28.	Public Service Commission	29,900	14,950
29.	Exchequer and Audit Department	118,900	59,450
30.	National Assembly ..	430,700	215,350
		<hr/>	<hr/>
		£39,188,500	£19,594,250
	Development Expenditure	22,022,510	11,011,255
		<hr/>	<hr/>
	Total	£61,211,010	£30,605,505

Mr. Deputy Chairman, hon. Members have received copies of the Vote on Account which was laid on the Table on the 14th June. It will be seen from this paper that the House is being asked at this stage to vote one-half of the total sum required for the services of the Government during the coming financial year. Details of the various Votes are contained in the 1966/67 Estimates which were laid on the Table on the 7th June. The House, of course, has a full opportunity of discussing the Votes when we go into Committee of Supply.

As the annual Appropriation Bill will not be passed until after the commencement of the 1966/67 financial year, it is necessary, in the interim period, to have authority for the continuation of the existing Government services in accordance with section 124 of the Constitution.

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

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

In accordance with the annual procedure, the Vote on Account will not be used to cover expenditure on new services.

Mr. Chairman, I beg to move.

(Question proposed)

Mr. Ngala-Abok: Mr. Chairman, Sir, I wish to support this Motion, but, at the same time, I wish to warn Government of one thing which is becoming the practice.

Usually we get Votes being guillotined after some time whenever we have our Budget. Since I came to this Parliament, I have experienced that at various times. I find it easy to see that all Ministries are discussed, Vote by Vote, but from time to time we have had many of these important Ministries' Votes guillotined when the time comes. I think it is high time the Sessional Committee and the Government as such considered very seriously the possibility of seeing that two Votes are discussed at a time. The Sessional Committee should direct this, so that any Member speaking could choose to speak on the Vote concerning the Ministry of Agriculture or the Ministry of Home Affairs, or even three Votes at a time. If we had such a system, I think it could help us a great deal.

Mr. Chairman, I do not know if I am now talking about something which has never been preceded in the world, but I think this is a good suggestion. We could discuss even four Votes at a time. After the Government and the Sessional Committee have allocated time, as to what time debates will be taking place on the Votes, we could get some Votes discussed. I remember that since 1963 we have not had the

[Mr. Ngala-Abok]

Votes for all our Ministries discussed. We have guillotined all the time and I think we must get a solution to this one. I have no problem with the Minister for Finance getting away with this £30 million when we are still waiting to debate this, but I think this is also not good enough. We should not try to help our Government get funds to use when debate is still going on because they would feel too proud. Some of the debates would be overlooked, because we have voted almost the entire funds which we are discussing and the Minister for Finance may, from time to time, be absent from the House because, after all, he has received quite enough to keep his Ministry going and to supply other Ministries with enough funds. I think, Mr. Chairman, that is all I want to say.

What is most important for the Minister for Finance to consider is that when we talk about these Votes, we have certain Ministries which are very important. For example, in my own constituency I do not have to blame all other Ministries; I know there are probably only three Ministries I want to talk about, but sometimes I find that the Votes of those three Ministries are guillotined, so that I have no way of talking about those Votes, complaining that money is not well voted. When we go to the Committee of Supply, unless we move a vote of reduction by £1, one has no room to debate properly the particular Vote.

Otherwise I support very much, Mr. Chairman.

Mr. Wariithi: Mr. Chairman, I have no quarrel with the Motion. I think, as my friend, hon. Ngala-Abok, says, we realize that the Government requires money to spend before we come to the actual debate of the entire Budget.

However, looking at the Vote on Account, financial year 1966/67, it is quite apparent that in all the Votes the figures put down are 50 per cent of the total amount, and this appears to be a practice which has been going on since I became a Member of this House.

What I am trying to find out is whether it is just a practice or if there is any method used by the Ministry of Finance to have a rough estimate of what every Ministry or every Vote require to spend before the appropriate Bill is passed. Is it just automatic that while this paper is being prepared you just take half of the actual amount which is to be voted for that particular Vote and then put it on the paper? It may be quite possible that some Ministries may not require all the amount that has been voted here, it may require more or less. What I am trying to find out is whether, in preparing this Vote on Account and estimate from the various Ministries is forwarded

to the Ministry of Finance which then indicates the amount of money they will require before the Budget is passed. If this is not done, it is quite possible that before we pass the Act in this House we have spent the money before the Budget is passed, or it may be in some cases, that the money is too much and they cannot finish it.

So, Mr. Chairman, Sir, if the Minister would be good enough to enlighten me on this point, I would be quite happy and support the Motion.

Mr. Kamau: Mr. Chairman, Sir, I only want to put a few comments on the Vote. I hope every hon. Member is in agreement that we should allow our Government to spend the money such as is required as it is being used for the necessary services. I would only point out, though, to the Minister for Finance, to find out, when we pass this special kind of Vote, that the Ministries which are allocated this money are doing something for the country.

Mr. Chairman, Sir, we know very well, if I may say and also if I may quote an example, for instance, in Kiambu District last year, the county council was asked by the Ministry of Local Government to submit an estimate of the expenditure, and up to date, Sir, this estimate, although submitted to the Ministry, the money has not been submitted to the County Council, Kiambu, therefore, Sir, the work of the county council has been retarded. We would therefore request the Minister for Finance, wherever he allocates money to various Ministries, to see that that money is spent on developing the areas concerned, that is why we Members of Parliament have been sent to this House by the people, so that when we allow this money to be spent by the Government, then it should be spent in the districts and the constituencies concerned. I think every hon. Member will bear witness to that, because we have experienced this difficulty.

Mr. Chairman, Sir, I have no quarrel because I know that the Minister for Finance who is holding this Ministry today is a very able man and keen. I would only like to request that he should request the Ministers concerned that they should provide and divide this money properly and help the people.

Mr. Chairman, Sir, I beg to support.

Mr. Shikuku: Mr. Chairman, Sir, I was wondering whether the Minister would consider it necessary, in the future, because I am supporting today, but in the future I will not accept this large sum of money without being told to which Ministry this money is going and what balance that Ministry has. We would like to have in future, Mr. Chairman, a stipulation, namely, the

[Mr. Shikuku]

Ministry of Finance, the Ministry of Agriculture or the Ministry of this and that so that we can find out how much that Ministry has spent in that year, or why it was completely out of pocket and whether it had saved anything at all, rather than keep bringing us this large sum of money and telling us to get on with it.

Mr. Chairman, Sir, I am told by the Minister for Information, who is whispering to me from the Front Bench, and, I am sorry to say, he is misinforming me, that this is shown. It is not shown anywhere. I would like to see the expenditure of every Ministry, what balance was made or lost, what money it requires, and whether it was completely out of pocket by the 30th June.

Now, Sir, from this information we will then be able to check which Ministry is extravagant and which Ministry is not extravagant. I feel in the future, Mr. Chairman, Sir, before we approve any large sum of money like this we should have the full account of every Ministry before we approve such a large sum of money.

With those few remarks, Mr. Chairman, Sir, I beg to support, but not in the future.

Mr. Omweri: Mr. Chairman, Sir, I would like to say a few words, particularly with regard to the Ministry of Information and Broadcasting and also with regard to the figures which are referred to by the Motion. I would like it to be made clear by the Minister for Finance because this is the same system he used last year, and later on we found that there was money given unnecessarily and people were employed on contract in the Voice of Kenya. There were complaints in this House that that money was not properly used, and also in this House it was stated that a number of people had been picked up, engaged there—in the Voice of Kenya—on contracts and they were not doing very well. This time, Sir, we find the same Appropriation Bill, Vote on Account, has come to vote money which is not going to be properly used.

So, Mr. Chairman, Sir, we want clarification that this time the money which is given to the Ministry of Information and Broadcasting is going to be for the really needed service, on permanent terms, and that this contract basis should be discouraged so that we know whether we have people who are loyal to us or not. Mr. Chairman, Sir, if we have a prior passing of these Votes, and then during our discussion of the Budget we get up to speak and the Minister is not worried because we have given him the O.K., I think it becomes very unfair to the country. Therefore, Sir, we would like the Minister to tighten his Vote so that the Ministries

concerned do not take an advantage of this Vote and say that because they have been given this and that sum that it will be left to a junior with which to do what he likes.

Mr. Chairman, Sir, I beg to support.

Mr. Jahazi: Mr. Chairman, Sir, I would also like to say something here. I am getting a bit uneasy with the manner in which the Minister for Finance is always coming to us and asking us to withdraw such and such an amount from the Consolidated Fund. Now, Sir, I would like to know how large this fund is. We are always being asked to withdraw something from the Consolidated Fund every now and then and we just do not know how much more is left in the fund. Now, Sir, here we are asked to draw £30 million from the Consolidated Fund, but we do not know what is left in there, or whether there is anything at all. If, Sir, we are to be told that there is £40 million in the Consolidated Fund, and the Government wants £30 million, then we could say, "No, we need at least £15 million to be left in the Consolidated Fund." We would be very fair doing it that way so that when things improve the Government could come back, but, Sir, the Minister knows what is there, but he will not tell us. We would like to know how large it is and whether the withdrawing of £30 million will mean that we have something left in the kitty—a comfortable amount—or not. I would like that assurance, Mr. Chairman, Sir, because maybe it is not a good thing to tell the whole country how much there is, but I still do not see why, if we are asked to approve this sum, we are not told how much there is from which this money is deducted so that we can approve comfortably, and know that what is left will look after us on a rainy day.

Mr. Chairman, Sir, when the Minister or the Assistant Minister stands to reply, I hope he will at least give us an indication of the size of this Consolidated Fund; the mysterious Consolidated Fund about which we know nothing.

With those few words, Mr. Chairman, Sir, I hope the Minister will tell the House.

Mr. Seroney: Mr. Chairman, Sir, I think we are getting used to this practice from the Treasury of getting us to approve things even before we have had a chance to discuss them so that any discussion we may carry on afterwards is just sheer schoolboy debate.

Mr. Chairman, Sir, I notice that this Order is subject to the Order of the House and I will, this time, refrain from obstructing it, but I would like to warn the Minister of Finance that in the future I think he should organize the

[**Mr. Seroney**]

Treasury more efficiently so that we do not have Motions like this, which have become so monotonous for the last few years.

I think, Sir, we should reach a position where we become so established that this House, in fact, becomes a House where we can scrutinize expenditure before we approve it.

Mr. Chairman, Sir, I support this Motion, with those few remarks, but next time I will not support it.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, I would like to draw the attention of the hon. two last speakers to the fact that they do not seem to know what they are talking about.

Firstly, Sir, the hon. Member for Nandi North told us that we should try and avoid this, when the only way we can try and avoid this is to bring this type of Motion, and here I am subject to correction by the Minister for Finance, it has come up quite a number of times, but, Sir, it is when the Minister delivers his speech early. The hon. Members will know that it is common knowledge that all the East African countries have to deliver their Budgets at the same time and on the same day.

Now, Sir, the road which was suggested that should be taken is that the Kenya Government should direct the other two Ministers for Finance to deliver their speech early so that we are not faced with this kind of Budget in advance.

Now, Sir, the other point which I wanted to make and to draw the attention of the Specially Elected Member, Mr. Jahazi, is this. He was asking what remains in the Consolidated Fund kitty. Sir, he only has to look at this book. He should know, if he knows how to read mathematics, that if he subtracts the amount given in this Motion from what is written in this book, then he will know what is in the Consolidated Fund. This is simple mathematics which he does not need the hon. Mr. Gichuru to give him. I know Mr. Gichuru is a teacher, but I honestly do not think he needs to teach the hon. Jahazi.

Mr. Jahazi: On a point of order, Mr. Chairman, Sir, I think the Minister is becoming a bit provocative, what I wanted to know is about the whole Consolidated Fund, not only the amount we are deducting from 61,211, but the whole Consolidated Fund which we are asked to approve.

The Chairman (Dr. De Souza): That is not a point of order, Mr. Jahazi.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, although the—

Mr. Ngala-Abok: On a point of order, Mr. Chairman, Sir, since it appears that the majority of the Members support the Motion, can I now move that the Mover be called on to reply?

The Chairman (Dr. De Souza):
..... (Inaudible.)

The Minister for Information and Broadcasting (Mr. Osogo): Now, Mr. Chairman, Sir, I would like to inform the hon. Member for Butere who spoke to me, the fact that he does not know the savings of the Ministry. It is not the mistake of the Ministry of Finance, if he does not know this.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. Minister—

The Chairman (Dr. De Souza): Mr. Shikuku, I think before you stand up on a point of order, you must know that there have been three points of order raised in the last three minutes which have all been fraudulent. Are you sure it is a point of order, because it is not really used to clarify what you have stated? That is not a point of order.

Mr. Shikuku: Mr. Chairman, Sir, is it in order for the Minister for Information to misrepresent what I said that—

The Chairman (Dr. De Souza): No, I do not think he is misrepresenting what you said. He has not yet finished his speech, and I do not think you are entitled to interrupt him.

Mr. Shikuku: But, Sir, I know what he is going to say.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, I was just talking to the hon. Member for Butere and it is unfortunate, because he did not understand when I explained his mistakes, that is why he says he knows what I am going to say. But, Sir, the fact is, and the HANSARD record has it, that the hon. Member for Butere said that the savings from each Ministry should be shown in this kind of Motion. Now, Sir, what I was trying to clarify to him is that this is always shown in the Supplementary Estimates No. 2, before the requirements of the Ministries are put forward for the new year. I referred him to the Supplementary Estimates No. 2 where he saw a lot of figures and at the top of the Vote he could only see £1, and in Appropriations-in-Aid he saw that savings from Vote No. So-and-so have taken care of the other figures he saw. We agreed on this. I

[The Minister for Information and Broadcasting] do not see why he is trying to interrupt me all the time because I am only trying to show him where his ignorance lies.

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, is the hon. Member in order to take advantage of my having talked with him and disagreed to try and tell the House that I agreed with him when I did not agree with him?

The Chairman (Dr. De Souza): That is quite irrelevant, I am afraid.

The Minister for Information and Broadcasting (Mr. Osogo): I said that he was agreeing with me and it is up to him to stand up and challenge me if he says that he does not agree with me on this. However, Sir, in any case, even if he does not agree with me—

The Chairman (Dr. De Souza): Mr. Osogo, you should not bring a private conversation into a debate.

The Minister for Information and Broadcasting (Mr. Osogo): I will then withdraw, Mr. Chairman, but if he does not agree with what I am saying now I would like to refer him to the Supplementary Estimates No. 2 and find what else is contained there.

With these few remarks, I beg to support, Mr. Chairman.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Chairman, Sir, I have just a few remarks to say on this Motion. The quarrel which my hon. colleagues have with the Minister for Finance does not arise at all, because what the Minister for Finance is asking the House to approve is what we are going to debate on, at least almost half of what we are going to debate on, and he just wants to see this House started, instead of making the House wait for the approval of the whole debate. He knows very well that the Members have a right of deducting money here and there when they are debating various Ministries, but what he wants is continuation of the work. Therefore, Sir, I do not see why we should take much time on this Motion. I feel that many Members who have the opportunity of debating this should wait until the time for debating is on and then they can raise the points which they are raising now.

With these few remarks, Mr. Chairman, Sir, I feel that the Motion is in order.

Mr. arap Biy: On a point of order, Mr. Chairman, Sir, I beg to call upon the Mover to reply.

The Chairman (Dr. De Souza): There is, strictly speaking, no right in Committee for the Mover to reply, but if the Ministry wants to clarify things, I will give it a chance to speak.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, as a matter of fact most of the objections which have been raised to the Motion were expected, because the main debate on the Votes is coming. Mr. Chairman, Sir, as I said earlier, we want the machinery of the Government to continue functioning and this is why we need this money at this time urgently to get things moving, including the Members of this Parliament.

Mr. Chairman, Sir, I beg to move.

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

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

REPORT

VOTE ON ACCOUNT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution and its approval thereof without amendment, namely, that, in accordance with section 124 of the Constitution the withdrawal from the Consolidated Fund of the sum of £30,605,505 made up in the manner set out in the Vote on Account laid before the House of Representatives, 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, 1967 until such time as the Appropriation Act for the year comes into operation.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

PURPOSE OF A VOTE ON ACCOUNT

The Speaker (Mr. Slade): I think, hon. Members, it might assist the House if I explained a little further exactly what the purpose of a Vote on Account is, such as has just been passed by the House. It is simply to enable the House to

[The Speaker]

take more time over consideration of the Estimates. Hon. Members were quite right in saying that no money could be spent by Government until it has been voted by this House. They are quite right to adhere to that principle. If you adhere to that principle on the Estimates which are presented for the year, it does mean that all the Estimates have to be considered and passed before the financial year begins on the 1st July. That would mean, as indeed in the past it used to mean, that the Estimates had to be presented not later than the beginning of June, and all the debate on the Estimates had to be finished before the end of June, which was a great rush, and a great inconvenience to Members.

The alternative adopted by, I think, the former Legislative Council perhaps a year or two before independence, was what we have now, that the House, practically as a matter of form, votes to Government half the amount of the Estimates, and then Government has the money for half the year. The House is then at liberty to spend right up to the end of October discussing at leisure the Estimates, before approving the other half. If you disapprove the other half, then Government has to think again before they get to the second half of the year.

That is the idea of this procedure.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 15th June 1966)

(Resumption of debate interrupted on 16th June 1966)

(First day of Budget Debate)

The Speaker (Mr. Slade): Here hon. Members will observe that although the Order is Committee of Ways and Means, I am not leaving the Chair, because we are still considering a Motion: "that Mr. Speaker do now leave the Chair".

Mr. Ngala-Abok: Mr. Speaker, Sir, I think that in this particular debate Members should take stock of what Kanu as a Government has done, what our Minister for Finance is budgeting for, what our aims are, and what our voters are going to benefit out of many of such budgets that take place from year to year.

I am, in fact, very much concerned with what the Ministry has budgeted for my district, South Nyanza, and for my constituency.

Mr. Speaker, I would not like any Member to interrupt me and confuse my speech, by saying, "That is right.", "That is it." and so on. I have not appointed anyone to say, "yes" to what I say. Consequently, the Member for Butere—

The Speaker (Mr. Slade): Order! Order! Mr. Shikuku, you must not interrupt the hon. Member.

Mr. Ngala-Abok: I want to speak uninterrupted.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member, having been in this House, not aware of the fact that some interjections are allowed, and that it is not a question of bad manners?

The Speaker (Mr. Slade): I have said on many occasions that some interjections are allowed. Indeed, they are desirable. However, running commentaries that interfere with a speech are not allowed.

Mr. Ngala-Abok: Mr. Speaker, Sir, our Minister for Finance has not tackled the question of free education. He spoke on increases, duties, other things, but he did not tell us what the Government is doing to try and see that in the long run free education comes to this country. This is the thing that confronts us when we are in the countryside. I think this can only come as a result of the Minister for Finance talking about it. I think it would be most unwise for our Government to try and overlook vital and important issues which confront the country.

I could say, "All right, our Budget is quite good", but when I am asked to show where the Government is attempting to fulfil what is in the Kanu Manifesto, I would probably talk of something which is not even attempted to be budgeted for. It is not shown anywhere that the Government is attempting to fulfil its promises.

I have read our Development Plan, the Economic Survey and I have read the Financial Statement. I have also read a lot of Kanu statements that are coming out every now and then, but I find it difficult to stomach the fact that any Government, which is as popular as our Government, is trying to talk of things which are not actually on a well-tailored programme. There are some things which a Member of Parliament who is not an executive, who is not a Minister, who is not capable of telling the people what we will do, must know and he should be able to refer the people to a concrete fact that is being planned. We do not mind planning on a long-term basis. We know very well that the Kanu policy is to give free education when

[Mr. Ngala-Abok]

the country warrants it, when the country can meet that expenditure reasonably and economically. This fact must be told to the people.

If there are some people who are planning that as soon as they form the Government, then within a few days they will give free education, this is something that the people will doubt knowing what the state of the country is. It is just not possible to do so without causing bloodshed. If you cause bloodshed, then you will imprison the people, because you cannot give anything free without letting the people know that you are giving them this thing free but at the same time they are paying for it in another way. We must let the people know that today they are getting free medical services but they have been taxed through this source, and the other. It is obvious that no country is going to give you free money, free things, you must work in one way or another to get something free. If you get one thing free, then it must come out of agricultural products, out of something else. This is the only way in which people can be provided with free services.

I was in Britain recently for about four weeks. They have a long history of hard work and hard planning, and what the country is producing is paying for the services of the country. This is a hard fact. Tomorrow even though I am voted out, I must still be able to speak the truth.

Our Minister for Finance must also be in a position to point out how the Government is approaching this problem of giving free education. We must start planning for it. We must start budgeting for it. If we just say that we are going to give free education, and then we do nothing about it, I do not think we will get anywhere. Our people will feel cheated. They are being told by people, who are frustrated and who have failed to stomach some of these hard facts of economic life, who have failed to try and use their manoeuvres to influence the Government, that things should be free. But these are the people who are now running away.

In fact, a Member of Parliament is questioned in his own constituency why he has not done this or that. What about the former Vice-President who for three years failed to give free education while he held the post of Vice-President? If he failed, then how can an ordinary Member of Parliament have succeeded during those years? It means that he failed because of personal frustration. The people should not be helped at random. So, it is necessary for the Minister for Finance to budget for free education now. If it is going to take ten years, never mind, but we

must begin working and budgeting for it now. We must tell our people that we are now taxing this category of people, this category of products, we are planning to get loans from this country and that, and that within a certain period of time the Government will be able to provide free education. I am not exposing my ignorance by saying this because I have read the Development Plan; I have done my best, but I do not see anything concrete. So, I have been led to think that we are not planning for something substantial. Of course, it is open for the Government to show me that we are fulfilling the Kanu Manifesto.

Mr. Speaker, Sir, I would ask the Government not to go to the polls in 1968 without concretely satisfying the people with what Kanu promised. If it means delaying going to the polls for another two years, it does not matter, but at least we must plan first. We are only going to give the free things when we plan. We are not going to cheat anybody. We are not going to allow the Government to own everything, create a state of capitalism, whip people all over the place, make them work like prisoners, and then tell the people that they are giving the people something free. We must plan and show our country that within political rights and within the freedom we have, everybody is free, we have so many African farmers, we are producing so much from the African farming enterprise, we are producing so much from this and that, and so we are able to give free education to the people. It is only hard facts that will convince the people that they will get things free through hard work in other directions. There is nothing free.

Now, Mr. Speaker, I would like to talk about a very important project in South Nyanza. This is in Lambwe Valley. I was told to go there about a week ago—

CONSIDERED RULING**SCOPE OF DEBATE IN BUDGET DEBATE**

The Speaker (Mr. Slade): Order, Mr. Ngala-Abok! I do not know if you were here when we started this debate on Thursday. I did point out to hon. Members then that this is a debate initiated by the Minister for Finance presenting a Financial Statement on the whole financial and economic outlook of the country, present and future. For that reason, though the scope for debate is very wide, I think it must be general debate on the general outlook of the country rather than any parochial issue. Parochial matters may be relevant to the debate by way of example on a general issue, but I think we will have to limit parochial discussion in this debate to that kind of case.

(Resumption of debate)

Mr. Ngala-Abok: Now, Mr. Speaker, probably your mind works in a different way in approaching this.

Now, let us look at the Ministry of Agriculture, as far as that Ministry is concerned, and what we are doing now to provide money in order to try and help this Lambwe settlement in South Nyanza. I was there just a week ago and I found that the tsetse-fly problem has increased. The settlers in that particular area are suffering quite a lot. When I was there within about two or three minutes—and this is absolutely true; if a Minister argues with me over this I think he should go there and see for himself—I had received ten bites. The flies come all over you.

The Speaker (Mr. Slade): I am sorry, Mr. Ngala-Abok, ten bites in Lambwe Valley are not really relevant to a debate on the Financial Statement. You must make it more general than this.

Mr. Ngala-Abok: Mr. Speaker, this is becoming very difficult while you are saying that we should speak generally, when I want to present a certain problem, I do not see how I can combine that with a general issue.

What I wanted to say is that we have not done enough to see that our schemes for the Lambwe settlement is dealt with properly. The problem is not being tackled. A number of Ministers visited the place and I think—

The Speaker (Mr. Slade): Mr. Ngala-Abok, if you do not understand what I have said, then you will have to sit down, I am afraid.

Mr. Ngala-Abok: The Ministry of Education is going to receive most of the money for its development. At the same time I hope that many of the educational problems that we have in the country are going to be dealt with. We hope that by this time next year we will be in a position to fulfil most of the promises that we made. We want to see improvement in teachers' conditions in the reserves. We want to see that the problems of the teachers are looked into and that many of the primary schools are improved by our Government. The Government should see that every county council carries out its responsibilities. There are many of our people at county council level who do a lot of talking but they do not show the people where their shortcomings lie. They do not do enough to show what the people should do or how the rural areas can develop. What I have noticed is that many of our people at rural or county council level are reluctant to accept their responsibilities.

They try to look for some person whom they can blame for doing some other thing. It is the responsibility of our county councillors, county council officials to see to it that all those problems within the jurisdiction of the county councils are tackled without reference to any other person who can be used as a scape-goat. I feel that the Government should be quick enough to define all the duties that fall on county councils and how they should be carried out. As a Member of the National Assembly I feel that the county councillors should do something for the people so that they feel something is really being done.

Mr. Speaker, Sir, it is very well to talk about hospitals, secondary schools, but the people want something very near to them. They want something that will be like a bond. They want development in a particular area. The people want to see Government carrying local development. Government must help the county councils with all community development projects; they must help the community development officials, agricultural development instructors. The people will appreciate this and it will be much better than merely talking of high-sounding schemes which probably help the people of Kiambu alone, or the people of Elgon Nyanza, while some other area is isolated and does not see any improvement at all.

While saying all this, Sir, I challenge the Government on any particular programme which is now planned for South Nyanza. I see nothing in the Plan. I think, in fact, the previous Plan was better. Nothing is now suggested for this area. There is no mention of any major project, or if there is one, there is no mention of when it is going to be tackled or when it is going to be implemented. There is not even an industry of any importance planned for this area of South Nyanza. So how can I convince the people that by 1970 they will have so many industries, so many projects and other developments in South Nyanza. How can I tell them that with all this we will be able to provide so many people with employment, so many people with farms. I think all this should be taken into account whenever we are planning. I have seen a number of colleges, a number of schools, a number of projects which are going to be carried out within the period up to 1970, but I have not seen any specific thing for South Nyanza. For example, Sir, the Minister for Agriculture said that South Nyanza was not good for sugar development, for sugar production. However the Government knows that jaggery is made in South Nyanza, and the Government was trying to get a market for that particular product. Later, when I brought

[Mr. Ngala-Abok]

a question to this House I was told that the people who owned jaggery in Central Nyanza, which, of course, was going to be closed and taken to South Nyanza, had taken this matter to court. Government was being challenged in the court, I think, at Kisumu, that this was a wrong suggestion and the people then running the jaggery factory in Central Nyanza could not agree to the factory being closed down and taken to South Nyanza. What I mean is this: it is no use talking about something if we cannot do anything.

Mr. Speaker, Sir, I understand that the Homa Bay Hospital which is being built, and which was to have 200 beds is now having the number of beds reduced to 100. Whether this is true or not, I do not know. If this is not true, arising from the Minister's interjection, I would not mind, but let us not see such a thing happening, because this is a vast district with difficulties in communication, and we have just mentioned the tsetse-fly problem and so on, so we should actually receive a hospital accommodating 200 people, and I think that the first phase of the hospital building will be opened immediately and our people will be able to receive surgery, midwifery and other medical services at Homa Bay.

Now, as far as the Ministry of Agriculture is concerned I think here again I must mention that also I understand, whether it is true or not I do not know—

The Speaker (Mr. Slade): Order, Mr. Ngala-Abok! It is very important that we get clear during your speech what is relevant and what is not relevant in this debate, because then I hope it may set the pattern for other hon. Members. You see, you started simply by talking about the Lambwe Valley settlement scheme as an isolated case, and I said that that was not relevant to this general debate. Then you moved on to more general grounds such as the importance of fulfilling promises, and of showing people something happening in their own localities, and you gave certain examples, which was quite in order by way of example. Now you are just on the point of coming back to the particular needs of Homa Bay without relevance to any general principle. You must not do that.

Mr. Ngala-Abok: Mr. Speaker, I have to complain, and I have so much to say and I think you will continue to help me out in what is actually relevant. I would not mind very much provided that you tell me that what I am saying is not relevant, but I have so much to talk about

which, of course, concerns South Nyanza, and this question of not being parochial is a little restrictive.

Mr. Speaker, Sir, I now wish to talk about something concerning the general attitude of our Government to the people, and to the country as a whole. I think that most of what we are planning and most of what our Government is doing is not easily understood by our people. We must use different machinery in telling the people what has been done, and what remains to be done in a locality, rather than informing the people of what has been done in a general way. I have been listening to what Kanu has been telling the people of what has been done or what they are intending to do. But as to the areas where these things have been done, we have not been told very much. I appreciate that we have informed the people as to what loans have been given to various county councils, and also about projects which the Government will be carrying out in certain areas, but I think that the more we inform the people about these things, of what educational facilities there are in an area; what industrial development there is for an area; what plans we have for giving people free education; what is the system of taxation we are using and why the people should be taxed, and how the Government is obtaining money. This, I think, would be more constructive and is going to make it difficult for our people to be told in passing that we shall do this for you, without any explanation as to how the money is going to be obtained for this, or without any explanation as to how they are going to receive this or that. I think the Government has the best machinery for informing the people, but it is not systematic enough. Taking everything into account, it is not giving the people the right education as to what the Government is going to do and where the money is coming from. Without telling them whether the money is coming from this source or that, one is liable to mislead the people. I think that the machinery for informing the people is not right, and the people might think that they are being cheated, or that there is propaganda to mislead them. We would like to see, Ministry by Ministry, for the people to be told what is planned for the various areas, when it is intended to achieve these things, what these things are going to cost and where the money is coming from. The main problem in our country today is to tell the people how they will receive what they want. The hard facts as to how the Government is going to do this and why it is not so easy, and why the people must think aloud, and why every individual must work hard, rather than saying that today we have one million pupils in primary

[Mr. Ngala-Abok]

schools; last year we had so many in such and such a school. This is all right for an educated person, but it is not easy for a person in a rural area to appreciate that the Government is doing something for them. It is better, for example, if a person in an area knows that in South Nyanza, or in another particular district, there are so many pupils in so many schools, and that we have increased this on a district basis.

Mr. Speaker, talking about those who are leaving schools at the moment, the Government has not tackled the problem of those who leave school at Standard 8 level, and at School Certificate level, particularly those who have failed. If we are going to educate our people and then not be able to provide jobs for them I do not think that this will help our Government.

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

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

In fact, this is where our people are going to be misled. We must be in a position to provide something to occupy those pupils who leave school, and also those who leave school at different levels, so that we do not have the question of someone going to a rural area, or to a community, and telling them that he had been educated but the Government cannot assist me with further education, or that the Government cannot assist me in obtaining a job. We know that our people trust their sons and daughters who have been educated. This is where, I think, our problem lies. We wish to see the Government planning for these educated people so that they can obtain jobs, or else to continue with their education. This, of course, will help us most.

Mr. Speaker, I think that what is actually lacking, and what is not budgeted for, is the people at the lower levels, the agricultural instructors, the medical assistants, and these people at the lower level could go with small schemes and instruct the people as to what they should do. There are so many people now roaming about the country. They try to tell the people what they, themselves, do not understand, particularly the politicians. If we allow these ignorant politicians to continue telling people what they think should be done, and yet it is not possible, I think this is too much. We must overwhelm our people with a lot of educated people at a lower level, in different ways, so that these people will be specialists and will be able to tell the people what they have to do. I think if we did this it would go a long way in helping our people.

Mr. Speaker, our foreign policy is all right, and I think that we have an enlightened foreign policy, and we want the Government to establish that we do not want to interfere with any outside country, and we just want to promote a policy of non-alignment—

The Deputy Speaker (Dr. De Souza): I think your time is up, Mr. Ngala-Abok.

Mr. Ngala-Abok: Mr. Deputy Speaker, I beg to support.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker, and I must thank the last speaker, as he had a lot to do with the Member for Butere, but I will leave him alone.

Mr. Deputy Speaker, I have a lot of documents here which I have to refer to, and I think I should use the Table. Mr. Deputy Speaker, I must thank the hon. Members first of all for having refused to debate on the Minister's Budget Speech last Thursday, this has provided time for some of us to read the Budget Speech and do a little homework, as you will see in front of me here, Mr. Deputy Speaker, I have the Economic Survey; the Development Plan, and on this side I have the Estimates of Recurrent Expenditure 1966/1967, and other documents, Mr. Deputy Speaker, like African Socialism, in my pocket, and so I think I will have something to say to the Minister and the Government of what we intend to do in this country.

First of all, Mr. Deputy Speaker, I must congratulate the Minister for Finance for having made his speech so ably. In addition, Mr. Deputy Speaker, I feel that the Budget as it is, so far as taxation is concerned, I would like to say outright that this has hit the poor man's pocket rather than the pocket of the rich man. Mr. Deputy Speaker, I say this because the price of those items which have been increased are soda—of course, you have people who do not drink like myself and the ordinary people on the streets, who depend on Fanta, and Canada Dry. This has been increased, Mr. Deputy Speaker. Another thing is matches, which the ordinary women in Bondo, Gatundu, or Butere use a lot of, and this, Mr. Deputy Speaker, has also gone up. Women last week, Mr. Deputy Speaker, complained to me and asked me if they had sent me here to help them or not. I told them that when I made my speech they would hear my views, and I am sure that they will agree with me now. Soap, hygienically we want our people to take baths and keep themselves clean, this also has gone up. Biscuits have also gone up. Mr. Deputy Speaker, I am not very serious about biscuits, because the ordinary man

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does not really care about biscuits, they are for the rich people. Nevertheless, the Minister for Finance gave the reason for all these increases that he was trying to discourage the importation of such items into this country. I think this is the opposite, because the ordinary man is going to suffer in order to stop a rich man from bringing his stock here. The rich man can afford this, I mean with the increase of 25 cents or 50 cents on any of these items which I mentioned, he can go on importing these goods, and the ordinary man will be taxed and taxed until he is dead. Why does not the Minister, instead of increasing the price of these items, say all right we will have a campaign to encourage the buying of our local biscuits, soda, matches or soap, so that the people will go and buy local products in order to promote the indigenous people of this country who are trying to build up these items, in order to build the economy of the country? I feel that it is completely unfair to try and tax the poor people on the items I have mentioned instead of trying to educate them as to which items they should buy from the local people here. I remember, Mr. Deputy Speaker, for example, in India, Gandhi instead of taxing the people, campaigned for the people to buy the cloth which was made in India. Many people bought the local products, and, as a result, the people had the money in their country, rather than having it going out of the country. I feel the same system should be introduced here rather than taxing the poor man. Of course, Mr. Deputy Speaker, the rich people do not use soda, they do not use matches but have lighters, soap, of course, is very cheap for them. These are all necessary things for the ordinary man, which he requires for his day-to-day use. Rich men take gin, vodka and all sorts of other drinks, so they do not care about that. I am sorry, the Minister for Finance is not here. The Minister did not hit at the rich men, because the only item he increased for them was petrol. That is all right for them as those people who have cars should be able to afford the increase. He did not hit them for so much apart from biscuits, which the sons and daughters of the rich men eat. I think more should have been done against the rich people, rather than against the ordinary man.

Leaving that aside, Mr. Deputy Speaker, may I come to the question of what I call the salvation of Kenya? Mr. Deputy Speaker, I will not say too much on this because I know that the time has come when we must not make long speeches no matter whether they are practical or not, because the ordinary man does not want *Maneno* any more, but something to eat.

Mr. Deputy Speaker, I will go straight off and suggest what I feel should be done in order to promote the economy of this country. I think Kenya Government has to change the present tactics of *maneno* and adopt the tactic of practical politics. In this, Mr. Deputy Speaker, I come to the well-known fact that Kenya is an agricultural country and her economy depends very much on agriculture. I have to say something more on this because, I think, the Government is not taking proper care and a keen interest in finding out how much we can get out of our soil.

Mr. Deputy Speaker, here I come to the question of the Ministry of Agriculture since we all know that we depend on agriculture in this country. but it appears that nothing serious has been done apart from asking people to go back to the land. Going back to the land is one thing and being on that land is another. We have to devise ways and means how our people can go back and stay on the land, because asking someone to go to the land and not making it suitable for him to remain on that land is useless, Mr. Deputy Speaker. I am of the opinion, Mr. Deputy Speaker, that all land in Kenya, every piece of land, should be made full use of. So far, Mr. Deputy Speaker, there is a lot of land lying fallow which is not being used at all. As a result, in addition to the droughts which we had, which the hon. Minister for Finance has touched on, we are getting too many people in the country doing nothing but being fed by very few. The result is going to be that in future we may be overtaken because we will not be able to feed these lazy, tired people who want to enjoy themselves at the expense of others. Mr. Deputy Speaker, some people say it is bad to force people to work, but if we have to save this country from any sort of disaster, then this Government has to think twice about its policy on land because we have to make full use of our land.

In some places, Mr. Deputy Speaker, you find that somebody has fifteen or twenty acres of land for himself and then he is being told to go back to the land; but how can one man dig twenty acres of land with his hands? I challenge any Member here to tell me this. Nobody can do it.

It is no use the Assistant Minister saying that he has done it. He is only telling us a lie.

Mr. Deputy Speaker, you cannot cultivate twenty acres of land with a single hoe. I think the Government has to devise a system whereby people will be organized so that the Government creates co-operatives for those with twenty acres or five acres of land onwards, and supplies them with practical means, not money; let us get them

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tractors, ploughs, fertilizers and everything: plough all that land in that part of the country and weed it, so that during harvesting time the Government can be paid back. I am sure this is not mere wishful thinking, but it is a fact that if we can plough all this land and make full use of it, we shall get crops out of it which will be able to pay back for the tractors; and the owner of the land will be able to pay the *kodi*, which is tax, and he will be able to buy soap for himself and to pay school fees for his child; and this will promote the economy of the country. But today to ask him to do twenty acres of land without a tractor is madness, Mr. Speaker. Therefore, I suggest that the Government has to go into the question of practical aid to the people on the land so that the people in towns, and so forth, could be asked to go back.

Some people, Mr. Deputy Speaker, it must be accepted—I know them—have land which they have used so much that there is no more, even if they plant nothing grows. We have to take care of such places, we have to create co-operatives which will enable these people with smallholdings to get more crops from the little land they have by using *maendeleo* in agriculture, so that the people who are loitering around in towns should be sent back home and make full use of them on the land, rather than looking for jobs in Nairobi: the jobs are not even seen nowadays.

Mr. Deputy Speaker, I feel that at the same time, in order to make use of our land, the prices of the crops that we grow must be attractive. One of them, Mr. Deputy Speaker, which is the chief food for the people in this country is maize, but the people are getting rather discouraged, at least the small farmers and even large farmers, because of the prices. It appears that somebody up somewhere is making exorbitant profits and there is a lot of profiteering by the people who do not even know where the land is. The ordinary farmer who produces the maize gets a very hopeless price and then it is sent up to millers who make almost 100 per cent profit, and the ordinary man who planted the maize does not get anything from that. He finds it is completely useless to go on planting maize, only to get very little while somebody else—Hamji Halji Patel, the miller—makes 100 per cent or over 100 per cent profit. The man who suffers is somebody in town, the brother or the sister of that farmer, because the price of flour here has gone so high that the ordinary man finds it very difficult to live on. Why should this price go up so high when the producer of the maize is getting very little? This

is, Mr. Deputy Speaker, in my opinion, big exploitation of the farmers, and that must be stopped in order to encourage people to go back to the land so that they can produce something, sell it, have something for themselves and have at least a balance in the bank; and this will help them.

Mr. Deputy Speaker, I feel the question of land consolidation which has been done in some parts of the country should be encouraged, and this question of asking how much one has before he is given a loan should be stopped. The land is there, he has a land title deed, and I think that is a security in itself more than anything else, because it is impossible for that particular person to take that land and run away with it so that the Government will be unable to find the land. The land will always be where it is; and, therefore, I do not support any idea nowadays, Mr. Deputy Speaker, of asking people what they have before they get a loan. I feel any man who has a land title deed should be given a loan, so that these people can have loans from the Government in terms of tractors. I do not believe in giving any money any more because we have too many defaulters. We must also be realistic. Our experience is that people have been given loans, and have used them for marrying second or third wives—I do not know whatever you call them—and helping their relatives, and so forth, but I believe in getting practical loans in terms of implements, so that these people can produce something on the land and get something for their livelihood.

Mr. Deputy Speaker, if I leave that aside, I come to the question of—if I may end up with agriculture, which is a very important issue, I feel the Government has to do much more on agriculture, so that we can produce more and, therefore, our people will have something to save and something to buy. The economy of this country depends on agriculture and more has to be done, rather than giving loans and just forgetting about the people and then giving us a long list here of defaulters. I feel there are so many K.P.E. students who passed and who can be used even in terms of commerce. If a loan is given to anybody who wants it, he should be given a loan, not in terms of money but he should be asked how much he wants to put in his shop and what sort of items. Those items should be bought and put in the shop; and we should get some of these K.P.E. passes who are loitering round the country and make them some sort of clerks to go round the African shopping centres checking on every item which has been sold, and then we can get that money from the

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traders, rather than giving them money which they may use for any other thing and become defaulters.

Mr. Deputy Speaker, may I come to one of the questions which I would like to say something very little about. It is the question of communication. Mr. Deputy Speaker, you will find that we have to do a lot about communication, because, for example, in the Western Province, it is a shame on the part of this Government that only twenty-eight miles of tarmac is available, because I do not remember any province which has only twenty-eight miles of tarmac road.

I think the Government has to do something for the Western Province before it is too late, because the situation there is horrible.

Mr. Deputy Speaker, you find the road from Kisumu to Yala, which passes through Western Province, has been left. The contractor there is very surprising because he has made diversions and these are more or less permanent, and I do not know why he is taking so long to get that road through.

May I now come to another point, which I feel I should say something about, and that is the question of unemployment. Mr. Deputy Speaker, the Minister for Finance has not told us anything in this programme about how possibly we could raise some funds, ourselves, within this country, and how we should distribute those funds to other people. Here, Mr. Deputy Speaker, I have some suggestions to make. I feel the wages in this country are very high indeed—very, very high—starting with the Members of this Parliament, the Senate, permanent secretaries, under-secretaries, the President and the Vice-President. I have always said we must make some sacrifice today, but up till now no leader has made any sacrifice at all. We are clinging to the large amount of money we have for ourselves and nobody is taking care of other people who are in an unfortunate situation. I feel the salary of the President, the Vice-President, of the Members of Parliament, permanent secretaries, under-secretaries and all the people should be reduced, and I repeat, Mr. Deputy Speaker, should be reduced. There will come a day, Mr. Deputy Speaker—I feel I must warn this House—when some of us will not be able to speak in this country because unemployment is getting greater and greater and we have to make some sacrifice—

QUORUM

Mr. Omar: On a point of order, Mr. Deputy Speaker, there is no quorum and the Minister for

Finance is not here to note down the points that Members are making and which we are expecting to hear about in his reply.

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

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): Yes, we have a quorum. Do continue.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. I think hon. Members must be quite interesting by absenting themselves, especially the Minister, twenty-three of them.

I was coming to the question of too many Ministries, too many Assistant Ministers. I think we have to cut down all these people. I have always said that a maximum of fourteen Ministries can do this country very well. I do not see any need for twenty-three Ministers, twenty-eight Assistant Ministers which are not necessary at all; we must cut down in sacrifice.

Mr. Deputy Speaker, you find that people in high positions—permanent secretaries, under-secretaries, provincial commissioners, district commissioners, and so on—who are earning the former imperialist salaries do not even employ people. I think it should be made compulsory for these people to employ people also, so as to reduce the unemployment. Mr. Deputy Speaker, one of the—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, can the hon. speaker substantiate the fact that some people—the permanent secretaries—are not employing people to work in their houses? Could he tell us and quote one as an example?

The Deputy Speaker (Dr. De Souza): I do not think this is a general type of allegation that requires substantiation.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, but if you want me to, I will do it because I know what I am talking about.

Mr. Deputy Speaker, since my time is running out fast and I still have a lot of points, may I come to one of the vital issues, which is that of *Harambee* secondary schools. We have been encouraged by the Government to try and start *Harambee* secondary schools in various areas, but it appears that the conditions the Government is giving us are so bad that some of the remote, poor areas are not going to be able to meet the conditions which the Government is laying down before it takes these schools and runs them. The Government says it will take schools which are well run, which are well looked after, but I feel this is useless. Let it take over

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the *Harambee* schools in the remote areas where people are poor and make them run, rather than taking the ones which are good already, because this is what is going to happen, Mr. Deputy Speaker. Places like Kiambu, Nyandarua and some parts of the Rift Valley will have their schools taken over, and what will happen to the poor people in Butere where you find to raise Sh. 5 is very difficult?

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

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

What will happen to people in Turkana where they do not even have *Harambee* secondary schools? What will happen in Masai? These places have to be looked after, Mr. Speaker, and if we make the condition that only the well-run schools will be taken over—some schools in the places the Ministers come from are well run because the Ministers contribute a lot to them because they have the money to do so—they will only be taken over in certain areas, and the people in places like Butere will not have these schools taken over.

Mr. Speaker, I feel it should not be a question of the properly run secondary schools being taken over; rather the remoteness and poverty of the area should be considered, in order to help the people, otherwise we shall find that only those places with very many rich men will be able to go ahead and this will not be encouraging *Harambee* in the real sense at all. Therefore, Mr. Speaker, I feel this Government should do something about that, too.

Also, there is the question of teachers, Mr. Speaker. You will find that teachers are moving from one end to another. These days you have some teachers leaving the profession and joining the Government or private firms. This is because of a non-uniform salary, and I feel the Government should set a standard salary. If you are a K.P.E. in Shell, you will have to get the same salary as a K.P.E. in Government or one who has taken P3 teaching, so that we will not have these teachers running from the teaching profession and going to join private firms or the Government. Mr. Speaker, I believe it is very frustrating because we need teachers to teach our children, but today we are having a very poor class of teaching because most of the teachers have to study and when they do their studies, they have to pass, and when they pass, it means a failure to the children in the primary or intermediate schools. Therefore, I feel the standard of teaching salaries should be set, so that there is no question

of a K.P.E. or a School Certificate person in Shell earning a different salary from the one who is teaching, and the one who is teaching earning a different salary from the one who is in Government. I feel this is very, very unfair and a standard should be set, so that we can have this question rectified.

On the question of health, Mr. Speaker, I may say that health in the Western Province is so horrible and the Minister for Health should be ashamed of it because the provincial hospital is so dirty that one can hardly think of it. I think more has to be done in the Western Province, in order to get the support of the people in that area.

With these few remarks, Mr. Speaker, because my time is over, I beg to support.

Mr. Omar: Mr. Speaker, Sir, I rise to congratulate the Minister for Finance on the able manner in which he introduced the Budget speech. However, there are a few points which I would like to mention, Mr. Speaker.

Firstly, I would not say that everything is all right in the garden because I feel that our Government has a primary duty to do in order to improve the general standard of living of the ordinary man. Since independence has been achieved, the ordinary man feels that he has not yet enjoyed the fruits of independence. It is only a few people—those who have jobs with the Government or big firms—who are enjoying the fruits of independence, and the ordinary man does not feel he has much to enjoy, because some people were jobless during the colonial days and since independence up to this time they have been jobless. The Government tried to reduce unemployment by introducing the Tripartite Agreement, but this agreement lasted for only one year and put people in the same position of unemployment.

Our KPU opponents are using this as a tactic to obtain the confidence of unemployed persons, so my suggestion here, Mr. Speaker, in order to alleviate unemployment in the country, is that Government should reintroduce the Tripartite Agreement, and this agreement should last for two or three years, if possible, and not one year as happened in 1964. We must do that, Mr. Speaker, because, as I have seen in my constituency, the KPU supporters are using this situation to obtain the confidence of unemployed people.

Another point I want to bring up, Mr. Speaker, is about Graduated Personal Tax. As many people are unemployed, I do not think it is right

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for Government to try and tax unemployed persons because they do not have any means of earning their livelihood, and therefore it is not fair for the Government to tax those people, asking them to pay Sh. 4 every month. I would suggest that these people should be exempted from paying tax until such time as they get a job with a company or with the Government. Once a person gets a job, then he would be asked to pay the arrears of the taxes which he has failed to pay during the time he was unemployed.

Also, regarding this spirit of *Harambee* in the country, in order to build secondary schools, clinics or health centres, I would suggest that Government should reintroduce the locational rates which were in force during colonial days. During colonial days each location, Mr. Speaker, paid locational rates, and these rates were used at locational level for increasing the number of primary or intermediate schools or improving the standard of roads in each location. The present system of taxation, where it is controlled by the Central Government, sometimes does not benefit the people in different locations because, as we have seen in the Development Plan, the Government has a plan to improve some roads or to build some secondary schools or clinics, and there are some locations which are not included in the Development Plan. Therefore, it will take a very long time for some locations to get more schools or more clinics. If we had rates levied at locational level and the money spent at locational level, it would be much easier for the people to see that there is quick development in their locations. So I have a feeling that the Government should reintroduce locational rates, so that the people in each location make an effort in raising their rates and increase the number of their social services through the locational rates that they will have collected.

Another thing I have to say, Mr. Speaker, is about land reforms. I think there is a real need—particularly in the Coast Province—to change the land reforms, especially in the former Coastal Strip because, although the Sultan is no longer there, the landlords who were there during the colonial days are still the landlords of today. This makes the indigenous people of the Coast Province remain squatters. Many of them do not have places to cultivate. We have asked questions in this House and an assurance was given by the Government that it was going to send a ministerial commissioner to go and make an investigation of the land question in the Coast Province. Now, over three months have passed, Mr. Speaker, and we have not seen the ministerial

commissioner coming to the Coast and making an investigation of the land problem. This matter was given wide publicity in the Press and over the wireless, and we have tried to make the people patient and say that they should not ask about the land because the Government had pledged to send a ministerial commissioner to go into the matter and the problem should be solved. But up to now the Government has not done anything. Members of the Government come to the Coast for other purposes, and they seem to have forgotten about their promise. We Coast Members are always asked questions by our people about this ministerial commissioner on land, so I would like to remind the Government to send the ministerial commissioner as quickly as possible, in order to try and solve the land problem in the Coast, because, Mr. Speaker, our KPU opponents in the Coast are also trying to exploit this as propaganda, and saying to the people that most of them are still squatters, although we have achieved independence, and although a promise was made by the Government that a ministerial commissioner would be sent to the Coast to make an investigation of land, nothing has been done.

This is not a laughing matter, Mr. Speaker, although I have seen some Assistant Ministers laughing here. It is a serious matter that Government must go into, otherwise the KPU supporters will gain the confidence of the Coast people and the Coast people will not be to blame, it will be the Government because it shall have failed to keep its promise that it made in this House. I am very serious about this, and the Government should know it.

Mr. Speaker, my next point is about commerce. I am not talking about this matter as a racial issue, but it is a true fact that if you go to Mombasa and all the other big towns, you find that there are very few Africans owning big shops in towns.

Most of the African businessmen are beginning to embark on business and they are expecting the Government to give them some sort of help by persuading the landlords in the towns to reduce the shop rents so that the young African trader who is now embarking on business can do his business easily, without much difficulty.

Now, Mr. Speaker, Sir, although there is rent control it does not do very much as expected in order to help a young African trader who is beginning to participate in business. So, Mr. Speaker, Sir, I would suggest that certain shops in townships should be allowed to be rented only to African traders, because if we do not do that the feeling that the African has, that the Africans are exploited by the Asian traders, will remain.

[Mr. Omar]

We cannot build a Kenya therefore with such a feeling. We want to live harmoniously and peacefully with our Asian brothers who have been in the trade for a long time and we must maintain that spirit by giving privileges and more opportunities for African traders to participate effectively in the business world. I think this is a thing which our Government should go into. Also, Mr. Speaker, Sir, I think the Government should try and ease the terms of loans given to the African traders. The present terms of loans to the African traders are so complicated that there are very few African traders who can get the loans, because sometimes they require security which they just do not have and therefore they do not get the loan for which they applied in order to promote their business.

So, Mr. Speaker, Sir, the Government has a duty here to ease the terms of loans to the African traders and not to keep strict conditions which the Africans cannot meet at the moment. The loan is given in a form of goods, it does not come in cash at all, so this question of the Africans, when they get a loan, going and obtaining three or four more wives is not true.

Now, Sir, another thing which I would like to point out and that is the need for technical schools. Mr. Speaker, Sir, we need these technical schools to teach our children carpentry, sewing and other commercial subjects. Mr. Speaker, Sir, the present system of education in this country does not really entirely fit the needs of the manpower we need in order to develop our country. During the colonial days there were some technical schools which could admit those boys who left school at Standard 7 or Standard 8, whether they had passed or failed their K.P.E., but now there are very, very few technical schools in the country and therefore the admission for those boys who are interested in technical subjects, is very limited. There are very, very few boys accepted. So, Sir, I think there is also a need for the Government to allocate more money so that more technical schools can be built in order that more boys may be admitted and trained in various technical jobs.

Mr. Speaker, Sir, another point which I want to raise is with regard to international politics. We people in the Coast Province are very much bothered by our neighbours from Tanzania, because there is no entry restriction in Mombasa. What happens, Mr. Speaker, Sir, if a man leaves Tanzania, is for a man to come either by train, bus or sometimes they come on foot if he does not have the fare to pay the bus or train, but, Sir, you find that there are so many hooligans

from Tanzania coming into Mombasa. The crimes which are taking place in Mombasa if they are investigated you find that the people committing them come from Tanzania. Sometimes, Mr. Speaker, Sir, they are sent to prison and the magistrate orders that once they are released they are to report to the nearest police station in Mombasa for, perhaps two or three years. This, Sir, keeps a great number of thugs in Mombasa. I think, Sir, the Government should advise the magistrates that if a Tanzanian is committed and sent to prison, after he is released he should be taken back straight away to Tanzania, because if we did not do that there is the danger that we shall have a great number of thugs coming from Tanzania and I feel this is very bad.

Mr. Speaker, Sir, we see the offences these people are committing almost every night in Mombasa, cases of burglary are reported, night-club fightings and so on, and those who are involved in these incidents are not the local people, most of them are Tanzanians. So, Sir, I think the Government should watch closely, particularly in Mombasa, to see that entry into Mombasa is restricted, in order to avoid the Tanzanians coming into the country. They also have a habit of forming clubs, for example, the Tanzanian Club but not really using this club for social purposes, they are using these clubs for political reasons. I know that they have a club in Tana River and quite a number of clubs in Mombasa and are now extending them throughout the Coast Province, and at all these Tanzanian Clubs they do not talk about social activities, all they do is to support the politics. They despise our Government and support the KPU supporters and policy.

Now, Mr. Speaker, Sir, this sometimes attracts the ordinary Kenya person who has been jobless for some time. I think that the Government should keep a very keen eye on the Tanzanian Social Clubs which are spreading throughout Mombasa.

Mr. Speaker, Sir, I feel that there is one thing which I must touch upon, and that is about communism. Mr. Speaker, Sir, I condemn communism very strongly, because is different from our customs. Preaching about the nationalization of the land is against our customs because according to our customs particularly the Nyaka people, a Coastal tribe, you will find that every tribe has its own piece of land. The land is owned by clans, or by members of a particular clan and therefore trying to spread the propaganda that the land has to be nationalized for the use of the whole nation is a very bad thing because it does not comply with our traditional customs.

[Mr. Omar]

According to our traditional custom each clan, or member of a particular clan, wants to own his own land, his own house, business, his own wife and children, in fact, Sir, everything. So, Sir, I must condemn communism in the strongest terms possible because it is against our traditional customs. I wish our Government would take some very strong measures against the advocates for communism, because in some places, although the principles of communism are contrary and undesirable to our traditional customs, it still attracts those people who are very poor, those people who do not own any land at all which they can cultivate. It attracts those people who have been out of employment for a considerable length of time.

Mr. Speaker, Sir, when these people happen to meet the KPU supporters who advocate communism, they are given propaganda that the land will be owned by the State, everybody will get a job and there will be no unemployment or this and that, and, of course, this attracts the ordinary man, and the ordinary man outnumbers the people who are enjoying, today, the fruits of independence. So, Sir, we should not despise the KPU, but try and do everything possible to crush them, keep them away from the public. I would like to suggest to the Government that it does not even allow them to hold public meetings and speech on communism. If they are going to be allowed to address public meetings, then they must advocate the Sessional Paper No. 10, which was accepted by every Member in this House and even by the KPU supporters themselves, because when the Sessional Paper No. 10 was introduced into this Chamber it was debated and accepted, even by the leaders of the KPU.

Mr. Speaker, Sir, I would now like to comment on the amount of money the Government is spending on renting houses for the civil servants, Ministers and the Assistant Ministers. I was delighted to hear the announcement by His Excellency that he had created a Ministry of Housing and I hope the Minister for Housing will see to it that he gives a lot of money so that houses can be built for Ministers, Assistant Ministers and for the civil servants, so that the money which is now being spent on renting houses for the Ministers and some civil servants should be spent on other development projects.

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

Mr. Omweri: Mr. Speaker, Sir, I would also like to join hands in congratulating the Minister for Finance for his speech which he gave to this House outlining the Government's policy with

regard to finances. I think the public has given a kind of support, in that we have not heard a number of yells or criticisms about it from private sectors or from individual people saying what they feel about it. It looks as if the Minister was quite fair and the assurance is that we have not had much criticism.

Here, Sir, I would like to give the Minister certain hints which, I think, he did not impress upon very much, and a number of people, although they have not come out publicly, still say that the Government was rather unfair on the poorer class of our country, particularly with regard to the taxation.

Mr. Speaker, Sir, it seems that to tax, for example, petrol which the ordinary man uses, is a bit unfair. Although, Mr. Speaker, Sir, people might feel that this was done to affect the number of car owners it is found that in towns, like Nairobi, for example, people who earn very little salaries who go and buy vegetables brought down from the reserve find that the prices have also gone up. This is an indirect taxation because they have given the reason that because petrol has gone up in price so must the vegetables because the transport prices have gone up due to the petrol price going up. I think, Sir, the Ministry should have, in this case, given some consideration that if petrol was to be raised it should not have been raised as high as it was.

Mr. Speaker, Sir, I also think that this becomes rather expensive on the fellows who want to come into business, particularly the Africans, who are starting the used vehicles, but when they find out the running cost of their vehicle they become discouraged in participating fully in the business which we want them to join.

Mr. Speaker, Sir, I also found that the people who could not afford to buy beer at Sh. 2/50 but could afford Coca-Cola were rather taxed heavier than those who drink beer, and I thought the Ministry should have given some consideration that if the mineral water was taxed he should also have taxed the other stuff, which includes—
Mr. Speaker, Sir, if the Assistant Minister would only listen to me he will follow what I am saying, that the Ministry this year has been rather hard on the poorer class who can afford to buy the cheaper things than the fellows who can afford more expensive and more luxurious things.

Mr. Speaker, Sir, I did think that the increase on matches was rather high. I think the increase in the percentage the Ministry gave was rather big. I will agree that the Minister wanted to have more companies and more investment coming into the country, but it would have been better

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if we had had more taxation on corporation and company taxes rather than tax these particular items which are used by the ordinary men who cannot afford more expensive things. I thought matches, for example, should have been left free.

Mr. Speaker, Sir, instead of taxing these things I thought the Minister should have increased income tax. However, what we see is that there is a reduction in the income tax, but that salaries have increased, more people have gone into higher scales, therefore the income tax should have been raised and brought more money for the Government, so that the poorer class would not have been taxed the way it was during the last Budget speech. I find that in the income tax class people are going to be free, perhaps there is a reason why we should therefore have this year's income from income tax reduced nearly £1 million. We should find out why this is so, because we would like those who can afford—

Mr. Speaker, Sir, the Sessional Paper No. 10 says that those who have more should pay more and in this case, I thought that those who had more income should pay more to the country and that should not be the reason why the Ministry thought that there should be a reduction in the income tax amounting to more than £1 million.

Mr. Speaker, Sir, with regard to the Central Bank of Kenya, or *Banki Kuu*, I thought the Minister should be congratulated here, because he cleared some of the doubts which the country had not knowing whether our country was going to remain without one or whether we were going to wait and see what happens, but he cleared this by saying that the *Banki Kuu* would be started very soon, and actually that an amount of ground work had already been completed. However, Sir, I think I would like the Minister to clear things here, because I understand that the appointment of governors and directors has been made not on ability but favouritism, and therefore, Sir, I would like, when the Minister replies, him to tell me and make it clear to me how those fellows were appointed to be the directors of *Banki Kuu* and also the qualifications of the governor. We understand that the four directors are only from the central area of the country, and that the selection has not gone far enough to include people from all over the country, because we would then probably have seen one from the centre, east and west and one from the north, which would make up the required number. However, Sir, I understand that the whole lot are from around here and it is not therefore going to be *Banki Kuu*, but *Banki Small* of the central area.

Mr. Speaker, I would also ask the Minister for Finance to go ahead and effect the Motion we passed in this House, that we and the country want a co-operative bank now in order that we can have the co-operative set-up having a means of raising money for local expenses. In this case I would suggest that the Motion passed in this House should be effected now that *Banki Kuu* is ready. This should assist to carry on financial business which hitherto was only controlled by foreigners.

In this connexion I would like to say that the national insurance company has not done much, and the Minister should have given an indication in his speech, what plan he had to help this insurance company to open branches. At the moment it is only in Nairobi and many people do not, in fact, know that it exists. There is no publicity given to it either on the Voice of Kenya or anywhere else, and the services which this hon. House intended for this company to give the country is not felt at all. So I would like the Minister to give an assurance that he is going to work hard to see that this insurance company service is widened and spread all over the country. If this is done, Mr. Speaker, Sir, people will be quite happy.

Turning to commerce, Sir, I would like to mention a few things here because this is where a lot has not been done. We have the Kenya National Trading Company which the Minister referred to, together with a few other national agencies which come under the Ministry of Commerce. I think, however, that the Treasury is rather hard on these corporations in that it does not give them enough finance to assist these corporations in order that they can help the poor Africans who want loans. We would like the Treasury to give more money, for example, to the Industrial Commercial Development Corporation as well as to the newly established District Trades Development Boards. Some of these boards have no money and the reason is that the Treasury has not given them any money. I think, here, the Ministry of Finance should immediately increase the Vote for this, because here we have a proper method in which we can utilize the African manpower. This will be done in commerce; at the moment African manpower is not being properly utilized. We have potential traders but they cannot go ahead and make any business because they have no capital. We want the Government to assist these people. We have a number of people who would like to have farms established, perhaps they would like to establish companies, there are manufacturers, but they cannot do this simply because Government does

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not assist them. Some of them are trying hard on their own but Government does not come out to support them. We would like Africanization in industries and commerce in general, and Government should go all out, particularly the Treasury, to help these people to participate in commercial economy; otherwise we will have a lot of criticism from the people, saying, "Government is not helping us out of the difficulties which we have been experiencing for a long time. We have been exploited by the foreign businessmen for a long time."

On the agricultural side I would like to mention that the Ministry should give more money to development boards so that we can have Africans raising the capital and the production of our country. At the moment we find that the loans which are given are really given to people who have large areas, large acreage; these loans are limited to a few people who have gone on to settlement or bought large tracts of land. We would like that small-scale farmers should also be assisted, particularly when it comes to planting. We find that the Ministry of Agriculture is not doing very much about these small-scale farmers and we would like that the excuse which we are given locally that, "The Treasury has not given enough money to our department and, therefore, we cannot give more loans." to be checked from the top. The Minister for Finance should look into this and realize that unless we give enough money to the people to use we will not be able to raise the economy of this country agriculturally. Here, Mr. Speaker, I must stress that agriculture, as everybody knows, is the backbone of our development, but we can never develop if the people who are to develop the country agriculturally have nothing to support themselves, they have nothing with which to use the modern machinery. For example, they cannot hire tractors, they cannot get hybrid maize which is ten times as expensive than the ordinary maize. How can they afford this? We must see that we help these small farmers to get enough capital to carry out modern farming to the extent of raising the economy of the country. Unless this is done, Sir, I am sure that the country will always find itself short of food. At the same time we are bound to find that we do not have enough to sell to other countries in order to bring in foreign exchange which the Ministry of Finance is quite happy to have.

I would now like to refer to the Development Plan which the Minister kept on referring to while speaking here. Some of the things listed here, for example, roads, are very limited. In fact, I would not call it a plan, it is just a

number of measures to state what has already been done. Take for example, tarmacking roads is not given enough chance in the Development Plan. Probably the reason is that there is not enough money to develop these roads to bitumen standard. What I would like to suggest is, a road like that from Kisii to Tarimen. There should have been a gradual development plan to indicate that this year we are going to tarmac ten miles, the following year we will tarmac twenty miles, so that it is a progressive growth and people realize that Government is doing something. What is happening, however, is that a particular road has a gravel surface. Once you have ploughed it and made it passable, then it is already a gravel-surface road. However, in order to maintain such a road and to improve it we would like the Ministry to give more support so that we have bituminized roads in the country.

I would like to turn to employment as one section of the Development Plan. At the moment the recruitment system for people either into the army, a Government department or private sectors is not properly done. I think the Minister should have given an assurance also that he will see to it that there are enough funds available for people who do not have a proper training for them to be trained in order that they can go out well equipped and so manage their own lives. If it is left as it is, then we find that every year there is an accumulation of youths coming over and we do not have any plan for them. This is going to prove very difficult because in the end we will have too many people having too little to do and all the time complaining. I would like to mention, for example, that during recruitment time it seems rather odd that only a particular section in a district gets recruitment this time as well as next time. Proper machinery should therefore be devised by the Ministry so that when recruitment is carried out it covers all the sections of a district and all parts of the country.

Now to touch on something in connexion with foreign affairs and the policy on foreign affairs in general. I think it is quite fitting here to congratulate our President, Mzee Jomo Kenyatta for the good image he has given to the world, that he is a good statesman. He has done quite a lot to see that he draws Africa onto a more peaceful road than it has been in the past. He did this when he brought to Nairobi heads of eleven countries; they discussed items of mutual understanding which will help our neighbours to continue harmoniously. However, we would like to suggest to the Government that it should not be so cheap as to keep on replying to certain announcements from individuals. I think there should be an

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individual to deal with certain individuals. What I mean is this: Radio Mogadishu which is harmful—I think the Government should have a plan to teach our people to understand the policy of Kenya, but we should not like the Government to get involved with a small man like a consul in Dar es Salaam who, after getting drunk on beer, starts yelling and our Government finds that is an important point to reply to. I think that should be left to others because the moment the Government replies, then it looks as though it was a big issue. After all, I consider them to be rather childish and I think our Government should keep aloof from all this and should maintain its integrity and dignity; it should not bend so low as to come down to the Mogadishu level.

Mr. Speaker, Sir, I beg to support.

Mr. Mbogoh: Mr. Speaker, Sir, I also congratulate the Minister for Finance for his wisdom in reading a Budget which could have been read by anybody; however, he is responsible for that Ministry and he did what he did very well.

Mr. Speaker, this Budget should be called the poor man's punishment as it punishes the poor man. When we increase the price of a box of matchsticks as well as the price of soap, this brings the country to the point of having a very, very dirty nation where nobody washes, a very hungry nation where nobody cooks. All this is because the price of certain things are too high.

Mr. Speaker, although petrol was increased in price, and quite a number of us thought it was fair, it goes further than that because it hits at the poor man. I say this because the buses on which the poor man has to travel will need petrol and the price of the petrol will reflect on the poor man. The bus owner will have to increase the prices of the fares. In that case you will find that the poor man is badly hit.

What I would have liked to see is a Budget where a 5 cents increase on a box of matches would be a Sh. 10 increase in the salary of a person who is getting Sh. 30 per month. That would enable him to balance his budget. I do not think that this is helping the poor man very much, except that it might be possible at a later stage to recover after seeing what projects the Government has initiated in order to help the poor man.

Again, Sir, I would have liked to see the present taxes being reduced; what the poor man is paying at present should be reduced to nothing because it is useless to tax somebody who is earning nothing. Why should we tax somebody who is earning nothing? Where is he going to get this money to pay the taxes from? The people who

do not earn anything and are still expected to pay their taxes go to prison; they like it there after a time. They call it, "Kenyatta's Hotel". I am sure that is not what we want in this country. We want people who can pay to pay and those who cannot pay should not be asked to pay.

Mr. Speaker, there is another thing here on which I want to congratulate the Minister for Finance, that is, the establishment of a national bank. When we have our national currency I hope that this will stop some of the difficulties we have at the moment of money flowing between the three boundaries of Mogadishu, Dar es Salaam and Kampala. This kind of money is sometimes paid by foreign Governments to help subvert our Government. As a result of this you find our people going to these places to meet the foreigners there and get the money. Later on it will be quite difficult to change such money without the notice of the Government.

When I come to the Ministry of Education I find that our Government is adopting a very dangerous policy in regard to our students who are in foreign countries. You find that there are some of these students who have the qualifications which call for help from the Government, but because of some queer arrangements somewhere, these students do not receive any help from the Government. As a result when some of our people from this country who are anti-Government go to those countries, they go and preach to these students that our Government is against them, they tell them that our Government is a Fascist Government, and that is the reason why they are not helped by this Government. I hope that in the future our Government will look into this and see that our students who are in foreign countries are informed as to what is happening here in Kenya. It is no use allowing them to adopt an anti-Government attitude. It is high time that our Government tried to bring them nearer to the things which are taking place in this country.

Recently, Mr. Speaker, there were disturbances in Uganda and at that time we saw quite a number of our students in Uganda ran away from there and came back to Kenya. I am sure that such students would number more than 600 and they have not been catered for by anybody. It is definite that something will have to be done otherwise some of them who have very good brains will not make use of them. Some of these students were to have done their school certificate this year, others were in Form II, Form III and Form IV. It would be a good thing to absorb them in our own schools in order to claim them from the streets.

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Now, I would like to make some constructive criticisms on our Government in connexion with some statements which were made recently by some people. It seems that our Government has gone very soft on very many things, especially on this question of foreign affairs. What do we see? We usually find that a Somali person sits in Dar es Salaam—our neighbour—and shouts slogans against our Government. He does that on East African soil. We expect our neighbours in Dar es Salaam to be good friends and so we cannot allow such bad statements to be made against a Government, our Government, by people whom we consider to be friends.

They just keep quiet, to hear again after that, a Tanzanian Minister is attacking the Kenya Government in London, and shouting slogans against Kenya, saying that they are not interested in the Kenya leaders, their interest is with the people. This is the policy of KPU obviously, and means that he supports KPU. It means that we have to ask ourselves whether this is the policy of the Tanzanian Government, or if it is the policy of an individual. If it is the policy of the Tanzanian Government, is it not high time they spoke frankly and said that they support KPU and not the national Government in Kenya? Mr. Speaker, I think the Kenya Government must be tough enough to take up some of these statements, and report to the people of this country whether an East African Federation will be possible or not. Otherwise, if an East African Federation is possible, it will not be possible with such statements coming from one of the partners in the future Federation; I do not believe that it will work. Mr. Speaker—

The Speaker (Mr. Slade): Mr. Mbogoh, I think I should remind you and other hon. Members who may be tempted to talk about these recent issues, that criticism of a friendly country, or its Government, is restricted to a particular Motion for that purpose, a substantive Motion. It cannot be allowed in this debate. This does not stop hon. Members criticizing individual statements even by Ministers of a friendly country, as long as you regard them as not being statements by the Government.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, I do not know if I am correct but I would like your clarification on this point, as to what is regarded as a friendly nation? Whether it is a State where there is diplomatic relationship, or if it is a State which is understood to be friendly without there being any diplomatic relationship.

The Speaker (Mr. Slade): It means any country with which we have friendly relations, which usually means diplomatic relations. But almost any country with which we are not at war or near war.

Mr. Mbogoh: Thank you, Mr. Speaker, for drawing my attention to this, my aim was not to criticize the country but I was only expressing a wish that the country where this Minister came from would come in the open if they think there is anywhere where they think our policy is wrong.

Mr. Speaker, I would now like to criticize our Kenya office in London. I visited that office once to find that it looks very foreign to our students in London as the employees there are Europeans, and every other foreign mission I visited I found that they have their own nationals working in their offices and when their students go there they find their own people. In our London office it is all Europeans, and when you go there you find a very old serjeant-at-arms, or whatever he is called, he appears very antagonistic to the students, and it is time that our Kenya office in London should look like a Kenya office, and not like a London office where you have foreigners. You find that most of the people who are working there are not Kenya citizens, and I do not see how our foreign office can be run by foreigners, and also be expected to handle some confidential material. In that case, Mr. Speaker, I think the Ministry of Foreign Affairs, which is now under the President, should make an effort to see that when we mean Kenya, we mean Kenya and not a whitewashed face of Kenya or a carbon copy of another country.

Mr. Speaker, I now come to the Ministry of Home Affairs, which is one of the most important Ministries in the country today. I would draw the attention of the Ministry to the police in this country and point out that they are expected to be the friends of everyone, and when they are expected to be friends with everyone, except those who are criminals, their houses sometimes are so bad, so poor, that when they live there they become demoralized, and become different people from what they are expected to be. Improvements to police housing is very important because a healthy mind should live in healthy surroundings, and in that case when he goes out he is cheerful, and he will meet the people and will act a policeman, not an enemy of the people. Mr. Speaker, again here when I plead so much for the police housing, I would also like to plead to the same Minister for police behaviour, because I think it depends a lot on their housing; for their training, where they are trained and who

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trains them, because if they are expected to be the friends of the people they must work, and work very, very effectively without being very, very wild to the people and they must also be honest. I have seen in the court the other day where a policeman was being prosecuted by others because of bribery. Some of them are very senior officers, and I find it very difficult to understand now a constable will be able to be honest while his senior officer is not honest. I think if such policemen are properly trained by honest men, we could have a very healthy police force, and we will be very happy to work with them without being victimized by anyone. Mr. Speaker, this will also help to improve the dignity of our country to a high standard when visitors come to see us. London is very much respected because of its police force. You find that when anyone goes to London he says that a policeman in London is a policeman and he is also a friend. I do not see why Kenya should not be better than that, if the policemen are properly trained. Mr. Speaker, I do not want to put so much stress on the police because sometimes they harass people in the streets; sometimes they harass people in their houses, and I would not like to criticize them very much because someone will say that I am criticizing those who are not here, but I am drawing the attention of the Minister to the difficulty of the policemen.

Mr. Speaker, I know that I have not got very much time, but I would very much like to add a very little on social services. Mr. Speaker, social services in this country are not very well organized, and I believe that with better organization people would grow stronger, and be able to work more for the benefit of the country and build the country much better that we are doing at the moment. The Minister concerned should be able to step up aid to self-help groups, so that they can build wells, social halls, and schools, because that is one of the first things towards nation building. Again, voluntary bodies like the Red Cross, Child Welfare Society and Salvation Army hostels for the aged, should also receive a lot of publicity, because these have been run mostly by the Europeans, when we had very many Europeans in Kenya, and when they go the Africans do not know how to run them properly. They sometimes ignore them because they do not understand them. We wish that this be encouraged very much by Ministers themselves joining these societies. Even Members of Parliament, top civil servants, who have money to contribute every month. Let them join these societies so that they can help their country as much as possible.

Mr. Speaker, it appears that African Socialism is a paper which has been accepted by everyone in Kenya, but it is now true that many of the clauses in African Socialism are being ignored by the Government. You find that many things we have pledged in the African Socialism Paper are not working properly. There is something which is very dangerous here, that we make a policy and then after bringing that policy to the people expect it to work. We just shout it is working, but it is not.

Mr. Speaker, you find that some of our friends who are in this honourable House will sometimes speak about African Socialism, but when you go to their houses, you go to their homes, they are absolutely far from that. You will find that somebody who has a house at home cannot help a neighbour next to him, simply because this neighbour is a bit too dirty, simply because he is rich and this man is poor; he cannot admit him to his house.

I even heard the other day that one of the big men's wives sprayed the mother of the husband with a spray pump to kill the fleas on that old mother, because she could not go into the house with such dirt. So African Socialism should be preached and made to work.

An hon. Member: Where was that? Was it in Embu?

Mr. Mbogoh: Mr. Speaker, anybody can say anything about Embu, but it might be that one of the Assistant Ministers is the one I am mentioning at this point.

Mr. Speaker, on marriage I would like to add a little bit, because we had a very difficult time the other day here when somebody wanted to speak about Africans having many wives and Africans having one wife. This is one of the African policies which cannot be killed overnight, and I think it is high time that these people who think that Africans should only have one wife, thought in terms of how to finish prostitution in Kenya. That is why we did not have many prostitutes in this country, because everybody had two or more wives.

So, Mr. Speaker, I beg to support the Minister and hope that everything will go as planned.

Mr. Theuri: Mr. Speaker, I rise to join my colleagues in congratulating the Minister for Finance on the Budget.

I will start by talking about the Ministry of Home Affairs. We have heard the Minister for Home Affairs saying several times that a lot of money is entering Kenya. This money is coming into this country to create trouble. I was

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wondering whether the Ministry of Home Affairs are quite aware of this money. What they should do is to arrest, to detain or to prosecute the man concerned, or the embassy through which that money comes should be expelled and its country be regarded as an unfriendly country. This question of telling the public that nothing is being done is, I feel, not doing any good for our country.

Another point which I want to mention is about federation. Of course, this is the work of the politicians and we must aim at something bigger for the unity of Africa, but in the way in which this has been taken, ignoring that each country has its own problems, this has brought some accusations from other countries against our country, accusing us of being the people who blocked the East African Federation. The politicians or statesmen, wherever they are in the country or in the whole world, are there to talk and even to get more and more land, in order to make their own territory bigger, and even to enrich their own country if the neighbouring countries have more to offer. There is no country which can say that they do not want more territory, they are content with whatever they have. I take this as sheer foolishness of those who accuse our country and say that we have already blocked the Federation of East Africa. This is due to the political situation and the social structure in neighbouring countries.

Apart from that accusation against our own country, we have seen what happened in a few days in a neighbouring country, which was a clear indication that should a federation be formed, it could not last long; unless these problems are cleared up within the country, then entering into international politics cannot be done. Of course, I congratulate our Government and the President because they foresaw that this problem would arise, and some of our friends in the country who have not seen the situation should learn from now that without the proper plan the federation cannot last. The federation just on paper and without a fixed policy—internally as well as externally—cannot last. We have seen many federations started in various countries, but after two or three years they have broken up.

Of course, it is not like the federation we have at present in the United States, which took many years. Ever since the federation came about, I think the amendments which were made in their Constitution came to only twenty-two. You can imagine that within 100 years, with only seven articles, it took many years to amend that Constitution. Therefore, if a federation is to be made in this part of East Africa, it must be based in

such a way that if the politicians are very ambitious for power or anything else, they will find it very difficult to amend it. They have seen how it works, that even in the United States blood was shed. When some individuals wanted to break away from federation, they were told that the federation must remain or war would be declared, and war was declared and the rebellion was crushed.

Therefore, we do not want anything to be started which will be broken because of political ambition within a short time.

Another point which I want to mention is about ambassadors in foreign countries and even in this country. A previous speaker spoke about ambassadors in foreign countries. Of course, internationally we know that when ambassadors go to foreign countries, they stay two years and then they are shipped to other countries or called back to their own country to be briefed on what is going on. When we achieved independence in 1963, we sent ambassadors to foreign countries and they are still there and we do not actually know whether they are able to bring more things which we want to know, because we know that there are only three things which an ambassador has to do when he is sent to a foreign country.

First, he has to protect the interests of his own country, to observe what the other country is doing and to report to his own country. Secondly, he has to negotiate whatever his own country wants negotiated, but we have doubts about two countries where we have ambassadors. We know that these two countries are not trying to create good relations, they are just trying to make trouble, giving money to their own men in this country to overthrow the legally elected Government, and still we have ambassadors in those countries. The money which we spend on these people is money paid by the taxpayers, and there are no business men there whom these ambassadors have to take care of. I suggest to the Minister for External Affairs, who is in charge of this matter, that our ambassador in China should be transferred and sent to India or Ceylon. We are trading with those countries and we know how much we are getting from these countries, and the neighbouring countries will know how much we are getting. There we have many students who are starving and perhaps we do not know who is taking care of those students who are in those countries.

I was there for a long time and we suffered quite a lot, and we were asking who would take care of our problems in those countries, but we had to run here and there and we were waiting for our own country to get independence. We

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thought that as soon as we achieved independence, we must get a consul-general or ambassador who will take care of these students, but our ambassador in China has, I am sure, nothing to do there and we are just wasting money. He should be transferred from Peking and go to New Delhi. Of course, as we are not in a state of war with China, we should leave a consul there, who has no *Madaraka*, and then we shall be able to get a little information and bring it to this country.

The same thing should happen in Russia. The ambassador in Russia should be transferred to West Germany because we have trade with that country, students and many other things should be transferred and should go there and take care of those things, rather than staying in Moscow, in a cold place, where his steps are counted. If he moves from here to Nyeri, they know how many steps are calculated, and I do not see the reason why we should pay a lot of money—this is too expensive—and they are doing nothing in those countries.

Of course, we have to Africanize the ambassadors who are in a country like the United States or the United Kingdom. It is not a question of a colour bar, but our young men and young women have to go to the United States to train as receptionists. They have to learn how to associate with the foreigners in those countries. When they come here, they do not know. When they see a European or an American, or any foreigners, they do not know how to deal with them; of course, we do not have the question of colour bar, but we want our young men in those countries to learn more about those countries, and when they come here they will know how much to talk about foreign affairs, rather than having ambassadors and the whole place occupied by foreigners.

We know the difficulty of the work the ambassadors have to do, because they have to report all the time, but the thing cannot go straight when we have all the foreigners.

Mr. Speaker, I have to mention permanent secretaries and their job. I have seen something very peculiar since we became independent. I have no grudge against our permanent secretaries, but when some very important people come to this country, we see that these permanent secretaries are the first to be at the airport to welcome those big fellows who come to visit this country. We are Members of Parliament and there is the assistant secretary who can go to welcome whoever comes, according to the portfolio.

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

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

Why on earth do the permanent secretaries leave their job? What is the meaning of "permanent"? Permanent secretaries should remain there, to sign papers; he is the man who is doing the technical job. But all the time he is moving here, here and here, and interfering with the work of politics. I do not see that point.

I have a second point on permanent secretaries. They are being reshuffled in the Ministries. Take, for instance, the Permanent Secretary to the Ministry of Defence. He is a man who knows about the problems of the army from the very beginning to the end. He knows more details of the army and can help the Minister and the Assistant Minister, but then tomorrow he is shipped to Agriculture. What is all this? Perhaps the man who is advising on this matter does not know the meaning of permanent secretaries. A permanent secretary is there whether the Government is communist or anything. He does not go as the Government goes; he remains there because he is a technician and he is, therefore, there for a long time. But this is something which I have noticed several times and it is not doing any good for this country.

Now I would like to say something about the policy of appeasement. I want the House to understand this word: appeasement. I have a question for our Government. Our Government is adopting the policy of appeasement internally, not externally, and this policy is very bad and very dangerous. It might lead the Government to adopt the policy of appeasement towards foreign countries, and this is a dangerous policy and I advise our Government to change. They must deal with our internal policy very strongly. If they find somebody is becoming a nuisance, he must be dealt with. He should not be appeased by giving somebody this or that, so that he will be quiet. We know the result of this in 1939, how the British Prime Minister, Chamberlain, appeased Hitler and the whole of Europe went to pieces. Because of this policy, he had it, and this I have seen.

Our own Government, internally, is adopting the policy of appeasement. Any group, any section of the community or anybody who wants to rebel, is appeased by a certain job, or something, so that he cools down, and that is dangerous. All neighbouring countries, for example, may adopt the same policy because the Government have that, and if they do, who will be the sufferers? It will be the people in this country.

[Mr. Theuri]

The Government must govern ruthlessly. There is no question but that we have power for five years. You are there to use all the power which you have. You are given it by the people, but if you use it peacefully to appease other people, you will go, and when you go, then you will go with your head.

The Deputy Speaker (Dr. De Souza): Mr. Theuri, you must address the Chair.

Mr. Theuri: Mr. Deputy Speaker, Sir, I come to the question of diplomacy. Mr. Deputy Speaker, Sir, in this country we are criticized by our friend who deserted this House for the KPU. This is because we wanted to maintain the *status quo* after our independence. In a country like ours we know we have achieved independence and our *status quo*— we are lagging behind economically, and unless we work hard we cannot move forward. Unless we are very diplomatic, because we are dealing with the countries, we cannot move forward. Most of the other countries are ahead of us economically. Mr. Speaker, Sir, so unless we are very careful in our diplomacy and our whole approach to these countries, choose our policy carefully, we are not going to progress. I do not see how we are going to progress unless we are diplomatic. Mr. Deputy Speaker, Sir, if somebody comes to this country he does not come because of our President, Mr. Kenyatta, he comes here because of the policy which his Government is pursuing: our policy of non-alignment.

However, Sir, if we lack that diplomacy we are going to ruin our economy and not having anything to offer to these people, and the masses may revolt against us, because if we just come here as the politician who made that speech during our campaign, then that is different, because now we are dealing with those people who are more advanced economically and what we are relying on is to get aid to come to this country and help the masses until we reach a certain stage where we can say we want this and we do not want that. This question of diplomacy is one thing which is lacking, and the people are accusing the Government that it is pro-West or not

pro-West, but I say we have to be very careful and cunning for our own country's sake and not another country's sake.

Mr. Deputy Speaker, Sir, I would like to mention another thing. The policy must also go together by showing that if we want to free our own country, and countries like Zambia and even South Africa we must be careful and know how to handle those people by showing them how we can live together peacefully and without looking and saying that this man belongs here, and separating the races, but keeping the country peaceful and working together as citizens of this country.

With those few words, Mr. Deputy Speaker, Sir, I beg to support the Budget.

QUORUM

Mr. Pandya: On a point of order, Mr. Deputy Speaker, Sir, we do not have a quorum in the House.

The Deputy Speaker (Dr. De Souza): Yes, that is right, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Mate: Mr. Deputy Speaker, Sir, on a point of order, how long is the bell meant to ring?

The Deputy Speaker (Dr. De Souza): We are supposed to wait for three minutes, but the Speaker, can allot a little extra time and I think we have, in the past, allotted one or two minutes extra, but, if after five minutes we still do not get a quorum, we will have to adjourn the House. We need one more Member at the moment to make a quorum.

ADJOURNMENT

The Deputy Speaker (Dr. De Souza): Order! It is now more than five minutes since the Division Bell was rung and as there is no quorum yet, this House stands adjourned until tomorrow, Wednesday, 22nd June, at 2.30 p.m.

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

Wednesday, 22nd June 1966

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

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

PRAYERS**NOTICES OF MOTIONS****EMPLOYMENT OF FULL-TIME SCHOOL INSPECTORS**

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

THAT the Kenya Government considers strengthening the headquarters and provincial school inspectorate teams by employment of full-time school inspectors who should take over the functions of inspection from the education officers who are responsible for management administration and supervision of schools under their jurisdiction.

INQUIRING INTO INCIDENTS AT MAKUPA POLICE STATION

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

THAT in view of the fact that during the Motion on Adjournment on Question No. 78, by the hon. Mr. Mwatsama, the Assistant Minister for Home Affairs gave information and explanations which appeared to contradict what he had said in his original answer to the question and which completely failed to convince any Member of the House, this House urges the Government to appoint an independent committee to inquire into the incident which occurred in Makupa Police Station on 8th November 1965.

ORAL ANSWERS TO QUESTIONS*Question No. 183***EMPLOYMENT OF NON-CITIZENS IN KENYA MISSIONS ABROAD**

Mr. Mbogoh asked the Minister of State, President's Office:—

- (a) What steps the Government was taking to Africanize the employees of the Kenya High Commissions abroad.
- (b) Would the Minister give the breakdown of employees in terms of Africans, Asians and Europeans who were and who were not citizens of Kenya in our foreign Missions?

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

(a) All the key posts in our Missions are filled by Kenya nationals, except in the case of two accountants who have been retained because

our training machinery could not produce accountants within the required time. Arrangements, however, have been made for these two posts to be filled by Kenya nationals within the shortest possible time.

Some junior staff who are not Kenya nationals have been employed, because the Government would incur heavy expenditure if such officers were recruited from here. Such officers are recruited as receptionists, junior clerks, telephone operators, messengers, drivers, sweepers, watchmen etc., and they only perform minor jobs in our Missions. The employment of such people is also the practice in other Missions and very commonly done everywhere; even the foreign Missions in Kenya employ our nationals in such capacities; and Mr. Speaker, Sir, I doubt whether the questioner would like our people to lose their jobs by such replacement.

(b) The number of posts that have been filled in our eight Missions, including junior staff, is 132 and the breakdown is as follows:— 65 posts filled by Kenya nationals; 2 posts, that I have just mentioned, of accountants are filled by people from other countries; and about 65 posts are filled by the nationals of the host countries, these posts being mostly drivers, junior clerks, messengers, sweepers, receptionists, telephone operators, watchmen, etc.

Mr. Mbogoh: Mr. Speaker, Sir, is it not true that, in some Missions, secretaries are not Kenya citizens and they are expected to handle confidential material, and that in one of the High Commissions, like the one in London, an African who was employed as a watchman has been discharged so that they can employ an expatriate or a British watchman, while there are many Africans looking for jobs in that country?

Mr. Koinange: Mr. Speaker, Sir, the question of secretaries is very serious. Even the Ministers and Members here do not all employ Africans because of the shortage of qualified secretaries, and efforts have been made definitely for Africanization.

Mr. Mbogoh: Mr. Speaker, Sir, then would the Minister tell this House how he expects the confidential documents to be handled from this country to the High Commissions if the employees in the senior posts like secretaries are not Kenya nationals?

Mr. Koinange: Mr. Speaker, even here when we employ somebody, that person has to be cleared and found to be a trusted person.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister of State, President's Office, agree with me that as soon as the Kenya Government can get well-qualified secretaries locally, these will

[Mr. Ngala-Abok]

be posted out to man our Missions, because, in terms of confidential documents, we want our own people to man those particular offices, but it is a question of getting the right people locally?

Mr. Koinange: That, Mr. Speaker, Sir, is quite true and that is the point we are following, but we are also in competition with departments of other Ministries here. Because there is a scarcity of secretaries, there is a tug-of-war between departments and even outsiders, but we are taking heed of what the Member said.

Mr. Somo: Mr. Speaker, Sir, would the Minister tell this House very clearly why the salary of the South African lady who is employed in the Washington office of the Kenya Embassy is much higher than that of the Second-Consul to that Embassy who is an African from Kenya?

Mr. Koinange: Mr. Speaker, I would require notice to reply to that, but, at the same time, when we hire a very highly qualified person, we take all those things into consideration. We do it here and we do it elsewhere in our embassies.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply that we shall fill these offices with suitable Kenyans, would the Minister consider it as a matter of national importance to get any available stenographers to go and man our overseas Missions, rather than have confidential documents being typed by people who are not even Kenya citizens and who are not naturalized Kenyans?

Mr. Koinange: Mr. Speaker, Sir, we cannot accept the word "any" because if we say "any", it means that we will just take someone because he is a citizen. We have to go into the question of the qualifications of a person. As regards the other part of his question, it is regarded with real urgency by the Ministry.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 183:
EMPLOYMENT OF NON-CITIZENS IN KENYA
MISSIONS ABROAD

Mr. Mbogoh: On a point of order, Mr. Speaker, I wish to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 184

FAILURE OF ARTIFICIAL INSEMINATION SCHEME

Mr. Mbogoh asked the Minister for Agriculture and Animal Husbandary if he could tell the House why the artificial insemination

scheme had failed and which had incurred heavy losses to farmers and what remedy was suggested by the Ministry.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. I am aware that artificial insemination services have been unsatisfactory in quite a number of districts in the country. The cause has mainly been the inability of county councils, who have hitherto administered the services, to provide the necessary funds to make it efficient.

The hon. Member and, indeed the House, would be gratified to learn that, as from 1st July this year, my Ministry is taking over artificial insemination schemes from nearly all county councils to be run entirely by the Department of Veterinary Services. This is being done with the assistance of the Swedish Government, and it is hoped that the fees will be reduced by more than half. The hon. Member will remember the President's *Madaraka* Day speech in this connexion.

Mr. Mbogoh: Mr. Speaker Sir, in view of the fact that in some areas this artificial insemination scheme has cost farmers over Sh. 200 on one heifer alone, would the Assistant Minister then tell this House whether the Veterinary Department is going to refund that money to the people who have suffered a loss because of inefficiency?

Mr. Murgor: Mr. Speaker, Sir, the Government will undertake this new scheme and we hope that all irregularities and past mistakes will be rectified.

Mr. Seroney: Mr. Speaker, Sir, will the Assistant Minister inform the House of the breakdown of the various county councils and how successful they have been?

Mr. Murgor: Mr. Speaker, Sir, I require notice if I am to give a breakdown, as my hon. friend has asked.

Mr. arap Soi: Mr. Speaker, Sir, would the Ministry investigate the fact that farmers are complaining that, as a result of artificial insemination, more bulls than heifers are being born?

Mr. Murgor: Mr. Speaker, Sir, I am not aware of that.

Mr. Mbogoh: Mr. Speaker, Sir, if the Assistant Minister is not aware of quite a number of things, would he advise his Ministry that it would be sensible to buy more bulls than to use this system of artificial insemination?

Mr. Murgor: Mr. Speaker, Sir, as a policy for the smallholder, it is much cheaper to use artificial insemination than to have a bull.

Question No. 197

X-RAY UNIT FOR KAKAMEGA HOSPITAL

Mr. Shikuku asked the Minister for Health if he would tell the House when he last visited Kakamega Provincial Hospital. Could he also tell the House when an X-Ray Unit would be supplied to this hospital.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (1) The Minister for Health paid an official visit to Kakamega Provincial Hospital during 24th-27th March 1966. He was accompanied by the hon. Mr. Khasakhala, M.P. (2) The provision of an X-Ray unit for Kakamega Provincial Hospital has already been made in our Estimates for 1966/67.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, if the Minister visited the hospital in question between March the 24th and 26th, could the Assistant Minister tell us whether he went around with his eyes closed, or whether he had his eyes open, and was he impressed by the situation at the hospital?

Mr. Matano: Mr. Speaker, Sir, I really do not understand what the hon. Member means by his question.

Mr. Shikuku: Mr. Speaker, Sir, I will repeat my question, if the Assistant Minister is not quite clear with regard to my question. The Assistant Minister has told the House that the Minister visited the Provincial Hospital of the Western Province on the 24th, 26th March 1966. Now, Sir, the question I am asking the Assistant Minister is this. If the Minister visited the hospital as is so stated, did he visit it with his eyes open, because if they were open was he impressed by the outlook of the hospital?

Mr. Matano: Mr. Speaker, Sir, he was as satisfied as was humanly possible.

NOTICE OF MOTION FOR THE
ADJOURNMENTUNSATISFACTORY REPLY TO QUESTION NO. 197:
X-RAY UNIT FOR KAKAMEGA HOSPITAL

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I feel the Assistant Minister has completely and hopelessly failed to reply to my question, and the situation being so bad—

The Speaker (Mr. Slade): You want to raise the matter on adjournment?

Mr. Shikuku: Yes, Mr. Speaker, Sir, I would like to raise it on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 191

CROP DESTRUCTION BY GAME: BURET

Mr. arap Biy asked the Minister for Tourism and Wildlife to tell the House what he was prepared to do to assist the Buret constituents close to the Mau Forest to reduce the amount of wildlife which was causing considerable destruction of their crops year after year.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, Sir, I beg to reply. My Ministry employs a team of game scouts whose main duty is to prevent wild animals from causing damage to crops or injury to citizens. In particular reference to Buret Constituency, a new game station has been established at Homa Bay and the game warden there is prepared to send competent game scouts to Buret whenever their presence is required.

These game scouts are authorized to kill game animals which are found troublesome. For example, in 1965, over 1,000 buffaloes and 500 elephants, plus other types of animals, were destroyed by my Ministry in defence of human life and property.

Regarding crop destruction my Ministry has received no complaints from the Buret area during the past years. It often happens that owners of crops wait until animals have destroyed considerable acreages and gone away before reporting the damage. In such cases, my officers cannot help. In the case of Buret, a telephone call to the game warden at Homa Bay will bring about assistance from the Game Department.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Assistant Minister's reply that these Game Wardens are stationed at Homa Bay which is almost 100 miles away from Buret, could he tell this House whether he thinks that these wardens are of any use to Buret which is so far away?

Mr. ole Tipis: Mr. Speaker, Sir, as I said earlier, the establishment of the new Game Station at Homa Bay is in keeping with the Government policy to expand the services to the people and the distance quoted by my hon. friend is immaterial. There are administrative officers and police stationed in Buret Constituency and, therefore, a telephone call to the Government offices will bring aid as soon as possible.

Mr. Omwari: Mr. Speaker, Sir, considering the area which the Game Warden at Homa Bay has to cover from South Nyanza, and Kisii to Buret in Kericho District, would the Assistant Minister tell us how many members of staff he has posted

[Mr. Omweri]

to the Homa Bay centre so that they are able to cope with the vast area in that part of the country, because we consider that we need more people there?

Mr. ole Tipis: Mr. Speaker, Sir, I can assure the hon. Member that the Homa Bay Game Station is adequately manned and, when the need arises, we send scouts to the places from this administrative centre. Homa Bay is only an administrative centre, but our game scouts are scattered to meet the needs and the demand of their services.

Mr. Godia: Mr. Speaker, Sir, would the Assistant Minister tell the House how long it will take for people from Buret who demand attention by one of his staff to do away with the animals that that may be harming the country? How long will it take his staff to act?

Mr. ole Tipis: Mr. Speaker, Sir, I did not quite catch the hon. Member's question, please would he repeat it?

Mr. Godia: Mr. Speaker, Sir, I want to know from the Assistant Minister how long it will take his Ministry to act upon the information which they receive from the members of that constituency.

Mr. ole Tipis: Mr. Speaker, Sir, I can assure the hon. Member that no delay is caused in any way. Any message received by the Game Warden that wild animals are becoming troublesome, a nuisance or a menace to human life or property, then we act promptly.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 191:
CROP DESTRUCTION BY GAME IN BURET

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I beg to raise this question on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 169

AFRICAN LAND OWNERSHIP ON MOMBASA ISLAND

Mr. Omar asked the Minister for Lands and Settlement if he would tell the House whether he was aware that there was no African citizen owning a piece of land on Mombasa Island. Would he be prepared to appoint a commission to inquire into how the non-African landlords had acquired the whole of the land on Mombasa Island.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The hon. Member for Mombasa Island

South is incorrect in supposing that there is no African citizen who owns land on Mombasa Island. An examination of the records of the Mombasa Island Registry shows that there are at least five Africans who have registered title to land on Mombasa Island, as well as at least twice this number of Kenya citizens of non-African origin who own land on the island.

I do not consider, Mr. Speaker, that any purpose would be served by embarking upon an enquiry into how non-African land owners came into possession of land on Mombasa Island. The land owners in this area, as elsewhere in Kenya, have registered title to their land, which was obtained either in recognition of rights which already existed when the British established sovereignty over the Coastal area, or by direct grant from the Kenya Government.

The hon. Member for Mombasa Island South's assertion that "the whole of Mombasa Island soil" has been acquired by non-African landlords is also incorrect. There are substantial areas on the island which are the freehold property of the East African Railways and Harbours organization, and which are used by that organization for their extensive port and marshalling yard facilities.

Mr. Omar: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, is he not aware that the non-African landlords in Mombasa acquired their land during the colonial days and that they only acquired it because the Colonial Government had given a notice in the official gazette that whoever wanted land should go and get it registered, and that is how the non-Africans acquired the land? Africans, who were the indigenous owners of the land, did not go and register the land, is he aware?

Mr. Gachago: Mr. Speaker, Sir, I have the impression that the hon. Member is helping me to answer this question, because what he is confirming is exactly what I have said, but I have added that these people acquired land in accordance with the rights that existed then. There is no question that their titles are registered and the Africans will also continue to own land. What I would like to inform the hon. Member is that, as the Africans' economy improves, it can be seen that the African people in Mombasa will also continue to own land.

Mr. Shikuku: Mr. Speaker, Sir, will the Assistant Minister not agree with me that the conditions then were so easy and Africans then were, I think, very backward and did not realize what was happening, that the present conditions are such that it is very difficult for the Africans to acquire land? Would he consider, in view of that fact, giving the same facilities which were given to the foreigners who now own land there?

Mr. Gachago: Mr. Speaker, Sir, I hope the hon. Member is not asking for free land, because the Government policy has been stated, very clearly, that there is nothing given for nothing in this country; there is no free land. So, Sir, any person who wishes to acquire land should do so either by purchasing the land from the present owners or by any other method that is recognized by the laws of the country.

Mr. Makone: Mr. Speaker, Sir, would the Assistant Minister assure the House that this land belonged to the Africans originally whereby the Administration or by whatever means there were that this land has been registered to non-Africans, the land should be returned to the former Africans who owned the land?

Mr. Gachago: Mr. Speaker, Sir, the whole land of Kenya, in fact, the whole land of Africa should be owned, by right, by the African people, but what I have said is that pieces of land have been registered against titles and the Government has some law of governing the land tenure and, according to the laws of the Government, those people who are recognized as title holders are the right owners of the land. The procedure of acquiring land in this country is as clear as crystal.

Question No. 175

WORK OF THE ADJUDICATION COMMITTEE

Mr. Omweri asked the Minister for Lands and Settlement if he would tell the House:—

- (a) Who appointed the Adjudication Committee.
- (b) What were their working terms with regard to working hours and pay.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Adjudication committees should be appointed by the adjudication officer in accordance with section 9 (1) of the Adjudication Act. In practice, the adjudication officer calls a *baraza* of the landowners within an Adjudication section and asks them to select not less than twenty-five members, preferably clan leaders, who would deal with all land disputes arising during the process of registration. The elders are then formally appointed by the adjudication officer.

As the members are not paid, no fixed period of work per day, has been set. They meet, as and for as long as, there are cases to be tried. With the limited money provided to finance land registration, it would not be possible to pay the committee members.

The Government does not feel that it is justifiable for committee members to be paid, when they are doing their own work.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell us what would happen in a case like that of Kisii where the district officer and not the district adjudication officer made the appointment of this committee, and they were not told exactly what the terms of their services would be?

Mr. Gachago: Mr. Speaker, Sir, if the hon. Member is making an allegation that there have been malpractices in appointing these committees, then, Mr. Speaker, my Ministry would welcome any complaint and investigate any case very carefully.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's earlier reply, that these adjudication committee members are doing their own work, would he tell us how this work becomes their work, when they are actually serving the Government? They waste their time and leave their own jobs to help this committee to go around on behalf of the Government. Can the Government subsidize them because they lose their own jobs when coming to do this other job?

Mr. Gachago: Mr. Speaker, Sir, in the first instance, hon. Members cannot deny that members of these committees actually do their own work. These committees are only appointed for the sake of convenience. It was found that it was improper for our officers to go into the land and start demarcating land. These committees were constituted on a clan basis, so that all the clans which own land could be represented, and so that land can be distributed to the right owners. It is, therefore, correct to say that these committees actually do a service for their own people, and it is their duty, as clan leaders, to do this service, otherwise, their qualification as clan leaders would not exist.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell this House whether he is satisfied that these committee members are working properly or whether there are a lot of malpractices, especially in Kisii?

Mr. Gachago: Mr. Speaker, Sir, if any clan or any area appoint committee members that do not properly serve the interests of their own people, it is their own fault, because we expect that each clan to produce a leader or a member of the committee who will serve, not only the interests of the Government, but the interests of the people who he is supposed to represent as well.

Mr. Seroney: Mr. Speaker, Sir, would the Assistant Minister admit that, in the past, particularly with reference to Central Province and some areas in Nandi North, these committee members

[Mr. Seroney] have been paid? What has led Government now to discontinue paying them, including Nandi North and Nandi South?

Mr. Gachago: Mr. Speaker, Sir, the information given to this House by the hon. Member is incorrect.

Mr. Mate: On a point of order, Mr. Speaker, the hon. Assistant Minister mentioned clan. Tribe. Clans to be grouped?

The Speaker (Mr. Slade): I do not understand your point of order, Mr. Mate. I advise you not to raise another one.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister consider recommending to his Ministry that members appointed by his own officers to work for Government, to do this adjudication job, should be paid, because he has also said that there is nothing free in this country? They cannot expect people to give free service when the Government cannot give free things.

Mr. Gachago: Mr. Speaker, Sir, I am sure the hon. Member gives a lot of service free to his country. When the Government says there is not a free supply of things, it means material things.

However, Mr. Speaker, it is known in this country that we have self-help schemes to which we render free service, and I can inform the hon. Member, as I have said, that it is because of the limited amount of funds that we have that we cannot pay any person or persons who give their service to the public of this Republic.

Mr. Seroney: On a point of order, Mr. Speaker, the hon. Assistant Minister has challenged the information I gave, that it was untrue, namely, that these adjudication committees have not been paid. Does he care to pursue that point, or could I raise it as a matter of misinformation to the House?

The Speaker (Mr. Slade): No, I am afraid not, Mr. Seroney. What you can do is to establish to the satisfaction of the Assistant Minister outside the House that he is wrong, and require him to acknowledge to this House at a later date that he has been wrong and you were right. If the Assistant Minister is not prepared to do that, then the Speaker, wishes to be informed. That is the way you must proceed.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that, in many cases, there have been complaints by the people where land adjudication is taking place to the effect that something has gone wrong, and this

is usually due to the fact that the committee members are not paid by this Government, and whom this Government expects to render free service—the Government admits that there is nothing free in the world—and so the people are subjected to corruption? They are given money by the people and the result is that the whole business of land consolidation is becoming useless.

Mr. Gachago: Mr. Speaker, Sir, it is a regrettable fact that these services are not paid for. However, I would like to inform the hon. Member that, right from the outset, from the composition of these committees, each and every member comes to the service of the committee with the full knowledge that no remuneration will be paid to him by the Government. It is therefore, a lawful and a good expectation by the Government to expect the clans to select responsible leaders to serve on these committees, and it is also right for the Government to expect people selected to serve on these committees to serve responsibly and honourably.

Mr. Mate: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): I would advise you not to raise another point of order, but if you insist, what is your point of order, Mr. Mate?

Mr. Mate: On a point of order, Mr. Speaker, we have been told we are a nation and *umoja*, and yet the Assistant Minister talks of clans. I want him to explain the word "clan" in terms of tribes in Kenya.

The Speaker (Mr. Slade): Order, order, Mr. Mate! I did warn you. You have risen a second time on a point of order which is not a point of order. I have given plenty of warnings to the House about this. You will leave the precincts of the National Assembly for the rest of today.

(Mr. Mate withdrew from the Chamber)

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 175: WORK OF ADJUDICATION COMMITTEE

Mr. Godia: Mr. Speaker, Sir, on a point of order, in view of the fact that there is a great need for these committees to be paid, may I be allowed to move, as a Motion on adjournment, that this matter be effected as people want it to be?

The Speaker (Mr. Slade): I cannot hear you, I am afraid, Mr. Godia.

Mr. Godia: Mr. Speaker, Sir, my intention is to ask for leave to raise matter regarding this question as a Motion on adjournment.

The Speaker (Mr. Slade): Yes. It is this question of payment to the adjudication committees, is it not?

Mr. Godia: Yes, Sir.

The Speaker (Mr. Slade): Yes, you may do so with the permission of Mr. Omweri. Mr. Omweri, do you wish to raise it on adjournment?

Mr. Omweri: Mr. Speaker, Sir, I would not object to any other hon. Member raising this, but there are specific points I would like to raise myself. Can we settle the matter among ourselves?

The Speaker (Mr. Slade): You have the right and you can claim it, to raise this matter on adjournment.

Mr. Omweri: In that case, Mr. Speaker, I wish to raise it myself.

The Speaker (Mr. Slade): All right.

POINT OF ORDER

SPEAKER'S RESPONSIBILITIES OVER MISCONDUCT OF A MEMBER

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, I would like to seek your ruling on this particular issue, where a particular Member has been sent out from this Chamber by the Speaker because of disgraceful conduct in this House. Now, if he persists in behaving like that, and coming to this Chamber drunk, is there no decision of the Speaker whereby the Speaker could protect other Members from such shameful action where the public thinks that Members come to this House drunk?

The Speaker (Mr. Slade): Hon. Members are aware that our Standing Orders provide for cases of gross misconduct, including gross misconduct in the form of persistent misconduct; that is, that the Speaker names the Member concerned, and thereupon, automatically, there is a Motion for his suspension from the service of the House. It is the Speaker's responsibility to decide when a case is bad enough for him to name a Member, and naturally he hesitates before he does so.

There is also, as hon. Members know now, a recent amendment of the National Assembly (Powers and Privileges) Act, whereby this House is given power to discipline Members for misconduct in the precincts of the buildings. Rules to give effect to that are before the House today under a Motion by Mr. Nyamweya.

I think, however, that hon. Members must always leave it to the Speaker to exercise discretion as to when a case is serious enough for naming. He will.

POINT OF ORDER

NOTICE OF MOTION FOR THE ADJOURNMENT PRECLUDES FURTHER DISCUSSION ON A QUESTION

Mr. Makone: On a point of order, Mr. Speaker, is it in order for the Member for Hamisi to move the closure of Question 175 before, in the opinion of the Speaker, the question is exhausted? I ask this because we had some supplementary questions to ask.

The Speaker (Mr. Slade): Yes, it is always in order for any hon. Member, in the course of a question, to say that he wishes to raise it on adjournment. Thereupon there are no further supplementary questions, because of the assumption that there will be half an hour to discuss this matter at some later stage.

It is not exactly closure of the question, but it is an indication that it is enlarged by half an hour's discussion at another time, in which case you do not go on having questions the same day.

We will move on to the next question now.

ORAL ANSWERS TO QUESTIONS

Question No. 176

EMPLOYMENT OF NON-KISII LAND RECORDERS

Mr. Omweri: asked the Minister for Lands and Settlement if he would tell the House why it was that in Kisii, recorders and even staff-boys were non-Kisii, whereas they had many boys who could do this job.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I again beg to reply. It is not true to say that there are recorders in Kisii who are non-Kisii. All our recorders, Mr. Speaker, are Kisii as it is they who understand and know the customary land laws better. As for labourers, out of a total labour force of more than 100, only two are non-Kisii. One is an Abaluhya, a tribesman of the hon. Mr. Shikuku—

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering what I had to do with the question now? Why is the Assistant Minister referring to Mr. Shikuku?

The Speaker (Mr. Slade): I suggest we let the Assistant Minister continue.

Mr. Gachago: —and the other is Kikuyu, my tribesman, if the hon. Mr. Shikuku likes.

Their parents have been residing in Kisii, therefore, they can be regarded as Kisii, and in any event they speak the Kisii language.

Mr. Omweri: Mr. Speaker, Sir, I should say that the Assistant Minister is honest, but he has not stated the right numbers. The number two, which he says are non-Kisii, are more than that and, in my own constituency, we have more Kikuyu who are mere recorders. I was wondering, therefore, whether he would satisfy the House by telling me whether he had exhausted getting proper Kisii boys who understand the Kisii language to help these committees, and pay these committees to do the service properly, rather than employ somebody from Limuru here?

Mr. Gachago: Mr. Speaker, Sir, as far as I know, as far as the records show, no person from Gatundu or Limuru has been employed to do this job. If the hon. Member has any evidence, that persons from Gatundu or Limuru, or from Kiharu for that matter, have been employed as recorders in Kisii District, I would be glad if he would bring forth his evidence so we can investigate further.

Mr. Muliro: On a point of order, Mr. Speaker, Sir, the House has been presented with two contradictory statements. Do we accept the statement by the Assistant Minister that the foreigners in Kisii are two, or the statement from the Member for the area who gives a bigger number, which number are we to accept?

The Speaker (Mr. Slade): I do not know. It is up to you.

Mr. Shikuku: Arising from the Assistant Minister's reply to the effect that there are only two non-Kisii in Kisii District working as land recorders, would he agree to come to this House, on the day the hon. Omweri will get the names of the Kikuyus and other non-Kisii in the Kisii District, and apologize to the House because he has misled the House? I know there are so many Kikuyu recorders all over Kenya, and even in Butere, who are messing up land consolidation.

The Speaker (Mr. Slade): Order! We are dealing with Kisii.

Mr. Gachago: Mr. Speaker, Sir, in the first instance, the hon. Member has misrepresented me because I did not say that there were two recorders. I said it was not true that there were recorders in Kisii who were non-Kisii. All the recorders are Kisii, as it is they who understand and know the customary land laws better.

In other words, Mr. Speaker, the policy of the Government is to employ recorders who understand the language. It is in the case of labourers that I said we had only two non-Kisii labourers in a labour force of more than one hundred strong.

Mr. Omweri: Mr. Speaker, that is more serious now. The Assistant Minister says he only knows of labourers who are non-Kisii and not recorders. The adjudication committee in the south part of South Mugirango has a Kikuyu recorder from Limuru, and—

The Speaker (Mr. Slade): Order! You must ask questions, Mr. Omweri.

Mr. Omweri: I am trying to ask the Assistant Minister whether he agrees with me that there are recorders as well who are non-Kisii and not only labourers.

The Speaker (Mr. Slade): It is no good, Mr. Omweri, going on labouring and labouring your disagreement with the Minister as to a question of fact. What you must do is what I told Mr. Seroney he must do, and what I have told hon. Members a hundred times they must do if they will not accept a Minister's statement of fact. I am not going to tell you again, but it is no good labouring it in the House.

Mr. Gachago: On a point of order, Mr. Speaker, I would like to stress that I have also in my reply to the hon. Member's supplementary question stated that any evidence that he has would be accepted as a means of substantiation that there are; so, in fact, Mr. Speaker, I have not been rigid, I have been open to any information.

The Speaker (Mr. Slade): That is what is expected of every Minister, but information cannot be given by way of supplementary question, it has to be given in some other way.

Mr. Shikuku: On a point of order, Mr. Speaker, would this also apply to any other part, as I raised a supplementary question and you ruled that it was not for the whole country? Can I not also prove to the hon. Assistant Minister that there are Kikuyus in other parts of Kenya who are working as land recorders?

The Speaker (Mr. Slade): Of course, you can.

Mr. arap Biy: On a point of order, Mr. Speaker, may I seek your guidance on this? It has been proved time and again in this House that hon. Ministers and Assistant Ministers give some unreliable answers—

The Speaker (Mr. Slade): I would not say "time and again", Mr. arap Biy; "sometimes," perhaps.

Mr. arap Biy: All right, Mr. Speaker, sometimes.

I wonder whether we have any specific clause in our Standing Orders whereby we could raise these serious matters to be debated by this House as being of national importance?

The Speaker (Mr. Slade): No; I think hon. Members are beginning to know the various procedures open to them for ventilating their dissatisfaction with Government. A very good example of exactly what Mr. arap Biy is referring to is the notice of Motion that Mr. Omar gave this afternoon.

Mr. Kamau: On a point of order, Mr. Speaker, with regard to the question which was referred to, I would seek your guidance on this, Mr. Speaker. As I understand it most of the speakers are bitter because there are many Kikuyus in the area would it be in order for the Government to make it a policy that we should not refer to tribes when we are here because, Mr. Speaker, Sir, what it would—

The Speaker (Mr. Slade): Order, order, Mr. Kamau! I warn you, you are getting on very dangerous ground. Sit down, please.

I think you ought to know by now that what you raise specifically as a matter of policy for Government cannot possibly be raised as a point of order. I do warn you to be careful. The House is getting very tired.

Question No. 195

SQUATTERS ON ISOGE SETTLEMENT SCHEME

Mr. arap Soi asked the Minister for Lands and Settlement:—

- (a) Could he state what the Government policy was regarding the squatters living on land that was going to be turned into a settlement scheme. Were they going to be settled on that scheme.
- (b) Was the Minister aware that the squatters living on the Isoge Settlement Scheme in West Sotik had houses, grown crops (not yet harvested), animals and other properties; and that the District Commissioner, Kisii, who was the chairman of the selection committee, had not considered these people for settlement on that farm, simply because they were Kipsigis.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Government policy regarding squatters living on land purchased for settlement schemes is that they are given priority for settlement, regardless of their tribal qualifications.

I am not aware, Sir, of the Kisii District's Selection Committee having refused to consider the squatters at Isoge Settlement Scheme for allocation of plots because they are Kipsigis. If the hon. Member for Bomet would substantiate this very

serious allegation, I can assure the House that my Ministry would take the necessary action to ensure that the laid-down policy is adhered to by the particular selection committee.

Mr. arap Soi: While, Mr. Speaker, the Minister does not seem to have tried to get the information, is he aware that the District Commissioner, Kisii, has received deposits for plots in this same scheme, and that because the squatters have not harvested their crops, settlement has been held up until they harvest their crops and they are removed to let the new ones come in?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I do not understand what the harvesting of crops has to do with the settlement because, Mr. Speaker, as the hon. Member knows, even if a person has been a labourer or a member of the former labour force on a piece of land, he need not necessarily be settled on a piece of land that he has been exploiting. He may be removed to be settled on another part of the same land; but the main question is whether people who qualify as legal labour on a farm have been refused plots on the grounds that they are Kipsigis and when they qualify as members of the labour force who have been living on that farm for a long time, they have been refused priority which is their own right. This is the main question, and I do not understand, Mr. Speaker, where the question of the crops comes in.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would he not agree with me that the other settlers who are waiting to have crops harvested before they can go away are illegitimate settlers on that land and not the ones who ought to be settled there as a priority?

Mr. Gachago: Mr. Speaker, Sir, that is not a matter that can be generalized. If specific cases were given by the hon. Member, what the Ministry would do would be to investigate why they were being removed; whether they were legitimate or illegitimate. But, Mr. Speaker, as the hon. Members will appreciate, it is difficult for me to make a categorical statement on allegations which have not been substantiated.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he not agree with the House that, at the moment, these legal or illegal squatters have not been made to understand clearly that they are qualified to be called squatters, and these are men who can come and settle on land and claim they are squatters? Under whose responsibility? The Ministry's. What is his Ministry doing to clarify this position?

Mr. Gachago: Mr. Speaker, Sir, I do not understand what the hon. Member is talking about. Could he repeat his question?

Mr. Nyaberi: Mr. Speaker, Sir, let me make it clear; you did not catch me properly.

Mr. Speaker, Sir, I am trying to say that these people from the Kipsigis have come to settle on a Kisii settlement area, assuming that they are entitled to be called squatters, and it is your responsibility to explain who are not squatters and who are squatters.

Mr. Gachago: Mr. Speaker, Sir, every case of a person who claims to be a legal labourer of a farm which is to be converted into a settlement scheme is examined very carefully, and immediately after taking over a farm my staff take a list of all the labourers residing on the farms, so if people come from outside and start claiming that they belong to the legal labour of the farm, they will be known and they cannot be settled on that particular farm if they cannot be proved to be among the legal squatters originally on that farm.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 195:
SQUATTERS ON ISOGE SETTLEMENT SCHEME

Mr. arap Soi: On a point of order, Mr. Speaker, I beg to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 201

PURCHASE OF MAGURA ESTATE BY KIPKEBE
ESTATE

Mr. Nyaberi asked the Minister for Lands and Settlement to tell the House if he had recommended that Kipkebe Estate should buy Magura Estate, which was supposed to have been demarcated like the rest of Nyarondet for a settlement scheme.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I have not recommended an estate known as Kipkebe Estate to buy another called Magura Estate, both of which are, presumably, privately owned, and it is not the practice of owners of private properties to seek my recommendation for their own private transactions.

I would like to add that without land registration numbers, I cannot be certain where these farms are and should they turn out to be tea estates I may positively state that the Ministry

will not take them over for settlement. I wish to remind the hon. Members that my Ministry does not keep a record of names of farms, as some of these change from time to time. When an hon. Member therefore refers to a particular farm, he should always give its land reference number.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I hope the Assistant Minister knows that the aim of settlement is to facilitate orderly transfer from Europeans to Africans.

The Speaker (Mr. Slade): Order! You must ask a question, Mr. Nyaberi, not give a lot of explanation.

Mr. Nyaberi: Yes, I am asking a question, Mr. Speaker, Sir.

Mr. Speaker, Sir, the Assistant Minister seems not to know that the farms in question—

The Speaker (Mr. Slade): That is not a question either. If you say, "in view of the fact", you will get away with it.

Mr. Nyaberi: Will the Minister then tell the House, Mr. Speaker, how this farm was sold to the other one, if he does not know the name in question?

Mr. Gachago: Mr. Speaker, Sir, I think the hon. Member continues to be confused. How can I tell how a farm was sold to the other if I do not even know where the farm is located?

The Speaker (Mr. Slade): I think we have to move on until this question becomes more specific.

Next question, Mr. arap Soi.

Question No. 194

INFORMATION OFFICE AT KERICHO

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. I fully appreciate the desirability of having an office in Kericho, but I am afraid there are no funds for this purpose at the moment. The cost of establishing a sub-office is substantial and cannot be met from the provision voted in the current financial year.

Under these circumstances, it is only feasible to arrange coverage of events in Kericho through the Information Office at Nakuru, but consideration will be given to opening several sub-offices throughout when finances permit.

Mr. Makone: Mr. Speaker, Sir, is the Assistant Minister aware that Kericho is an advanced district which deserves coverage as far as—

Mr. arap Soi: On a point of order, Mr. Speaker, I find that my question is being answered and I never asked this question.

Mr. arap Soi asked the Minister for Information and Broadcasting when the Government was going to establish an Information Office at Kericho.

The Speaker (Mr. Slade): I did not think I heard the hon. Member ask the question, but obviously the Minister thought he did and we will let him carry on.

Mr. arap Soi: On a point of order, Mr. Speaker, can the Minister therefore repeat the answer for me because I was busy with something else and I was called upon to ask the question.

The Speaker (Mr. Slade): Well, I think that is your look out, Mr. arap Soi.

Who was asking a question?

Mr. Onamu: I have answered it, Mr. Speaker, but if he did not catch it, I will repeat it.

The Speaker (Mr. Slade): No, no, we do not want it again.

Mr. Makone.

Mr. Makone: Mr. Speaker, Sir, is the Assistant Minister aware that Kericho is an agriculturally rich district and, therefore, it deserves the right of having one information officer to deal with the situation in the area?

Mr. Onamu: Yes, Sir.

Mr. arap Biy: Mr. Speaker, Sir, in view of the fact that in Kericho there is already an office ready to accommodate the officer with his staff, could the Ministry consider making a supplementary estimate to enable such an office to be opened as soon as possible?

Mr. Onamu: Mr. Speaker, the Member does not seem to realize that it is not only the office or the one man he wants. The cost of maintaining an office would be about £5,640, and this is a large amount of money.

NOTICE OF MOTION FOR THE ADJOURNMENT

FOREIGN MONEY FOR SUBVERSIVE POLITICS

The Speaker (Mr. Slade): We must move on now. I would remind hon. Members that on the adjournment today, that is if we reach the adjournment without premature adjournment for lack of a quorum, Mr. Muliro is to raise the matter noted on the Order Paper.

POINT OF ORDER

RULING ON ADJOURNMENT OF THE HOUSE

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, under Standing Order 14 (1) (a) I wish to move that the House do now adjourn to allow the House to discuss the absence of hon. Members in the Chamber resulting in the early adjournment of the House.

The Speaker (Mr. Slade): Order! I am very glad that at least one hon. Member shows his dissatisfaction with what happened yesterday, but it is not a matter which can be raised under Standing Order No. 14. That procedure is limited to matters of administration, for which the Government is responsible. This is something for which we are responsible, and it does not come within that Order. There is, however, another remedy for this state of affairs which is occurring too often, which I am suggesting to the Sessional Committee for consideration by them when they meet tomorrow.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, if it is definite enough and it has been happening every now and then, is this not a matter concerning the public?

The Speaker (Mr. Slade): It is a matter which concerns the public, but it is not a matter of administration for which the Government is responsible. It is a matter of behaviour of Parliament for which we are responsible.

POINT OF ORDER

LAPSED MOTION FOR THE ADJOURNMENT

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I have just heard you tell the hon. Members that the hon. Muliro's Motion for the adjournment is being raised today. Now, Sir, yesterday, I was meant to have raised the Motion on the adjournment which was not possible because the hon. Members absented themselves from this House, does it mean that my Motion on the adjournment has gone for good, or is there any hope of me having it again?

The Speaker (Mr. Slade): I am afraid I must treat it as gone for good. If it was a matter of which I knew that by some misadventure the Members had been unable to discuss, I might have allowed it again, but here the hon. Members knew that that matter was coming up at 6.30 p.m., and at 6.15 p.m. they let the House adjourn through lack of quorum. There cannot be sufficient interest in that matter to justify putting it on the Paper again.

POINT OF ORDER

SUSPENSION OF BUSINESS

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, in view of the fact that the hon. Mbogoh had nothing to do with Standing Order 14, could I therefore be allowed to move the suspension of the House; that the business of the House be suspended, to allow Members to discuss yesterday's move of the Members failing to appear in the Chamber, which has been happening almost every week?

The Speaker (Mr. Slade): No, you are just repeating Mr. Mbogoh's request. The House can only be adjourned to discuss a matter of urgent importance under Standing Order 14, and that only applies to a matter of administration for which the Government is responsible.

Mr. G. G. Kariuki: Mr. Speaker, Sir, on a point of order.

The Speaker (Mr. Slade): Not with regard to that question any more, Mr. Kariuki. I have told you about that one.

POINT OF ORDER

EARLY ADJOURNMENT OF THE HOUSE AND
MOTIONS FOR THE ADJOURNMENT

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, this is something else. Mr. Speaker, Sir, I am seeking your guidance with regard to this. I heard you telling the hon. Shikuku that since the Members absented themselves from the Chamber yesterday at around 6.15, knowing that that Motion for the Adjournment was coming, I fail to see any reason why you gave hon. De Souza a chance to raise his Motion on the adjournment when there was no quorum and we adjourned early on the day he was supposed to raise his Motion on the adjournment, and refused Mr. Shikuku.

The Speaker (Mr. Slade): That was because the adjournment for lack of a quorum on that day was a great deal earlier than 6.15. It was round about 4.30 and the absence of the Members could not be related in any way to their interest on the matter which might have been raised on the adjournment.

MOTION

ORDER OF PRECEDENCE OF BUSINESS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT at this day's sitting the House orders that Order Nos. 7 and 8: Amendments to the Standing Orders of the House of Representatives and Rules pursuant to section 7 (b)

of the National Assembly (Power and Privileges) Act, shall take precedence over Order No. 6: Ways and Means—Budget Debate.

Mr. Speaker, Sir, as the hon. Members know under the Standing Order 139 the debate on the Financial Statement on the Annual Estimates shall take precedence of all other business and until disposal shall be set down each day as the first business of that day, unless the House otherwise orders. Here the House is being asked that Items No. 7 and 8 should be discussed before Item No. 6: Committee of Ways and Means. The reasons being, Sir, that in the Sessional Paper No. 1 of 1966 the House is required to approve the sitting arrangements in the House. Also under Item No. 8 the House is also required to approve the Rules which have been made under the National Assembly (Powers and Privileges) Act set out in the Sessional Paper No. 2.

Mr. Speaker, Sir, these two Motions will not take much time of the House, and if the House is willing, I would like the House to give its approval to these Procedural Motions. I do not want to take most of the time of the House and this being a purely Procedural Motion, I beg to move.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Omar: Mr. Speaker, Sir, I rise to oppose this Procedural Motion. My reason, Mr. Speaker, Sir, for opposing this Procedural Motion is because it was only just yesterday when the same hon. Minister moved a Motion of the same kind, and we agreed to it in the hope that the majority of the Members in the House would remain in the Chamber so that we could continue on the Budget Debate. However, Sir, afterwards we found that most of the Ministers were not in the House. At the time when the hon. Shikuku was speaking there was only one hon. Assistant Minister in the House, in fact, Sir, I stood up and asked then if we had a quorum in the House.

Now, Sir, I feel that if we allow this Motion to go through, some of the Ministers here will go out, also some of the Members, and we will not have a quorum so that we will not be able to continue with the business of the House.

Mr. Speaker, Sir, another reason for opposing this Motion is this. The Sessional Committee gave us a programme of the whole week's business from yesterday, until Friday of this week,

[Mr. Omar]

and we know and have prepared ourselves on what we are going to speak. Now, Sir, by the Minister asking us to overlook this business we feel that our chances of speaking during this Motion on Ways and Means are being denied us. Therefore, Sir, I disagree with this Motion.

If it is a question of our sitting arrangements in the House being discussed there is no urgent need for discussion at the moment. We are here until Friday and next week we shall still come back, therefore, Sir, the Minister has ample time to put it on to the Order Paper for next week, so that we can debate adequately this Motion next week. There is no need to hurry up this matter, because it is not urgent at all.

Therefore, Sir, I strongly oppose this Motion.

Mr. Ochwada: Mr. Speaker, Sir, I also wish to associate myself with the hon. Omar in opposing this Motion. My reason, Sir, is as follows.

Mr. Speaker, Sir, we have a numbered number of days in which to debate the Budget, and to infringe on our time of debating the Budget is very unfair on the part of the Government. We have Friday, which is Private Members' Day, and I think if the Minister wished he could discuss with the Members who have Motions coming up on Friday, and have his Motion brought up on Friday. Now, Mr. Speaker, Sir, we do not know how much the hon. Members wish to speak on these two Motions which the Minister wishes to bring up for discussion before the Budget Debate today. It might take the whole day today, or, perhaps, two hours, which means that we would only be left with one hour which would be counted as one of the five days within which we are supposed to discuss the Budget. I think the Government is becoming rather unfair.

Mr. Speaker, Sir, I beg to oppose this Motion very strongly.

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, in view of the fact that we are already wasting time, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): I agree that one should not allow much time to be lost on procedural questions, but we should hear one more Member, I think, before the Minister replies.

Mr. Jahazi: Mr. Speaker, Sir, I also stand here to oppose this Motion because the Minister seems to be getting the idea that every time they have something which needs to be brought into the House, our time and our arrangements are just

open for them to be dislocated. We came here to debate this Budget, Mr. Speaker, Sir, and we are prepared to do that. Yesterday, Mr. Speaker, Sir, we tolerated his interference, because we had to approve some money so that things could start working before we finished this discussion, but, Sir, I do not see why he comes again with this Procedural Motion about the arrangements of this House. I do not think, Sir, besides the hon. Mr. Mate, who is used to being kicked out of this House, the problem is so acute which renders it very urgent. As for Mr. Mate, Mr. Speaker, Sir, you know how to deal with him, and I would oppose this interference with the Members' time and ask the Minister to withdraw his Motion until another day, when we have finished this Budget Debate.

The Speaker (Mr. Slade): Mr. arap Biy wished to move the closure. I think the House should entertain that now.

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

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I really do not know why some hon. Members who have spoken against this Motion are opposing it. The point is that the debate on the Budget should start not later than 4.30, that will give the hon. Members two clear hours in which to debate.

Mr. Speaker, Sir, it has been the practice and that is what is in the Standing Orders with regard to the arrangements and practices if the hon. Members would have cared to look into them. If the hon. Members can look at the clock they will see that it is about ten minutes to Four o'clock, which means, if they are prepared to concede that these two items be dealt with—and I am quite sure they can be expeditiously dealt with—within the space of thirty minutes, there will be no infringement whatsoever on the valuable time of the hon. Members to talk on the Budget Debate. What we regret, on the part of the Government, is the absence of Members who in the House now or a few minutes ago are anxious to have all the time at their disposal, but after about one hour they will all be gone and the House will have to be suspended. While, Sir, that is perhaps outside the point, then perhaps the hon. Members will see the necessity of conceding to the request contained in this Motion so as to enable the House to deal with this rather urgent business within the space of the remaining thirty minutes before it is 4.30.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

MOTION

SESSIONAL PAPER NO. 1 OF 1966:
AMENDMENTS TO STANDING ORDERS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT this House approves the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 1 of 1966.

Mr. Speaker, Sir, this is—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, it seems that the hon. Minister is speaking about Sessional Paper No. 1, and we are dealing with Sessional Paper No. 2.

The Speaker (Mr. Slade): No, the Motion refers to Sessional Paper No. 1. There are two Motions on the Order Paper, one referring to each Sessional Paper.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, this is a Motion which requires only the House to approve two important points. One, Sir, is to approve that Standing Order 168A: that is Seating in the Chamber. As the hon. Members know from their Standing Orders this Standing Order was approved by the House last year when we had one party. When we had one party and all the Members in the House belonging to one party all the seats in the Front Benches in the Chamber were to be reserved for the exclusive use of Ministers. Now, Sir, that we have, or hope to have, an Opposition of some kind in the House, the Government intends to make certain arrangements for the seating in the House, so that not all the seats in the Front Benches of the Chamber will be reserved for the exclusive use of the Ministers, but a number of seats shall be reserved for the Members of the Opposition, those who are particularly known as the Members of the Shadow Cabinet. We hope that one or two of them will make an appearance in the Chamber next week.

The amendment we would like to propose, Mr. Speaker, Sir, is that Standing Order 168 (a) be amended in the following way:

THAT there be added to Standing Order 168 (a) the following proviso:—

“Provided that, whenever there is an Opposition Party, seats shall be reserved on the front bench to the left of Mr. Speaker's Chair for the number nearest to one quarter or (if one quarter is fractional) the number next to above one quarter of the number of that party.”

Mr. Speaker, Sir, we are anticipating that there is every likelihood that there will be a few Members of the Opposition, and it is only fair, and I hope the hon. Members will be living up to their democratic principles if they accord the right to the Leader and Deputy Leader and any other Member of the Opposition who the Leader of the Opposition may deem necessary to place in the Front Bench. If no Members of the Opposition come to the House next week after the declaration of the results, then, Mr. Speaker, there will be no need to revoke the proviso of the Standing Order 168(a).

The second part of the amendment required under Sessional Paper No. 1 is that of Standing Order 86 which deals with printing of amending provisions. That particular Order, Mr. Speaker, reads: “Where a Bill amends any provision of an existing Ordinance, the text of the relevant part of such provision shall be printed in the copy of the Bill which is despatched to Members unless, in the opinion of Mr. Speaker, the amendment is formal, minor or self-explanatory.” The House is requested to approve the following amendment: that Standing Order 86 be deleted and there be inserted in place thereof the following:— “Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall either be printed or else copied and supplied with, every copy of the Bill which is despatched to Members, unless, in the opinion of Mr. Speaker, the amendment is formal, minor or self-explanatory.” Hon. Members will see that it is merely the substitution of the word “Ordinance” for the word “Act” which is required.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Gatuguta: Mr. Speaker, Sir, I beg to oppose this Motion, first of all on a very important principle, that is to say, at the moment we have no Opposition in this House and so this Motion is uncalled for. When the time comes, when we find that we have an Opposition in this House, then we can consider this Motion. This appears to me, Mr. Speaker, that the Minister of State, on behalf of the Government, is frightened, he is under fear that we are going to have an Opposition in the House.

Mr. Speaker, Sir, we cannot, under any circumstances, premeditate that we are going to have an Opposition. My own conviction and my belief now is that we are not going to have an Opposition at all in this House. We have a little general election going on in the country, and my

[Mr. Gatuguta]

belief is that all the Kanu candidates will be returned to this House. If so, we are not going to have an Opposition. So, why should we spend time debating on presumptuous Motion of this kind? Let us, for Heaven's sake, wait until we have an Opposition in this House and then we can discuss such Motions. We do not have an Opposition in the House presently. We do not hope that we are going to have one, and so I will ask the Minister of State to withdraw this Motion until we have an Opposition. We cannot go on like this, Sir.

Mr. Muliro: Mr. Speaker, Sir, I beg to differ with the hon. Member who has just spoken. I think that in principle we have already said, and we have said it from the Chair in this Chamber, that there will be a formal Opposition. That formal Opposition liquidated itself by becoming an Opposition and went to the country to seek re-election.

The Minister of State in the President's Office is only acting on what has already been accepted by this House and we are now preparing the way. It is like an expectant mother who thinks she should get ready a trousseau for her baby before it is born. What the Minister of State has done is to prepare for an expectant baby. It is a baby that will be coming to this House.

Therefore, Mr. Speaker, I think the House should not over-labour on this issue, we should accept the Motion and move on to debating the Budget Speech. Some of the people who left may be back and so we will have some seats ready for them.

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

Mr. Ngala-Abok: Mr. Speaker, Sir, I beg to support the Motion saying that much as we may try to obstruct the Opposition from coming into this House, the measures that we have taken are already proving that this House is going to recognize the Opposition. However, we have machinery to fight the Opposition. If the Opposition sat on the Ministers' side, if this country does not see any use for recognizing people who are not following the right policy for the people, they will still fail. I think that we expect that if KPU brings anybody here, he will take a seat as a Member of the Opposition. So, the Minister is only trying to show the country that we are democratic and we should actually pave the way for providing them with seats. If they come in, then they occupy these seats.

However, I must say that I have no doubt that KPU will have no room in this House, to sit here and show that they are really capable

of opposing. We want to bluff them by showing them their seats and then the country will, of course, kick them out at the right time. However, it is not good to be frightened and say that we do not want an Opposition. I think this is cheating.

So, I wish we get the Motion passed. We are capable of this.

Mr. Kiprotich: Mr. Speaker, Sir, I support this Motion in one thing. The Leader of the Opposition, is Mr. Odinga, and he wants to come here and show that he will be the Leader of the Opposition in this House. It is better for him to come here and then we can show him exactly what this country wants. We are going to speak in this House with the voice of the country. He said that he speaks for the people. He says, "My dear," and we say, "My friend". Let us bring him here. We do not care where he will sit. He was a Leader of the Government for three years and he did nothing as a Leader of the Government. Yet now he says he wants to be the Leader of the Opposition. Let us see what he will bring to this House, let us see what he will provide the country with. He has promised so many things. When the President was locked up under the former régime he never did anything.

Mr. Gatuguta: On a point of order, Mr. Speaker, are we to assume in this Motion that a particular individual in this country is coming here as Leader of the Opposition?

The Speaker (Mr. Slade): No, I was going to say to Mr. Kiprotich, if he went much further, that in discussing amendment to Standing Orders you must discuss them as matters of principle, and not with reference to personalities. Personalities are obviously irrelevant to the question whether a particular standing order is a good standing order or a bad standing order. Now, Mr. Kiprotich, you should keep to the principle rather than the personalities involved.

Mr. Kiprotich: Thank you, Mr. Speaker, but every Member in here, even every person in the Speaker's Gallery or the Stranger's Gallery knows who is going to be the Leader of the Opposition. There is no need to beat round the bush. I like to be frank in this House, Mr. Speaker.

What I say is that I am supporting this Motion—

The Speaker (Mr. Slade): Order! Order! Mr. Kiprotich, you really are arguing with my point of order here and that will not do. You must recognize that however much people in the galleries, to whom you are not supposed to

[The Speaker]

speak, know that a particular individual is coming back here as Leader of the Opposition, it is quite irrelevant to the merits of a particular Standing Order. Do understand that, please.

Mr. Kiprotich: Thank you very much, Mr. Speaker, for your explanation.

I would like to move now that we should support this Motion and pass it. We do not want to have too much talk on it. It does not matter how many of them are going to come here, let us give the vacant seats on any side of the House to them.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker I also stand to support this Motion and make a few comments. First of all, Sir, we all know that this Government is a democratic Government and as such we should prepare ourselves for the Opposition so that the country may not be misled, that this Government is afraid of having an Opposition party. It has been said, in the papers and also on broadcasts, the Government feared registering the Opposition party. So, we want to show the Opposition party that we are prepared to meet them here in this Chamber as we have done in the countryside.

If a few of them happen to come back here, we would like to welcome them and we would like them to find that we have already made a place ready for them. They may come here next Tuesday, and when we come here next Tuesday it will be too late for us to discuss this Motion while they are present here. Therefore, I think it is the right time now for us to prepare while they are not here.

We must be prepared to meet them here, debate and argue with them on whatever policies they may have. Hence, I think it is very fitting for this House to re-arrange the seating in this Chamber so that when they come here they know where they are going to sit.

Mr. Pandya: On a point of order, Mr. Speaker, since we hear the same arguments over and over again, would it be in order for the Mover to be called upon to reply?

The Speaker (Mr. Slade): Order! Order! It is not too early for the House to consider that proposition, so I will put the question.

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

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am very grateful to those hon. Members who have spoken in

the spirit of welcome for whichever few Members may come our future Parliamentary Opposition in the House. The Members of this House should prove to the nation and to the world at large that we are a democratic assembly whereby we come with friendly atmosphere, although with different approach, to our problems in the country.

That being the case, Mr. Speaker, I do not want to take the time of the House. I beg to move.

(Question put and agreed to)

POINT OF ORDER

NUMBERS OF THE OPPOSITION

Mr. Gatuguta: On a point of order, Mr. Speaker, just before we leave this particular Motion, it may be necessary for you, Sir, to tell the House the number of Members who would be legally entitled to form the Opposition. Is there any limit? For instance, if two Members of the House decide to form the Opposition, are they entitled to do so? What is the limit, two, three or four Members? Is there any limit to the Opposition?

The Speaker (Mr. Slade): It is rather like the ancient philosopher's conundrum, how many stones make a heap? I can find no authority on this question. I have to use my own judgement. It does seem to me that more than one person can constitute a party. If it were only one, I could not recognize him as a party, in the sense of a body of people as opposed to a "party" as used of an individual. He could not constitute a Parliamentary party by himself. So, it would be two or more.

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

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

MOTION

SESSIONAL PAPER NO. 2 OF 1966: RULES FOR THE NATIONAL ASSEMBLY

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, I beg to move:—

THAT this House approves and hereby makes the Rules pursuant to Section 7b of the National Assembly (Powers and Privileges) Act, set out in Sessional Paper No. 2 of 1966.

Sir, I believe the hon. Members are in the possession of Sessional Paper No. 2 of 1966 which has already been circulated to hon. Members. The Rules have been made in pursuance to

[The Minister of State, President's Office]
the National Assembly (Powers and Privileges) Act which has already been approved in this House a few months ago.

Hon. Members will recollect that this afternoon one hon. Member had to ask the Speaker what would be the proper procedure to maintain the dignity and respect of this House if some hon. Member persistently behaved in a manner which is likely to diminish the dignity and respect of this House. Mr. Speaker pointed out that there were Rules governing the code of conduct of Members and that these had already been circulated to the hon. Members, and was to be discussed in the House today.

The Rules have been agreed by the Sessional Committee on 16th June, 1966 and have been circulated to hon. Members.

The only point which I would like to mention concerning the Rules which have been submitted for the approval of the House, is particularly the type of punishment which the House could mete out to the Members who offended the dignity of this House. Rule 4 states that disciplinary action recommended by any such report may be formal reprimand at the Bar of the House with or without exclusion for a period not exceeding one month from specified facilities of Parliament Buildings, or suspension from service of the House for a period not exceeding sixteen days, whether or not sitting days, and whether or not during the same session. In the event of the House adopting any recommendation of any such report for disciplinary action, with or without amendment, Mr. Speaker, shall forthwith take action accordingly. Hon. Members would appreciate that these Rules are made for the purposes of maintaining respect of this House, and they will only be brought into play when a certain Member brings himself into ridicule or behaves in a disgraceful manner whereby the Members feel it is proper to protect the interests of the highest assembly in the land.

Having seen a few incidents in the past, and even today, this afternoon, the House would perhaps be willing to vest itself with these powers so that such incidents can be efficiently and expeditiously dealt with.

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

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Muliro: Mr. Deputy Speaker, Sir, I find in the first place that Members of Parliament must have personal decorum. I think that to invoke

rules like this, in itself is a ridicule to the integrity of the Members of Parliament. If we had left our rules as they were that would be much more dignified, but to pass more stringent measures, like punishing a Member who might take one too many, by being in the bar from, say, 11.30 a.m. to 1.30 p.m., is rather too much. It is too much to say that a Member should be absent from the deliberations of this House for a full month because of being a nuisance himself for one afternoon. This is too much, Mr. Deputy Speaker, because it is not only punishment to that particular Member but it helps temporarily to deprive the electorate, which that Member represents, for a month. I do not think there is any Member who for thirty days would be drunk in this House every day.

Therefore, Sir, I would prefer the old regulations to stand as they are. The suspension of a Member from this House for a month or sixteen days, whichever it may be, I think is bad publicity for this House, and in view of the deplorable publicity we are going to receive from these new rules I beg to oppose these two amendments.

Mr. Wariithi: Mr. Deputy Speaker, I am unhappy about these rules, and to commence with, No. 1 talks about, "an inquiry into the conduct of any Member." Here, I think we are giving this committee too much power. I would have expected a definition of the type of conduct which that committee would be entitled to look into. They say into the conduct of a Member who shall, that means anything a Member may do, and we are not told whether it is in the Chamber or outside the Chamber. This is more or less coming to a situation where we are treated like schoolboys, people who are not grown up and who do not know what they are doing, and they have to be scrutinized and followed around no matter where we are or where we go in the precincts of the National Assembly Buildings. We agree, Mr. Deputy Speaker, that we must maintain the dignity of this House, we are all proud of it and we would like it to remain as a House we can be proud of. Not only we, ourselves, but other people who visit this country. I do not think rules to be made to invoke that dignity are necessary, it is for the Members to discipline themselves.

If you look at 3 (b) (ii) where
..... (Inaudible.)
accept that any recommendation of this committee—the second part of that—it means that we cannot, when we come to debate the report or the recommendations, reject, we cannot reject the recommendations. The only amendment

[Mr. Wariithi]

allowed is that which recommends substituting one form of punishment for another, or sending back the entire report for reconsideration. This is facing us with a situation where we are not given the chance to debate, and even if we find that the report or recommendations are not worthwhile to reject it as a House. We are only allowed either to amend the recommendations for punishment or send it back for reconsideration. I would have expected that the House be given powers to reject it if we feel that it is not worth the paper on which it is written. I am not happy with that provision, Mr. Deputy Speaker. I do not see why the Sessional Committee found it fit not to give us powers, as we have powers always, to reject a Motion if we do not want it, or pass a Motion. Why should it be different as far as these rules are concerned? Here maybe the Minister when he comes to reply may explain why it was found necessary not to give us powers as usual to reject the report *in toto*. Of course, there is a further part, No. 2 says if there is no need for any action to be taken the committee itself will not take any further steps, but the Committee of Privileges might take steps on an issue which the House might find on the facts was not necessary, and I would have expected the rules to provide that we, as a House, the people concerned with the dignity of the House, the conduct of the Members, be allowed to reject the Motion *in toto* if we feel it is not necessary.

The other part of the recommendations, Mr. Deputy Speaker, under No. 4, I find this type of recommendation is too excessive, I mean to order that a Member for a period of one month, will have no facilities at Parliament Buildings, is too long. This means that he cannot do any work for his constituency, and moreover this is the place where Members are met by their constituents who will not normally stay in Nairobi but they are in Nairobi. There are facilities provided here for Members of the National Assembly which are not found anywhere else, and I think it is too much to exclude those facilities for one month. That means in a year there are twelve months, and one-twelfth is a very long period, we have papers here, we have telephones, we have books in the library, and there are other services for Members, and this period of one month, I feel, is too long.

Coming to 4 (b) suspension from the House for a period not exceeding sixteen days, I will not quarrel very much with this one, except that one would like to know the meaning of the phrase "suspension from the services of the

House". This may mean not to be allowed to come into the Chamber, or maybe not to be served in the dining hall, it is not clear here, Mr. Deputy Speaker, what is intended by this provision.

To sum up what I have been trying to say, is that I feel these rules, whoever drafted them, need some amendment, and if I had my way I would recommend that they be sent back to the committee to be redrafted.

Mr. Deputy Speaker, I beg to oppose.

Mr. arap Soi: Mr. Deputy Speaker, I also rise to comment on this by opposing it. I feel that Members of Parliament are regarded as hon. Members, and mature Members, and there should be no rules like in a school where you make rules for boys. Members should be expected, and that word expected, to behave well, is enough, but for other Members to come here and begin making rules for others is a serious case. Mr. Deputy Speaker, Sir, if a Member begins to misbehave like today, and he is sent out, that is a big punishment. It is a big thing for a mature person to learn. They can learn their lessons very easily, but for us to begin to make regulations which will advertise the stupidity of a few Members, and to affect all Members of Parliament, is a wrong thing. So, Mr. Deputy Speaker, Sir, I do not want this House to reduce the happiness and freedom of Members by making specific regulations which will reduce, or will make a Member feel that he is not free within the building. Members should be free in this place, we cannot expect Members to be childish and quarrel with other Members.

Mr. Deputy Speaker, Sir, I know that some Ministers feel that they are going to behave well themselves, they must know that they are Members, and we are people and we are all honourable, we are equal because we all have constituencies, and we should not make these regulations. We must leave the rules as they were, Mr. Deputy Speaker, I would like to see Members stay as they used to be. If there is misbehaviour there is no bloodshed in this building. I do not see why we should make these regulations. So, Mr. Deputy Speaker, I beg to oppose this Motion very seriously, and would ask Members to oppose this one because there is no need to come here to advertise your behaviour. This is a private place. If Members are misbehaving here, they will misbehave in hotels in the city, and they will be arrested by the police. But for Members here to try and make a police place is wrong. You cannot just select a committee of Members to make regulations. How do you know that

[Mr. arap Soi] they are not going to be politically opposed to that Member? We must not try to punish people unknowingly or wrongly.

Mr. Deputy Speaker, Sir, this Motion must be opposed very seriously.

CONSIDERED RULING

CONTENT OF SPEECHES AND CONDUCT OF DEBATE

The Deputy Speaker (Dr. De Souza): Order! Order! My attention has been drawn by Mr. Speaker, and I think quite rightly, to the conduct of this debate. I would like to draw the attention of the House that in fact this House recently passed an amendment to the Act, which is to the Powers and Privileges Act, giving power, in fact, instructing the committee to prepare rules of conduct of hon. Members outside the precincts of this Chamber. It is, therefore, not open to hon. Members now to say that they do not want any rules whatsoever, because this House has, in fact, passed very recently an amendment instructing—it was in fact, mandatory—that the Government had to bring forward the rules they brought forward. Also, I might point out, that the previous rules were confined only to conduct of hon. Members within the precincts of this Chamber. Now, it goes a step further, and the rules are also in conformity with the mandatory instructions given by the amendment Bill which we passed here, and now include rules and regulations for the conduct of hon. Members within the precincts of the House. Hon. Members are, of course, entitled to debate whether they agree with these particular rules or not, whether they go much further than they thought they would go, whether they would like them to be less stringent. I do not see, myself, that hon. Members can now say that they do not want any rules at all, after having recently passed a law instructing the Rules Committee to bring such rules to the House.

Mr. Mwamzandi: Thank you, Mr. Deputy Speaker. Despite your explanation, I rise, Mr. Deputy Speaker, to oppose this Motion, for the fact that it looks as if a certain group of hon. Members here are intending to make rules for the others—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is it in order for the hon. speaker to try to imply that certain groups of hon. Members are trying to make rules, when you just reminded the House that they had recommended that these rules be made? Is it in order to insinuate that the group of people are trying to make rules?

The Deputy Speaker (Dr. De Souza): No, it is, of course, quite out of order and Mr. Mwamzandi must note that. The point, of course, is not that the House has recommended that rules be made, but it has instructed that rules be made. A Law has been passed to this effect that there must be rules. So you cannot now stand up and say that there must be no rules because you, yourself, that is the House itself, has passed a Law demanding that there should be rules.

(Resumption of debate)

The Minister of State, President's Office (Mr. Nyamweya): Would I be in order to clarify the points you have been making, because it seems that the hon. Members, Mr. Deputy Speaker, are trying to misrepresent what I said—

The Deputy Speaker (Dr. De Souza): You can stand on a point of information, Mr. Mwamzandi will you give way?

The Minister of State, President's Office (Mr. Nyamweya): I should make it a point of information, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): —Mr. Mwamzandi, will you give way?

Mr. Mwamzandi: Mr. Deputy Speaker, I will not give way.

The Deputy Speaker (Dr. De Souza): Then I am afraid, Mr. Nyamweya, you can ask another Minister to speak in the course of the debate to elaborate on what you were going to say.

Mr. Mwamzandi: Mr. Deputy Speaker, I did not deny that we gave permission for rules to be made in this House. There is permission, but what I said is that there is a certain group of Members, though they were charged with the responsibility of making these rules the rules they make look more childish than rules for an hon. Member.

Mr. Deputy Speaker, does it mean that the hon. Members from 1963 to today, misbehaved much more than hon. Members during the colonial régime? Mr. Deputy Speaker, all Members in any Chamber are capable of all sorts of behaviour, and the Speaker is empowered to take out that hon. Member if he becomes a nuisance. To expel a Member for one month from the area of Parliament Buildings, is more of a hindrance than a help.

The Deputy Speaker (Dr. De Souza): I think you are misrepresenting the contents of this Bill, Mr. Mwamzandi. I think I made this clear. The previous Standing Orders were confined to the precincts of this Chamber, if anybody did anything five yards from that door the Speaker, or

[The Deputy Speaker]

anybody else, had no power whatsoever to discipline him. These rules now deal with what happens outside this Chamber as well, and this is what you must confine yourself to.

Mr. Mwamzandi: Thank you very much, Mr. Deputy Speaker, I know it is out of this Chamber.

I am of the opinion that the period specified by that rule is too long. Furthermore, Mr. Deputy Speaker, a Member will be expelled from the business of this Chamber within sixteen days' time, whether conclusive or not; but the question here is, will the Member who is expelled from the business of this Chamber within the sixteen days be regarded as being absent from the Chamber with or without permission from the Speaker?

Mr. Shikuku: The Speaker gives him permission to go out.

Mr. Mwamzandi: That is not permission, that is punishment; I would not regard that as permission, Mr. Deputy Speaker, because it looks as if next time this same House will make regulations on this Standing Order to expel a Member, rather than the Constitution itself, which I would not like to see.

We must see, Mr. Deputy Speaker, the way we receive these rules. We should not make rules to show that there are some Members here who are not actually behaving as hon. Members. The rules specified by this certain group show that these Members, Mr. Deputy Speaker, cannot behave as hon. Members.

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

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I am only surprised that hon. Members become very touchy on very small matters more so when these matters are touching their dignity inside and outside this House. It is common knowledge, Mr. Deputy Speaker, that in the past we have seen quite a lot of what I would call bad behaviour outside this Chamber in the premises of Parliament Buildings, and hon. Members know very well that other hon. Members have shown that they are not worth that name when they have started fighting inside the premises of Parliament. These are the regulations we are trying to make so that hon. Members realize that it is actually upon them as hon. Members to behave honourably.

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, can the hon. Minister substantiate which hon. Members fought within the precincts of this building?

The Deputy Speaker (Dr. De Souza): Mr. Osogo, I am afraid that is an allegation that must be substantiated.

The Minister for Information and Broadcasting (Mr. Osogo): If I could be given a chance to get the names, Mr. Deputy Speaker, I will get them tomorrow, because this has happened.

The Deputy Speaker (Dr. De Souza): Yes, you may substantiate tomorrow. Do continue.

The Minister for Information and Broadcasting (Mr. Osogo): Thank you, Sir.

With this kind of behaviour by hon. Members of this House, in the premises of the Parliament where everybody expects us to be leaders and give a good example, there should be some rules to make hon. Members at least behave, Mr. Deputy Speaker. It is not possible that we should claim here that we can behave in a more angelic way than anybody outside this House, just because we are Members of this House. This is not the case, Mr. Deputy Speaker. Many of us here, at least some of us, have come from homes where probably we were not trained to behave well, and the fact that we have been elected to the House of Representatives does not mean that we have trained ourselves automatically to behave well. We should have rules which will at least make us realize that we have to behave well, Mr. Deputy Speaker.

Another point is this. The hon. arap Soi said that we are expected to behave well. Indeed, Mr. Deputy Speaker, we are expected to behave well, but what about if we are not behaving as well as we are expected to? What do we do, Mr. Deputy Speaker? Somebody speaks about the Serjeant-at-Arms and yet the Serjeant-at-Arms was overpowered the other day when things became hot. What do we do? What is the alternative for this House to keep the dignity of the House?

Mr. Deputy Speaker, I do not see any challenge on the rules. The hon. Member for Othaya mentioned suspension from the service of the House, and I hope the hon. Minister of State in the President's Office is going to reply which services are meant here. What I presume is that the services of the bar and catering services will be severed for at least sixteen days from this hon. gentleman. I think this is only to teach him a lesson that he should not continue, and that he will keep away and yawn and realize the mistake he has made, so that when he comes back he will be sober and try to behave well next time.

Mr. Deputy Speaker, there is no question about hon. Members saying, "We are being given rules as schoolchildren." First of all the rules say, "When disciplinary action is being debated in

[The Minister for Information and Broadcasting] this House, the galleries will be cleared of all strangers." This, in itself, is a big privilege, that the House will be sitting by itself, as brothers, as we know each other, so that we discuss this problem among ourselves, and the strangers, including the Press, will not be here. This, I think, is a good privilege.

Mr. Deputy Speaker, it is unfortunate that none of the hon. Members who have spoken has the Act we only passed here recently, in his hands, to find out that these powers were given to the Sessional Committee, which the hon. Members now call a group of people trying to make rules. The hon. Mwamzandi forgets that he has agreed to the membership of the Sessional Committee, and I hope he does not claim that these hon. Members he calls a group of the Sessional Committee are biased or are trying to make rules for the hon. Mwamzandi and not for themselves.

Mr. Deputy Speaker, it was also stated here that the Government is trying to make rules for Members of this House. That is not so, Mr. Deputy Speaker; the Sessional Committee is quite well representative, it is not only the Government who makes the rules. If it is suggested that these rules should be amended, then let us have the amendment, Mr. Deputy Speaker, and, with due respect, I think the hon. Minister of State to the President's Office will suspend the debate on this House so that we consider the amendment, but so far nobody has proposed any amendment, and this is very unfortunate.

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

Mr. Godia: Mr. Deputy Speaker, I think it is a great pity that this House is debating these powers and privileges, in order to discipline Members of Parliament.

Although, Mr. Deputy Speaker, it is now a law that these rules should be formulated, I think I should be allowed to ask the Minister of State to the President's Office to take this matter back to the Privileges Committee to discuss it much further, because it appears that these rules, if approved, are going to have authority over Members of Parliament who have been elected by constituencies.

The Minister of State, President's Office (Mr. Nyamweya): On a point of information, Mr. Deputy Speaker, I would like to inform the hon. Members that the National Assembly (Powers and Privileges) (Amendment) Act, 1966, was assented to by the President on the 11th March 1966 after it had been exhaustively debated in this Chamber and in the Senate.

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

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

The date of commencement is 15th March 1966. Under the principal Act, Mr. Speaker, the House had agreed to the establishment of a committee to be known as the Committee of Privileges, so it is not something which we are trying to establish now; you have already established it.

Secondly, Mr. Speaker, Sir, under the same subsection, certain powers have been given to the Sessional Committee so as to nominate members of the Committee of Privileges which can be brought into being. Subsection 6 reads, "The House, to which the Committee of Privileges reports, in accordance with the provisions of subsection 5 of this section, in accordance with rules made by that House, which rules need not be published in the Gazette, consider the report and may take such disciplinary action against the Member concerned as may be provided by such rules." You have already approved this. It is not a matter which you say the Sessional Committee is—

Mr. Mbogoh: On a point of order, Mr. Speaker, would the Minister address the Chair?

The Speaker (Mr. Slade): Yes, you must remember, Mr. Nyamweya.

The Minister of State, President's Office (Mr. Nyamweya): It is not something which the Government intends to introduce now, Mr. Speaker. May be some hon. Members are arguing this without having read the content of these rules. I never cared to read through them, because I thought that—

POINT OF ORDER

COMMITTEE OF PRIVILEGES AND RULES

Mr. Muruli: On a point of order, Mr. Speaker, Sir, I would like to know from you whether, when we agreed to the Committee of Privileges, we also agreed to the rules they were going to make? Is there not a difference between the rules they were to make and the agreement to the Committee?

The Speaker (Mr. Slade): No. If I have to remind hon. Members of an Act which they passed after considerable debate only about two months ago, what you did then—and which you cannot go back on now—was to say, first of all, that the Speakers, acting jointly, may make a code of conduct for Members. Then it said there shall be a Committee of Privileges consisting of five Members of each House appointed by their Sessional Committee and with the two Speakers as

[The Speaker]

Chairman and Vice-Chairman. Then it said that any breach or alleged breach of the code of conduct by any Member or any other conduct by any Member which would appear to be contrary to the dignity or welfare of the National Assembly, within the precincts of the building but outside the Members' Chamber, shall be examined by the Committee of Privileges who shall then report to that Member's House.

That is all law passed by this House and we cannot debate now whether we should have passed that law. The position we have reached is that I fear that that Committee of Privileges is liable to sit any day, any moment, on alleged misconduct, and will then have to report to this House. What does this House then do on receiving a report from that committee? It has to deal with it according to rules made by this House, according to the law. If we have not made any rules, we shall not know what to do. Therefore, we have to make some rules under this Act fairly soon. The House need not accept these rules, surely, but it is no good arguing that there should not be any rules at all.

(Resumption of debate)

Mr. Godia: Mr. Speaker, Sir, I was speaking.

The Speaker (Mr. Slade): You were speaking, Mr. Godia, yes.

Mr. Godia: Mr. Speaker, Sir, having had the information from the Minister of State to the President's Office, I still feel that section 4 of these rules—where it is stated, "Disciplinary action recommended by any such report may be (a) formal reprimand at the Bar of the House with or without exclusion, for a period not exceeding one month, from specified facilities of Parliament Buildings; or"—is too serious. A Member may be reprimanded at the Bar and then he may not be allowed to come to this building, he may not be allowed even to come and collect his mail from his box. Therefore, Mr. Speaker, Sir, I think that is too serious and it ought to be re-adjusted. That is why I am suggesting that this matter should be taken back to the Privileges Committee to be reconsidered.

Then I come to the part where it states that there may be suspension from the service of the House for a period not exceeding sixteen days. This, again, is too long because if a Member took two pegs of whisky and then he became a danger within one hour, why should he be excluded from the business of the House for sixteen days? In my opinion, about one or two days would be all right. He will consider, himself, that he has misbehaved and within a number of days he

will correct himself. I do not think sixteen days is good enough; that is punishing his constituency.

With these two points, Mr. Speaker, I think these two rules should go back to the Privileges Committee and be reconsidered.

Mr. Shikuku: Mr. Speaker, thank you very much for having given me this chance to say one thing.

I believe in the dignity of a House that is to make laws for the people, and the people in that House must be dignified. In order to make the House dignified, and in order to have dignified people in a dignified House, it is necessary for some rules to be made.

Now, Mr. Speaker, during the three years we have been here, any hon. Member will agree with me that the Speaker has done a hell of a lot of work to get rid of some of the hon. Members who have not only let themselves down and the people who elected them but let down the House, because there are so many people in the public gallery, in the Speaker's Gallery, people from all over the world coming to see how Kenya is getting on. I have travelled widely, Mr. Speaker, and very many people throughout the world have a high regard for Kenya. Many tourists come here and find their way to our Parliament. As a matter of fact, Mr. Speaker, for the information of the hon. Members here, we have the best Parliament in East and Central Africa, and it is one of the most beautiful Parliaments in Africa. If these people can come here and sit on dignified public galleries here, only to see some people being ordered out completely drunk or who cannot even stand on their own feet, this is a terrible shame.

Not only that, Mr. Speaker, I believe that even in the lounge we have guests who come in and like to know what Members look like, how they behave. These people have a following behind them, but when they see Members so drunk, so disorderly, fighting each other in this building, then they have a low opinion of the very House they expect to be dignified, because the people in it are not dignified in the way they behave.

I know most of the hon. Members here do not try to sit in this House, and that is the whole trouble. The Members who have spoken here—I must say quite frankly—are those who just come here and go out after a few minutes, and they do not know what is being passed here. That is why they come here, when the law has already been passed, and Mr. Speaker, you have taken pains to explain what we have already gone through, because they were here and they never followed, or they were out, not following the

[Mr. Shikuku]

procedure. They should have known that they have gone too far. Now we are talking of rules, the law is already there. This is the whole trouble with some of the hon. Members, and this also is a part of their dignity. If they are dignified and they represent the views of their people, they should take pains to be here from 2.30 to 6.30 or, when there is a Motion on adjournment, they should leave this House by seven o'clock. They do not do this. Now, this time, we have to get them by the neck.

Mr. Speaker, Sir, it has been said by the hon. Members here that it is bad publicity. If it is bad publicity for an hon. Member—even myself—to be sent out of this House because of misconduct here or outside this Chamber, how else will the people of Butere know that their Member is so useless, if it is not publicized? It is only fair, Mr. Speaker, that everything an hon. Member does should be publicized. If he is so drunk and he is found driving his car recklessly, let it be published with his photograph so that the voters can say, "Oh, that's who we elected to Parliament.", and next time they will teach him a lesson. But if we do not publicize this and publicity is not given to those Members who misbehave themselves in the House, it will be very unfortunate.

I have, on several occasions, Mr. Speaker, been disappointed by the way Members behave even outside this Chamber. In this Chamber some of them are so disorderly that they interfere with the thinking of the speaker on the Floor. The Speaker has to bring them to order time and again and that interferes with the trend of thinking of the Member on the Floor. This must be stopped. I know, Mr. Speaker, we are making a rule which will also apply to me and any hon. Member who stands to speak on this Motion should know that it is only for the interest of all those Members who are misbehaving themselves.

Mr. Speaker, the question of exclusion has been referred to by some of the hon. Members, and they have said that if one is sent out for sixteen days, then it means he is going to be disqualified because he will be without the permission of the Speaker. Mr. Speaker, this is—

CONSIDERED RULING**SPEAKER'S AUTHORITY FOR SUSPENSION OF A MEMBER**

The Speaker (Mr. Slade): Yes, I think I had better clear that point immediately. I heard the point raised; in fact, I had been asked it before the House sat.

Since I am the authority who has to interpret rules of this kind and also declare a seat vacant if a seat becomes vacant, I can assure hon. Members that if a Member is suspended from the service of the House, either under these rules or under our existing Standing Orders which do provide for suspension from the service, I shall not declare his seat vacant for being absent without permission; because, in fact, when a Member is suspended from the service, it is the Speaker who directs that he shall not be allowed near the precincts of the Assembly, and so, obviously, he has given his permission for him to be absent.

(Resumption of debate)

Mr. Shikuku: Thank you, Mr. Speaker. That was exactly what I was going to tell the Members, that a Member will get the permission of the Speaker when he is so bad that the Speaker says, "Goodbye, for some time, and see you when you are well dressed or when you are well behaved." So it is with the knowledge of the Speaker and there is no need for Members to feel they will be disqualified, and I am very gratified to receive the explanation which you have just given to the hon. Members.

One of the points I would like to raise is the reason why we need these rules. We must have dignified people in this House to go on contributing to whatever discussions that are taking place here. When a Member is drunk, actually, Mr. Speaker, he does not serve the people who elected him to this Chamber, nor does he help this House, because he does not contribute; he is a nuisance to the people with some brains, like the Member for Butere, and this is no good. Mr. Speaker, he does not contribute and if he is given such a holiday of sixteen days or one month, it is all the better because, anyway, when he is in the Chamber he does not help anybody, nor does he help his constituents.

Also, Mr. Speaker, it will enable the people in whatever place he came from to ask him, "What is happening, hon. Member? We hear other Members are meeting in Nairobi; what is happening?" "Oh, you see, I was sent out." "Is it you who was sent out by the Speaker because you were so useless?" "No, you see, they are against me." "The question of being against you is immaterial because all Members should be sent out if they are so disorderly like yourself."

Mr. Speaker, one of the most important points Members should bear in mind is that we have a committee of responsible men: five Senators and five Members of the House of Representatives. This will have to take the case of every hon. Member here on its merits. Of course, we know this is politics and sometimes something may

[Mr. Shikuku]

happen which could be well explained to the committee, and things will end in the committee before they come to the House. It is a responsible committee which will take every case and listen to it, listen to the case of the hon. Member and the people who have accused him. If we find there is no case to answer here, we will dismiss the case and the Member will be cleared. Mr. Speaker, I am one of the hon. Members who are on that committee, and Members can rest assured that I am twenty-four hours sober, Mr. Speaker, and I will take every case as it comes and with other hon. Members here will deal with it in the interests of the hon. Member and the people who elected him, before it is brought to this House or before we recommend a serious punishment for that particular Member. So they should not fear that the Members will be brought here every now and then for this or the other, because this committee can listen and we are reasonable people. We will look into the cases and if they are too bad, then, Mr. Speaker, it will be in the interest of the Member to get a holiday and his people to be aware of how useless that Member is. We do not believe in bringing these people who can hardly contribute in this House because they are in a state where they are unable to contribute during the debates in this House or who behave badly in the lounge.

In conclusion, Mr. Speaker, I feel the lounge is also a dignified place and a lot of people come to see us there. One hon. Member wanted substantiation on a certain point. I have had the experience of seeing Members fighting here. One hon. Member said that there has never been bloodshed here. I think it was the hon. Soi, the Member from Bomet, who said that there had never been any bloodshed here, but there has been. Members have fought and blood has been spilled in this very dignified place of the House.

CONSIDERED RULING

SPEAKER'S SUBSTANTIATION OF INCIDENTS OF MISCONDUCT

The Speaker (Mr. Slade): Mr. Shikuku, I think I would like to intervene on this and really ask the House to accept that there have been cases of that kind. Take my word for it that I have had to reprimand Members, during the past three years, for what everyone would regard as misconduct in the precincts of the building, including fighting and drawing blood. I did hear that Mr. Osogo was asked to substantiate that that was a fact and undertook to do so. I do not think it is in the interest of this House that names of Members involved with past events, for which they have been rebuked even if there was no

other power, should be brought before the House and the public now. So I take it on myself to say that Mr. Osogo will not substantiate this, but the House will take the substantiation from me.

(Resumption of debate)

Mr. Shikuku: Thank you, Mr. Speaker, I am glad you have had that experience and I do not wish to indulge in mentioning names. But these are some of the facts hon. Members should bear in mind; these rules do not come out of the blue, but they come because of certain events which have taken place. We also make laws because of some events which have taken place, or we make laws in anticipation of something happening.

Therefore, Mr. Speaker, the rules which have been made are quite reasonable and there is a committee which people have already selected, and I think there will be no problem as far as the rules are concerned.

With these few remarks, Mr. Speaker, I beg to support very strongly the rules in the interests of the country and the nation.

COMMUNICATION FROM THE CHAIR

MEANING OF "SUSPENSION OF AN HON. MEMBER FROM THE SERVICE OF THE HOUSE"

The Speaker (Mr. Slade): Before the debate continues, there seems to be one matter on which hon. Members are not quite clear, and that is the meaning of "suspension from the service of the House." That is defined already by our Standing Orders, and it means complete exclusion from the precincts of Parliament, including, of course, this Chamber, for a specified period. Under our Standing Orders, misconduct in the Chamber, after a Member has been named, can be punished by suspension from the service of the House. The provisions there are automatic. On the first offence in a session, it is suspension for three sitting days. On the second offence within the same session, it is suspension for seven sitting days. On the third offence in the same session, it is suspension for twenty-eight sitting days, which, of course, may be much longer than a calendar month. That is what we have in our Standing Orders for misconduct within the Chamber. Now we are dealing here, as hon. Members realize, with misconduct outside the Chamber but within the building. Suspension of service, if it is accepted as a suitable punishment, would mean the same for that purpose as it does already under Standing Orders.

(Resumption of debate)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I think the correct view of this Motion is now beginning to unfold. Early

[The Assistant Minister for Finance]

this year, Mr. Speaker, Sir, we passed a law which we have accepted and we passed it because we thought it necessary to bind ourselves to some rules and regulations which would help to regulate the conduct of Members of this Parliament.

Mr. Speaker, Sir, under the law, a Committee of Privileges has already been established and what we are now being asked is to accept rules or to accept certain regulations which would help the work of the Committee of Privileges to be carried out to its logical conclusion. Rather than go back to condemn and denounce the law which we ourselves passed, I think the most constructive thing we should do is to look at these regulations which we have in the Sessional Paper No. 2 and find out whether or not they are too severe, or whether or not they are fitting. I think this is what we are being asked to do right now.

Mr. Speaker, Sir, under the law of the Committee of Privileges which has been set up, and is ready to do its work at any time. Now, Sir, if we do not pass these regulations, then we are going to render it impossible for the law to take effect. Mr. Speaker, Sir, I do not see what objections there are to these regulations. For example, Sir, No. 1, in the Sessional Paper, No. 2 is a very logical one. Once the committee has reported—done its job—we must expect the committee to report to the House. I do not think there is any objection to that.

Mr. Speaker, Sir, No. 2 of the Sessional Paper says that if the committee does not recommend any disciplinary action, then there is nothing to be brought before the House and the whole affair ends there.

Mr. Speaker, Sir, No. 3 says, that if the report recommends disciplinary action, then the whole matter must be discussed in the House. I think that is all there is to No. 3 (a). No. 3 (b) says that when a report of the Privileges Committee is brought before the House, it is only fair that it should be Tabled before the House by an hon. Member who has sat on that committee.

Furthermore, Sir, it is only fair that when such a Motion, when matters touching on the conduct of an hon. Member, is being discussed in this Chamber, it is only fair that the strangers should clear out of the Chamber. That is what No. 3 (b) demands.

Mr. Speaker, Sir, furthermore, No. 3 (b) (2) directs that there shall be no amendment other than an amendment on the type of disciplinary action to be taken. Now, Sir, I have found that Members are afraid of these things, but, Sir, in this Sessional Paper they are given powers to

mete out disciplinary actions which they think fit. So, Sir, rather than fear we have means here whereby we can protect ourselves.

Mr. Speaker, Sir, I would now like to come to No. 4 of the Sessional Paper. Under this section, certain types of disciplinary actions are suggested. Under 3 it is open to this House to amend or alleviate certain disciplinary actions suggested by the committee. So, Sir, what is the fear? We have the power to direct the uses of these regulations and I do not see why we should take such a long time debating something which is really quite clear.

Mr. Speaker, Sir, I beg to support.

Mr. Kibuga: Mr. Speaker, Sir, I wish to support this amendment because it is necessary. Mr. Speaker, Sir, this House is an honourable House and we are all Members of this hon. House, therefore, Sir, we are hon. Members, and the people outside expect a great deal from the hon. Members of this House. If an hon. Member comes here and misbehaves it is only right that there should be disciplinary action taken against him so that the whole House will not be blamed because of one single individual. Mr. Speaker, Sir, many times outside in the lounge you will find that some of the behaviour there is most unwelcome, very bad and sometimes the hon. Members have to go right outside this area in order to enjoy themselves because life has become difficult in the building. If we have to regard this House as honourable and this House is regarded by everybody outside as honourable, then we should accept the fact that we should have discipline.

Mr. Speaker, Sir, we have asked many times that the Ministers be disciplined, because previously some Ministers were speaking just as they liked—only some of them and not all of them—but we objected very much to this. If we really accept this one, then it is right that we, the makers of the law, should be the first ones to respect the law and behave properly. There is nothing wrong, Mr. Speaker, Sir, if we are told that we should behave properly, then there will not be any cause of any of us fearing that he will behave in a way that is not welcome to the people outside. There is nothing to object to that disciplinary action be taken against one individual so that the hon. Members will enjoy being respected, and be respected. If an hon. Member in this House misbehaves, then there is a tendency outside for the people to say, "Oh, these Members, these *Wajumbe, hii bunge imeharibika*". This is, in fact, very bad, and we should not allow ourselves to be abused, to be ridiculed, to be called

[Mr. Kibuga]

all sorts of names because a few individuals who are not ready to behave in accordance with the rules laid down.

Mr. Speaker, Sir, we were elected by the people in their constituencies to come and represent them. How can one come and represent these people if he does not know how to behave? Some of the hon. Members have taken the advantage of their constituencies being so far away, so that the members of their constituencies do not know what is happening here. So, Sir, somebody can come, drink all the day long, then go home and say, "You know I have been representing you very well." It is high time now we saw it fit that if an hon. Member stopped to represent his constituency but misbehaved we should protect the constituents. It was only a few weeks ago we passed a Bill in this House, because certain people who had been elected on a Kanu ticket, saying that they supported Kenyatta and so on, they came here and changed their minds and we passed a Bill to the effect that we were protecting the common men. We are doing the same thing here in amending this law.

So, Mr. Speaker, Sir, any self-respecting hon. Member of this House will find it most fitting to pass this amendment, and we ask this committee to see that the House, the buildings and everything connected with this House is dignified and respected. No one is respected unless he respects himself and so the hon. Members of this House have to respect themselves first if they expect people to respect them outside.

So, Mr. Speaker, Sir, I wish to support the Motion.

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): Yes, I think the House must be allowed to consider that now.

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

Mr. Mbogoh: Mr. Speaker, Sir, I am sure that most of the people in this country have been waiting for a time when such rules will be enacted in this House so that they can prevent the Members from shaming themselves which makes them dishonourable. Mr. Speaker, Sir, when Members come to this House they usually come here with the hope that they are coming to make rules for the society, and it would be useless for the Members to stay in a House, where they do not have rules, which guide their own

conduct. As long as this House does not become a court in itself, then it is very good, and in good order, that we should have rules which will govern the conduct of the Members, and again I believe that if some of our Members cannot stand a drink or two, they should stop drinking, go home, sleep and then come here as sober as possible.

Mr. Speaker, Sir, one day when I invited a friend of mine here to come and look over this very hon. House how the hon. Members drink and how the—

POINT OF ORDER**RIGHT OF MOVER TO CEDE RIGHT OF REPLY**

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, Sir, I rise to ask the indulgence of the House and you also, Mr. Speaker, because I have some other important occupation which I have to attend, so I was wondering, perhaps, if I could ask the hon. Malinda to reply on my behalf in this debate?

The Speaker (Mr. Slade): Yes, it is quite in order for a Mover to cede his right of reply to any Member who has not yet spoken in the debate. So, Mr. Nyamweya is apologizing for not being able to see the debate through, and cedes his right to reply to Mr. Malinda. That is all right.

(Resumption of debate)

Mr. Mbogoh: Mr. Speaker, Sir, when I invited this friend of mine it was quite difficult because he thought that it was a very unruly House, that everybody had either drunk one or two drinks, there was a lot of noise and everybody doing either this or that, and when we have rules like this, Mr. Speaker, Sir, it is sensible because it deals with the behaviour of the Members and if the Members have shown that they cannot control themselves then this is the time we should be controlled by a rule.

Mr. Speaker, Sir, sometimes it is taken by some of our Members who are hotheaded that fighting is the quickest way to settle a dispute, but there are those grown-up Members who do not like to use that quick method, and like to discuss it before they have to settle it physically. So, Mr. Speaker Sir, if some of these Members exist in the House it is about time they were warned that settling disputes physically would mean suspension from this House, until further notice.

Mr. Speaker, Sir, I would like to add here something which might not be very relevant although I hope it is. Mr. Speaker, Sir, we have a Whip in this House who is paid by the taxpayers and—

The Speaker (Mr. Slade) No, it is not relevant, Mr. Mbogoh.

Mr. Mbogoh: Mr. Speaker, Sir, I want to bring him outside the House and give some work to him there. I am not going to speak about him here.

The Speaker (Mr. Slade): You cannot make Whips responsible for the behaviour of hon Members outside the Chamber.

Mr. Mbogoh: Mr. Speaker, Sir, I know he is usually responsible even in the Parliamentary Groups, but we do not mention a Parliamentary Group here.

The Minister for Information and Broadcasting (Mr. Osogo): Give him a longer whip!

Mr. Mbogoh: Mr. Speaker, Sir, I would like to give him a longer whip.

The Speaker (Mr. Slade): I am sorry, but I cannot quite get your point, Mr. Mbogoh. Would you explain it again?

Mr. Mbogoh: Mr. Speaker, Sir, I want to give the Whip of this House a longer whip.

The Speaker (Mr. Slade): Would you like the rules to provide for that, Mr. Mbogoh?

Mr. Mbogoh: Mr. Speaker, Sir, we have a Whip who is in charge of the Group even when we have Parliamentary Group meetings outside this Chamber, and so I do not see the reason why the powers of the Whip should not also be increased so that he can deal with a Member outside this Chamber, but he must be within the precincts of the building, so that he can report to this committee any time he finds an hon. Member is going beyond the limit of good behaviour which is necessary. I would like the Whip to be made into somebody strong who can even settle disputes between the people who are fighting and separate them, because at the moment our present Whip is too short and he is not able to do that.

Mr. arap Too: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to insinuate that a short Whip is not as effective as a huge Whip?

The Speaker (Mr. Slade): Order! I think you are being a little careless about points of order. are you not? You had better look out.

Mr. Mbogoh: So, Sir, I will not go very far on this Motion. I just want to say that I support the rules moved at this stage and hope that they will fall equally on everybody. Even if it is a Minister or a Member of Parliament, or even the staff in this building, these rules must also affect them seriously, and not just a few Members who

are not very strong-willed when they drink, and behave badly and whose misbehaviour is not likely to be noticed by some of us so easily.

So, Mr. Speaker, Sir, I support the Motion.

Mr. arap Biy: Mr. Speaker, Sir, I rise to speak as hon. Member for Buret and representing the interests of the people of Buret. When I am in this House, Mr. Speaker, Sir, I usually behave as a respectable leader of the people. Mr. Speaker, Sir, I do not see any point, and I would like, at this time, to call this pointless regulation which will bring the Members of this House on an equal footing with those of schoolchildren. Mr. Speaker, Sir, we do not want militant rules in this Chamber.

The Speaker (Mr. Slade): Order! Possibly, Mr. arap Biy, you were not here when I explained to this House that we have to make some rules. I reminded the House, perhaps you were not here, that the House has already passed an Act providing for discipline of ill-behaved Members by this House. It is too late now to say that you did not want that Act, and having passed that Act, we have to have rules to give effect to it. All we can discuss is whether these are the right rules, not whether we have rules.

Mr. arap Biy: Mr. Speaker, Sir, I was just coming to that.

The Speaker (Mr. Slade): Keep to it, please.

Mr. arap Biy: Mr. Speaker, Sir, I was about to say that this is a very wrong rule. We would like to see something better than this. If the hon. Members will be patient enough and listen to me I will make my point clear.

Mr. Speaker, Sir, if I am allowed to give a verbal amendment, I would like to give it.

POINT OF ORDER

AMENDMENTS MUST BE IN WRITING

The Speaker (Mr. Slade): It will have to be in writing. I am afraid I will have to have it in writing before you can move it.

Mr. arap Biy: Mr. Speaker, Sir, if you would allow me some time to write it out, perhaps, while another Member is speaking, then I will do it.

The Speaker (Mr. Slade): You can do that, but you will not be allowed to speak again. You will have to get somebody else to move your amendment after you have written it.

Mr. arap Biy: I thought I would be allowed to speak on the amendment and support it.

The Speaker (Mr. Slade): I do hope the hon. Members understand our rules by now. No Member may speak more than once in a debate except the Mover in reply. No Member may move

[The Speaker]

an amendment without having first given it in writing to the Clerk before he moves it. Those are the rules; they are very simple. You have been here three years now.

(Resumption of debate)

Mr. arap Biy: Mr. Speaker, Sir, I thank you for your guidance but I feel very helpless about this. I quite agree with the hon. Member for Ndia that discipline is necessary. What I am trying to get at is that this function is a function of the Speaker. For an hon. Member to stay out of these premises for about sixteen days. This is a punitive measure, Mr. Speaker, and is very prison-like.

Mr. Speaker, if I could be given time I would raise an amendment to have instead of sixteen days only eight days, because this might lead to disqualification of a Member from this House when he is suspended for sixteen days.

Mr. Speaker, Sir, the hon. Minister for Information is worrying me about whether I have been—

Mr. Kibuga: On a point of order, Mr. Speaker, is the hon. Member not misleading the House when he says that when a Member is suspended for sixteen days it will mean he will lose his seat, whereas we have been told that this does not affect that position at all?

The Speaker (Mr. Slade): Yes, he evidently was not here when all these important things were said in this debate. He is now quite innocently mis-stating the position.

Mr. arap Biy: Mr. Speaker, Sir, thank you very much. I did not know that this could not affect the position.

CONSIDERED RULING

REPITITION THROUGH NON-ATTENDANCE

The Speaker (Mr. Slade): I am sorry to interrupt you again, Mr. arap Biy, but it is rather irritating for Members, and even for the Chair, when Members come in and out of debates to start saying things that have been dealt with already, and they would have heard if only they had attended. It is not only you that has done this, this time, it happens far too frequently that hon. Members seem only interested in speaking themselves and have not the patience to hear what other Members say. Then when they come in, they speak what other people have said, or raise points which have been answered, and they do really spoil the debate and irritate the House.

(Resumption of debate)

Mr. Khaoya: On a point of order, Mr. Speaker, I wonder whether it would be in order to call on the Mover to reply.

The Speaker (Mr. Slade): I think the House could consider that again. I will put the question.

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

The Assistant Minister for Natural Resources (Mr. Malinda): Mr. Speaker, Sir, I should like to thank all those hon. Members who have contributed towards this Motion. In replying I am going to take a very short time because all the important aspects of the amendments have been touched upon by various speakers, including the Back-benchers who are not Ministers; it is usually said that it is only Ministers who support amendment of some of the Government regulations.

Now, Mr. Speaker, it is quite obvious and it is also an accepted fact that any assembly or association, any club, an assembly of any sort needs regulations, and we have here passed an Act from which we are now making these rules. One point which we ought to bear in mind, especially those Members who opposed this Motion, is that there is a saying—I am afraid I do not know if it is in most other tribes, but it is in my tribe—which goes something like this: "One fly can make a whole carcass of a bull rot." For that matter, Mr. Speaker, this House can become disreputed because of one Member alone, and for that one or two Members who might bring disrepute to this House, it is that these amendments were conceived and were found to be necessary.

Again, Sir, I hear a Member saying that we are group-ups; we are, but just this afternoon a certain grown-up Member had to be sent out of the House because of his behaviour. It is such kind of things, Sir, that we want to eliminate.

Members who have spoken have seen the desirability of these rules. There is no punitive measures or any victimization intended by these rules. In fact, we are covered by rules Nos. 2 and 3, so much so that it will be only those really bad cases who will come to this House for disciplinary action to be taken against them, because there is enough protection.

One point I want to make clear is that in rule 4 (a) it says, "formal reprimand at the Bar of the House with or without exclusion, . . .". Mr. Speaker, if you will allow me I will explain to the House as you explained to me earlier, that this is a very mild form of disciplinary action.

[The Assistant Minister for Natural Resources]

Mr. Speaker explained to me that a Member is not actually being excluded from the sitting of the House. That means he will be called upon, after rule No. 3 has taken place, and the Member will only be excluded from a certain service, maybe from the services of the bar, from the services of the library, or from the services of the Members' Room, or one of these mild types of disciplinary action. However, the period, not exceeding one month, in rule No. 4 (a) or the period, not exceeding sixteen days, in rule No. 4 (b), this, Mr. Speaker, I want Members to understand is not necessarily to be the disciplinary action which is going to be taken every time. These are only maxims because we know, like for instance, the sentence for manslaughter is usually seven years, but we have had several cases of people being convicted of manslaughter and only getting one year or six months. However, provision is there that if the case was serious, the punishment could go up to seven years. Similarly, here, Mr. Speaker, if a case has been brought to this House and if it has been found to be so serious as to warrant disciplinary action to take its full course, then this House cannot exceed sixteen days for excluding a Member from this House.

Now, Sir, I want to touch on two other small points. When the hon. Mbogoh was speaking he said he should have liked the Whip to be empowered to report to Mr. Speaker or to the Disciplinary Committee, but I think we do not have to worry about that because we have a Serjeant-at-Arms who takes care of what happens around the precincts of the House, and if any incident takes place, he is the first person to report to the Speaker.

In conclusion I want to say to those Members who have been opposing the Motion, that although they have taken quite some time in talking and arguing, they have not made any tangible amendments to the rules, at least so that Government could consider them. With that being absent, Mr. Speaker, I wish to submit that the opposition was, maybe, because of misunderstanding of the suggested rules. I hope that Members who took that view will now see the truth of the matter and will also see the provisions for which we want to make these rules, accept them as such and pass them.

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

(Question put and agreed to)

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 15th June 1966)

(Resumption of debate interrupted on 21st June 1966)

(Second day of Budget Debate)

The Speaker (Mr. Slade): I would explain to hon. Members that since we only have an hour left for this debate today, it will not count as a day out of the five days allowed for this debate, and hon. Members have, in fact, gained an hour for this debate if they wanted it.

Mr. Jahazi: Mr. Speaker, Sir, I would like to contribute a little on the Financial Statement made by the Minister for Finance. Before I start I would like to congratulate our Minister for once again having come here and presented us with a Budget that did not actually bite any of our people very much.

I would like to start with a serious problem that most of the developing countries are facing at the moment. I quote the Minister when he was referring to the gap between the rich and the poor countries. He said, "The gap between the rich and the poor countries is getting wider while the value of aids being given for the development of poor countries seems to be shrinking in relation to their requirements." Now, Sir, we view with great disappointment the manner in which the rich countries are treating us, because, Sir, if there is anyone who would understand our problems, it would appear to be these countries. Some of them were here for seventy years, like Britain. We were ruled by them but the moment they left this country they now pretend not to understand the problems that are facing Kenya. When we go to seek loans, aids, grants, they engage our Government in very lengthy discussions as if they have never been here, as if they do not know what we are talking about when we mention Tana River Dam, as if they do not know what we are talking about when we mention housing, and such things. They seem to have forgotten everything completely, and it takes our Ministers time and trouble to try to convince them that we still require housing which they failed to provide this country with for seventy years. We still require roads. They know very well that they left the roads in a very bad condition. They know that we still require various projects which they left untouched. This pretence of not understanding our difficulties is very disappointing indeed. We are very disappointed in the big powers, or these big developed countries for the way in which they are treating us.

[Mr. Jahazi]

Mr. Speaker, Sir, you will find that it takes our Ministers very, very long to negotiate a loan. When they fly back they are met at the airport and they announce, "Oh, we have £3 million, £5 million, £7 million from various countries." They only come with promises. You find that after they have come back it takes nearly three or four years to get the actual money they negotiated from Britain, West Germany or any other country. These countries must realize that Africa is in a hurry. If they are going to give us money we want the money immediately so that we can start on our projects immediately. It is no use saying, "All right, we will give you £5 million.", and then they advance £½ million this year, then another £½ million after two years and so on, and it drags on and on. That frustrates the Government because when the Ministers come back they do not wait before making their announcements. They come and announce to the Press right away about such-and-such loans for such-and-such projects. The time drags on so much that people get frustrated and this leads the people to think that the Ministers did not come with anything, that they came back empty-handed, and only tried to bluff them or else the public would think that the time they spent abroad was not usefully spent.

Mr. Speaker, when most of the big countries give us loans, although they say the loans have no strings attached, you will find that most of these loans have strings attached. In most cases you find that the loans, in the long run, do not benefit us at all. I would like to quote something from the speech of the Minister where he says, "It is true that aid is increasingly becoming tied to imports and that the balance of payments from them, in a developed country, arising from our transactions with other industrialized countries, are now being used as an argument for negotiating the proportion of tied aid to the developing countries with whom the developed countries concerned may have some special trade supplies. There is the likely danger of aid programmes which is being used as export promotion devices and it would appear that some countries want to give what they call aid without any real cost to themselves." Mr. Speaker, Sir, this is a danger because you are told, "All right, if you want to develop such-and-such a project, we will give you £1 million" but when it comes to giving the money, they tell you, "You know you cannot buy the Caterpillar tractors, or such-and-such machinery from Japan or anywhere else," anywhere from where you can get it cheaply, "You will have to buy American goods," or "You will have to buy from Russia." They give you the

money but they make sure that you spend that money in their own countries. If you can buy sometimes inferior goods from a certain country allowed to do so, because they want you to spend money in their own countries in order to promote their own industries. You are forced to buy sometimes inferior goods from a certain country that gives you aid just because the aid has strings attached, the stipulation that you must buy the things from the particular countries concerned. They see to it that you send at least 80 per cent or 50 per cent of that money buying the goods produced by the particular countries involved. So, Sir, you end up by buying inferior goods and when you start on the project you find that it has cost you more than what it would have cost you if you had a free hand in spending that money.

So, we wonder whether this is really friendly aid or whether we are helping the business and trade of the particular country to prosper. It is only because they know our need very well that they have worked out a master plan of how to sell us things at very high prices, using their money and in the end we pay double for that money. We pay interest for that loan they give us, then they get a lot of profit by forcing us to buy their own products.

Now, Mr. Speaker, Sir, I think developing countries have both their hands in this; we hear plans, but we are starting to see that whatever money we receive from them, they receive double from us in return, and we would like them, if they are our true friends, not to use these tactics of promoting their business, at the same time pretending to help us.

Now, Mr. Speaker, Sir, again we will find that these same people, who pretend to be our best friends, for instance, using that money on the farms, you will find that they have got together in their various common markets in Europe, America and elsewhere, whereby they set up prices for our produce. When we import goods from them, for instance, farm implements, tractors and various other things, we find that we are buying them at a very big price. When we use those implements here we give them to our local farmers, they buy them at high prices. The price, for instance, of imported fertilizer, of ploughs, tractors, insecticides you find that the price is very, very high, but when the farmer comes to sell his produce you find that the so-called world market price is very low, and he cannot recover the money he spent in developing his farm, and the price accrued from his farm produce, fetches a very low market. We find that the people who set up these prices are the same people who sell us the farm implements and

[Mr. Jahazi]

other machinery. You find, also, that we are being exploited twice. They sell us goods at a high price, they buy the goods we produce from their machinery at a very low price. You will find that although our Government is trying to plan, mechanize the farms, develop this, bring new methods of cultivation, but the prices are falling every day, and these people are frustrating the Government because even if they raise the price of maize or coffee to any amount, it will not fetch a very good price on the world market. Therefore, this is also one of the dangers facing our Government today. The so-called friends are trying to tell the whole world that they are helping us, while, in actual fact they are like rats biting at us, and at the same time trying to soothe us so that we do not feel their bites. Therefore, Mr. Speaker, Sir, I think this is not for the Kenya Government only, but is a problem that most of the African States are facing, and you will find that we will ask the Government to be tough, and not to appear as if they do not see this. In their negotiations they should tell these so-called developed countries firmly that we are not going to trade with them any more as we know what they are up to, and if they want to help us let them help us with straight hearts, but not trying to exploit us indirectly.

Mr. Speaker, Sir, having said that I think I should comment on foreign experts. Mr. Speaker, Sir, we need various experts in this country, all developing countries need experts from various places. These experts come here and most of them are seconded here by their various Governments. We want the Government to start watching these so-called experts and see whether some of them are really experts who are here for the good of this country, or for the good of the country which sent them, because some of them may come here, and the Government trusting these experts, may be advised that this project is not good, or this project is this, while in actual fact they wish only to water our plans down. Therefore, Mr. Speaker, if the Government does not open its second eye, and stop lowering their guard completely and putting all their eggs into these experts' baskets, we will find that by the time we come to know that such and such experts were, in fact, working for the benefit of their own country, it may be too late. Therefore, we would like to know whether these experts were really sent here to scrutinize their advisors, and once the Government knows that this is what we want, whether the experts say it is impossible or not, the Government, if they think it is possible and for the good of the country, should overrule that expert and go ahead. Experience has

shown that some of these so-called experts are actually not experts at all. They are just coming here to put us to sleep, and when we try to wake up they say, "No, no, you cannot do this, Rome was not built in a day, we cannot do this and that". Therefore the Government puts trust in them. I would like to tell the Government that now we are having our own experts, we have our young men trained in various places. When they come here they are put under these so-called foreign experts, and these people will not like to see them rise immediately, and whatever they suggest, they are told "my boy, you have no experience, you wait" and so on, and the Government itself is frustrating these young men who come back by not listening to them. A doctor may be an expert, he may have been practising medicine thirty years ago, and then penicillin was not known, it is just catching up. But a young bright man, who is coming from a very big university with long qualifications, better than all these so-called experts we have, is a far better qualified man. These people should be given jobs, and should be trusted to advise the Government, but not to listen to these so-called experts all the time.

Mr. Speaker, Sir, coming to the question of expatriates. The Government brings an expatriate from London, pays him a large sum of money, and then this man is given a contract for one or two years. This man has no interest in this country. He will come from London here, for the first six months he will be settling down, he will not know anything about what is happening in Kariakor, what is happening in Nyanza, or anything. The next six months he will work a little. After one year he knows that he has only one year and that he will have to go back and look for a job. So the second year he will not be in the office, he will be spending 50 per cent of his time here and 50 per cent there trying to look for another job, either in South Africa or elsewhere, because his contract is finished. Then he has a golden handshake of 25 per cent of what he has been earning, it is high time that the Government considered seriously whether these people are really beneficial to this country by being given one- or two-year contracts, while in actual fact, we are only giving them free money, they come here for a holiday and what they earn and then go back and resume their former job. Some of them even take time off from a London firm, saying that they are going to earn something extra and then I will come and rejoin you after two years. Therefore, Mr. Speaker, I would like the Government to investigate these expatriates who are just here to do nothing except to be part on holiday.

[Mr. Jahazi]

Mr. Speaker, I understand from the Minister when he said that when it comes to wages, in 1965 wages rose by 7.8 per cent, and at the same time consumer prices rose by 4 per cent. That is the problem we are facing whereby although the workers are receiving something, and their pay is better, but at the same time the Government has failed to check prices. Every time an employer gives an increase, they make sure that the price of goods are increased by double and therefore, the workers always find themselves behind. The pay is never enough, because the Government and the *duka-wallahs* all play with the prices of everything. You find the same item produced here, in this Patel's shop is Sh. 20, in the next shop it is Sh. 25, in another shop at Westlands it is Sh. 30, another shop in Kariakor it is Sh. 50, and the Government has failed completely in protecting the workers from these vampire bats who are sucking our blood. Therefore, Mr. Speaker, as I have said before that by giving us twenty minutes we can never contribute anything to this House. If the Government want people who will just stand here and pat them on the back, I am afraid this cannot be done because we have so much to say, but because of twenty minutes the light is already on, it disrupts everything. I hope that the few things I have mentioned, they are the problems facing this country; it does not require a communist, it does not require another party, it does not require anybody else to control prices. It requires only Government, anybody in Government can do that, because their word is law, yet the Government just sit down and watch Patel sucking every worker's blood, and he is just left out, they would rather ask KPU and other people, and these enemies of the nation who are really inflating prices are just left there and the workers are blaming Government for doing that, and the Government is not doing anything at all.

I think with those few words, the red light is on, and I have no option but to give way, Mr. Speaker.

Mr. Khaoya: Mr. Speaker, Sir, I am grateful for getting this opportunity.

First, Mr. Speaker, I would like to congratulate the Minister for Finance on the able manner in which he has presented his Budget Speech. I know the Minister was a former colonial chief and I was a colonial chief as well; and I must say that this is one of the good aspects of colonialism. The thing is that the colonialists were very, very good at tax collection. Our Minister has extended this ability to raising revenue and, for that reason, I really congratulate him.

Mr. Speaker, I listened to and read very carefully the speech and also the economic survey and the other documents relevant to the Budget. I cannot help but thank those countries, such as Great Britain and West Germany, for the effort they have put into giving us aid, although some of us do not seem to appreciate that. I would like to say that when we have this question of aid, we have to consider who is the person asking for aid. Is it not we? If it is we who are going out to ask for this aid, why are we not grateful when we get it? I am sure one of these days we shall be able to raise all the money we require, and that is the time when we shall come back, look at the sort of terms we get when we ask for loans, because we have a saying that you should not look a gift horse in the mouth.

I understand there are strings; call them ropes if you want to, but it is we who are going out for these ropes and, therefore, we should be content with the ropes that we get with the aid we asked for.

After saying that, Mr. Speaker, I would like also to endorse my appreciation of the fact that the Government is trying all the time to reduce the deficit. I note that now it is reduced to £3.5 million only and this is something which we should be proud of. One can only hope that in two years' time we shall have a Budget that will balance itself without any deficit at all.

Looking at the Budget Speech and the Budget in general, it looks as though it was prepared for economists. I would like to show the Government that, although it is a very balanced sort of economic statement, we are basically politicians and, looking at the estimates politically, one comes to the conclusion that the Minister for Finance has completely failed to hit the point. Recently, I had an election. I am sure most hon. Members have now forgotten because it was three years ago that they had their election and most of them have forgotten that this is a very hard world indeed. One has to fight, one has to produce results, one has to bargain hard or else one drops out politically. We have promised that we are going to give free education, say, to the primary section of our education system. I should think any politician worth his salt—especially the hon. Minister—should have at least given a start. I would like to see something like a seven years' education plan, so that by 1967 we could begin having free education in Standard I. The country is not going to be satisfied with the plan that we have now of free education at Form V and Form VI level. This is just hitting the wrong target.

[**Mr. Khaoya**]

Mr. Speaker, I would like also to show that as politicians we should look at the facts straight and then come to the logical conclusion. We have seen how the drought has damaged our economy over the last year. One would have thought that it would be reasonable to expect the Minister to put forward suggestions as to how we are going to combat this problem. We hear that our coffee, sisal and maize production has been reduced very greatly. Reading through the Budget, one finds nothing at all to combat this, apart from saying that we expect to import some yellow or red maize from America; this is not going to be enough.

Mr. Speaker, I would like also to touch on the question of the Bank of Kenya which has been dealt with by the Minister very ably. I must say that it is something that we have been expecting. However, when we hear this and consider that we have exchange control in this country and then we hear that foreign money is coming into this country all the time, we wonder why we are not in a position to control any of this money that is coming for subversive intentions. What are we lacking for us to be able to control it? Now that we are going to be in a position to manufacture, as it were, our own money here and also have exchange control, how is it going to be possible again for subversive Chinese money to come here? I would like now to point out that the Government has no excuse whatsoever, and we do not want it to complain that so much money has been sent in, because now we are the manufacturers of our money and we also have all the means of controlling it. Now the Government has only to act, and put a stop to the entry of all this subversive money.

Mr. Speaker, I would also like to touch on the tourist industry, as it were. I know that we could raise a lot of money from this section of our economy. I learn that when Joseph Thomson, for instance, came to Mount Elgon he found very beautiful green trees there; he also saw the beautiful Podo trees and some impressive animals. Why has the Government not seen fit to open up Mount Elgon as a tourist resort? One of the ways in which we could benefit from such an industry is that we would get a tarmac road because we would be getting people going up there, and for that reason we would probably get the old stretch between Eldoret and Tororo, which has been there for many years without tarmac, tarmacked.

Mr. arap Biy: There is a railway line.

Mr. Khaoya: We have a railway line, yes, but we do not have a hotel. If we had this industry, probably we could get a very big hotel in that

area. I am sure we are losing a lot of money by way of visitors going over the border to Tororo Hotel. So I wish to see the Government expand the tourist industry to take into account all those spots which foreign people would like to see.

Mr. Speaker, having said this, I wish once more to thank the Government—although it has failed miserably on political grounds—for the fact that it has produced an economically sound Budget, but I wish to point out again that politically we have failed. We have all the time to give a political slant on anything we budget here, so that in two years' time or three years' time, we can go back and say that "we have succeeded here, we have started free education in Standard I and this year we are going to Standard II, and next year we are going to Standard III". Then we will be able to say, "All right, we have now begun with the medical facilities", and from there, on the question of poverty, we will be able to say that we have done this or that.

Mr. Speaker, Sir, with these few remarks, I wish to sit, thanking the Government for the way it has brought this Budget.

Mr. Godia: Mr. Speaker, Sir, I must also take this opportunity of congratulating the Minister for Finance for the manner in which he presented his vivid speech on finance last week.

I would also like to speak as the Member representing Hamisi. I would like to look at this, Mr. Speaker, as the Member for Hamisi. We from Hamisi, Mr. Speaker, accept wholeheartedly the increased duties on sugar, cardigans, garments, cotton fibres, silk, passenger-carrying motor-cars, coffee, soft drinks, steel nuts and washers, mechanics' and artisans' tools, machinery apparatus, electric wires, pipes, telephone wires, paints, biscuits, steel bars, soap, petroleum, motor spirit, radio sets, matches, mineral waters, etc.

I am speaking as the Member for Hamisi, Mr. Minister, and therefore I should be given a chance to speak. It is not good that he should interject.

Mr. Speaker, Sir, I must state that we from Hamisi are going to do our best to contribute to the duties as imposed. Mr. Speaker, the Minister is asking me in what way we are going to contribute to the duties imposed. We are going to do so by buying the articles.

Mr. Speaker, what I am going to ask the Minister to tell the House when he replies is how my constituency is going to benefit from this Budget. When it is known that we are going to buy most of the goods on which the duty has been raised, I must ask the Minister to tell the House what my people will get, because my people in Hamisi

[Mr. Godia]

have, through their own efforts, developed a number of secondary schools, and they intended that the schools should be taken over.

Mr. Speaker, Sir, I think I had better tell the House the names of these schools. They are Senende, with Form III now; Givogi Mungalsi, Tigore, with Forms I and II; Kaimosi, with Form I. Mr. Speaker, Sir, these schools are running by the people's own efforts on secondary school level, and it has been the intention of Government to encourage people to establish such projects, so that they can receive attention. I hope the Minister for Finance would see it fit to take at least one of these schools from my constituency.

Mr. Makone: On a point of order, Mr. Speaker, is the Chair satisfied that the Member speaking now is keeping within the debate on the Financial Statement?

The Speaker (Mr. Slade): Mr. Makone is quite right. I expect Mr. Godia was here when we started this debate and I explained to hon. Members that parochial matters cannot be regarded as relevant to a debate on such general matters as were contained in the Minister's speech, except by way of example. The hon. Member who is speaking did start to refer to the *Harambee* schools in his own area as an example of *Harambee* schools throughout the country that need more support. That is all right, but then you must not get so parochial as to dwell too long in your own constituency.

Mr. Godia: Thank you very much, Mr. Speaker. That is exactly what I was trying to get at. I have already indicated that we are going to accept the duties as imposed in the country, and I was just giving an example of what it is necessary for the Minister for Finance to attend to.

I have given an example of *Harambee* schools in my area and I want to give another example of a health centre which has been built through the people's own effort at Tigori in my constituency. This, Mr. Speaker, is an effort of the people and we expected the Minister for Finance, in the Budget, to consider this effort. Mr. Speaker, I do hope when he replies he will tell the House something about this.

At the same time, Mr. Speaker, my people are growing tea and it is assumed that within the next financial year it should be possible to get better roads for transport of tea to the factory.

The Speaker (Mr. Slade): No. Now, Mr. Godia, you are getting too parochial, you know; you must get back to the more general issues raised by the Budget Speech, or not raised and which you would

like to raise. You have to speak on general issues, with only reference to parochial matters as an example of a general issue.

Mr. Godia: Thank you, Mr. Speaker, I shall now turn to things for the whole country.

I hope, Mr. Speaker, that the Minister, in dealing with the finance for the next financial year, will think it fit to consider throughout the country districts and areas where people have shown initiative in growing tea, to see that the roads used for transport in those areas are brought up to standard, because in most cases we get better roads in a few places, while in other areas—like my constituency—the roads are very poor. An hon. Member says, "In Embu North," and someone says, "In South Nyanza," and so forth. Mr. Speaker, Sir, I think that the Minister should give this matter very serious consideration because without better roads we cannot expect the farmers to transport their tea easily.

Mr. Speaker, Sir, I would also like to say a word—

QUORUM

Mr. Omar: On a point of order, Mr. Speaker, there is no quorum in the House.

The Speaker (Mr. Slade): No, there is no quorum, so ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum.

Mr. Godia: Mr. Speaker, Sir, there is one point which I would like to mention in regard to the Development Plan which has already been drawn up by the experts. Mr. Speaker, Sir, it should be realized that some projects which were in the course of being developed by the people, before the Development Plan came out, should automatically be incorporated within the plan without asking the people who had worked on those projects to go back and cancel what they had begun to build in order to march with the produced Development Plan. I do hope the officer responsible for planning will very seriously consider taking into account the efforts of the people on the ground and getting those efforts incorporated within the plan so that the efforts of the people are not left out.

Mr. Speaker, Sir, it is only an officer who is colonially minded or who tends to sit on the progress of our people who turns his back on the efforts of the people. So, Sir, I hope this will be taken very seriously.

Mr. Speaker, Sir, I would like to speak with regard to agriculture. I must congratulate the Minister for Agriculture in planning to give to

[Mr. Godia]

the farmers fertilizers and better seed. I do hope, however, that they will continue to see that farmers who are recognized and who do a good job are given these things on credit, so that they can pay after harvesting. It should also be possible for the department to make available tractors to farmers who want them, without making the conditions so difficult. Many farmers who have already gone into farming have no tractors and some of them try to plough using the oxen, but this process is so slow. Therefore, Sir, the Ministry of Agriculture would be doing the country a great service if it gave them tractors in advance.

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

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

Mr. Deputy Speaker, Sir, I would also like to appeal to the Ministry of Agriculture, also particularly the Minister for Lands and Settlement, to see that more fifteen-acre plots are allocated to our small-scale farmers. Many of our people want to be given the chance to see what they can grow in the land. So, Sir, with the policy of "go back to the land" we cannot encourage large-scale farms when there are thousands of people who do not have land. Therefore, I think the Ministry of Lands and Settlement should consider allocating more of these fifteen-acre plots to farmers than large-scale plots.

At the same time, Sir, I hope, with regard to these settlement schemes, the Minister for Lands and Settlement will do his best to see that local authorities and local councils are established in these settlement schemes so that the settlers can deal with their own affairs in a manner they wish.

Mr. Deputy Speaker, Sir, I would like also to appeal to the Ministry of Lands and Settlement to speed up land registration, because everywhere throughout the country people are demanding land registration, and so since there is not much staff to do this work, the work is delayed. Therefore, Sir, something should be done to get land registration hurried up throughout the country.

Mr. Deputy Speaker, Sir, I would also like to request the Minister for Health to consider giving more grants to mission hospitals so that these mission hospitals can also give free medical treatment to our people just as is done in the Government hospitals. Mr. Deputy Speaker, Sir, we have many mission hospitals who are willing to give out medicine free to the patients if only the Government would give them a hand. I do hope the Government will see fit to increase their grants to the mission hospitals so that they can give free medical treatment to the patients.

Now, Mr. Deputy Speaker, Sir, I would like to touch on the question of housing. Mr. Deputy Speaker, Sir, I would like to appeal to the Minister for Housing to try and help out people by putting up better houses, not only in towns, but also in the rural areas. Mr. Deputy Speaker, Sir, the people where these *Harambee* schools have been established need housing and they should be given houses. The farmers in the rural areas should be given assistance in putting up better houses for their own use.

Mr. Deputy Speaker, Sir, I understand that His Excellency the President and the other two Presidents of East Africa, Dr. Obote and Dr. Nyerere are meeting on Friday, 24th June. I do hope that they having the mandate of 30 million people in East Africa they have the right to decide the future of East Africa. East Africa has been united under the colonial régime and there is no reason why East Africa should not be united under the three East African leaders. Therefore, Sir, it should be possible for them to deal with anything which might cause differences, so that the unity of East Africa is maintained.

Mr. Deputy Speaker, Sir, I would like to say a word regarding the other political party—KPU—which is worrying other areas. We are asking the Government to see that this party is restricted in areas where it is. We do not expect it to go into other areas, because if this is allowed, there will be reckless efforts to try and prevent them. Therefore, Sir, we are prepared to fight them, but this may lead to lawlessness, and so they should be advised to keep where they are.

Mr. Deputy Speaker, Sir, I would not like to come to the question regarding the bank. We are pleased that Kenya is going to establish its own banking system and we hope that our new bank will do its best to help the African businessmen by way of granting them overdrafts, because the present banks do not give assistance to the African businessmen at all. They give most of their assistance to Asians and other people who are not Africans, so I hope the bank to be established will do its best in helping to bring up the African businessmen.

Lastly, Mr. Deputy Speaker, Sir, I would like to talk about the Administration. There has been a tendency in the Administration for certain officials who have been entrusted with responsible positions by the President to try to use their positions in promoting tribalism. I think, Sir, any civil servant who has been so trusted to such a post of responsibility, who is encouraging tribalism should be replaced and another person appointed in his place, because the President of

[Mr. Godia]

this country, and Kanu do not back up tribalism. We back up unity and that is what we have fought for. Therefore, any civil servant trying to encourage tribalism through the influence of his position as a civil servant must be done away with.

Mr. Deputy Speaker, Sir, I understand that the Ministry of Education has been given a loan of £2,500,000 and I hope most of this money will go in assisting most of these *Harambee* secondary schools.

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

Mr. Makone: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity, but I will be very quick, as usual.

Mr. Deputy Speaker, Sir, I would like to begin with the Financial Statement, page 2, where the Minister for Finance referred to the settlement schemes. Mr. Deputy Speaker, Sir, it was good that during the time when we wanted to become independent and look after the Government ourselves, we made certain promises and it is on the basis of these promises we made for ourselves that we share a common platform to air a common view so that we form our party. Those who aired the same view, Mr. Deputy Speaker, formed the Party Kanu and on that basis—having aired the same view on the issues—we were elected.

Mr. Deputy Speaker, Sir, as soon as we were elected we had to face some of these issues. One of these things was to settle our people on the former European-owned land. We give credit here, Mr. Deputy Speaker, Sir, where credit is due. Mr. Deputy Speaker, Sir, we only settled the people, but did not think of their economy. Did we settle the people with the interest of raising their standard of life, or did we settle our people for the convenience of the outgoing European farmers? I find, Sir, that the latter prevails. Our people have been settled on this land and it is good that the President and every Minister who goes out makes the statement that we have settled so many people on the former European settlements, this is good, but Sir, have the same Ministers gone to see what is happening on this land? Have they seen what economical problems these people are facing?

Mr. Deputy Speaker, Sir, we settled our people on these European farms and put them into a situation where it is difficult, economically, to raise their standard of living. Mr. Deputy Speaker, Sir, take for example the Sotik Settlement Scheme, a man is given twelve acres of land. He

is also given two heads of cattle—Friesians. In some cases inexperienced Ministers think that two Friesians will give 300 lb. of butter fat, I would like to know to which school he went. Mr. Deputy Speaker, Sir, the experts know that three Friesians, according to the answer which I received when I asked a question about the possibility of loan repayment, cannot give 300 lb. of butter fat in a year. Can the Minister not understand that two Friesians cannot produce 300 lb. of butter fat in a year? Mr. Deputy Speaker, Friesian cattle, in the main, have very small percentage of butter fat. The Minister who was elected by His Excellency the President is sitting in Nairobi here and is advised by the colonial experts who try and tell us that these animals can produce 300 lb. It is a question of trying to force blood out of a stone. This is impossible and, therefore, in due course we will find that instead of fighting three enemies, disease, ignorance and poverty, we will have a fourth enemy which will be to fight the settlement people. I say this because if a man is given twelve acres of land and he is asked to pay Sh. 600 for the first six months of settlement, he will find it impossible to do so. It is physically impossible to do that. A poor man who is jobless, a man who is settled on a twelve-acre plot, cannot produce Sh. 600 for the first six months when in actual fact he is trying to build a home. So, the fourth enemy of Kenya will be to get these people out of the settlement schemes and you cannot get these people out of these settlement schemes by word of mouth. I assure you of that.

I think that Minister should have been sacked from office a long time ago, because he is a sleeping Minister. The country cannot afford to pay a sleeping Minister and his expatriate advisers.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is it in order to refer to a Minister as a stupid Minister and a sleeping Minister at the same time in this Parliament?

The Deputy Speaker (Dr. De Souza): I do not think he said, a stupid Minister; I think he only said, a sleeping Minister. As long as he did not specify who he is referring to, it is all right. However, I would advise you, Mr. Makone, not to become too personal.

Mr. Makone: Mr. Deputy Speaker, thank you very much. I did not say stupid, because I am a respectful man. Mr. Deputy Speaker, I only said sleeping Minister, I did not say stupid. However, the Member is himself sleeping.

The Deputy Speaker (Dr. De Souza): All right, carry on.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to refer to me as, sleeping, when it is his own pronunciation which is the cause of misunderstanding?

The Deputy Speaker (Dr. De Souza): We do not want to carry this sleeping business any further. Carry on. Mr. Makone.

Mr. Makone: Now, Mr. Deputy Speaker, I was saying that our Government must go a long way to make sure that these people who are to be settled in the settlement schemes lack anything that will help to raise their standards.

Secondly we must work hard to satisfy our people—

On a point of order, Sir, is it in order for the Attorney-General to hold a conversation and cause a disturbance when I am speaking?

The Deputy Speaker (Dr. De Souza): It is all right so long as it is not a very loud conversation. I cannot hear anything he is saying. I think he is entitled to continue talking.

Mr. Makone: So, Sir, the second thing is that our people—

On a point of order, Mr. Deputy Speaker, I do not think the Chair is being fair to me. The same thing is being organized by the Attorney-General.

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Makone, it is quite wrong for you to say that the Chair is not being fair to you. I think that is an absolutely unwarranted remark and I want you to withdraw it.

Mr. Makone: I wish to withdraw, Mr. Deputy Speaker, but the Attorney-General—

The Deputy Speaker (Dr. De Souza): I have made the ruling quite clear that Members are allowed to speak privately among themselves as long as they do not disturb the House. I certainly did not consider any private conversation going on there as disturbing the House.

In any case I think it is now time for the interruption of business.

MOTION FOR THE ADJOURNMENT

FOREIGN MONEY FOR SUBVERSIVE POLITICS

The Deputy Speaker (Dr. De Souza): I will now call on a Minister to move that the House do now adjourn.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Natural Resources (Mr. Malinda) seconded.

(Question proposed)

Mr. Muliro: Mr. Deputy Speaker, Sir, I gave notice to raise this matter on adjournment because of the reply which this House received from the Assistant Minister for Home Affairs. Now, Sir, some time early this year, during April or May, or perhaps March/April, the Minister for Home Affairs made a very categorical statement that there were some £400,000 which had come to this country for political purposes for subversive activities. That statement was backed up by the now Minister for Co-operatives and Social Services, Mr. Ngala, who said Parliament must be summoned immediately by the President to debate these millions of shillings which are in Kenya for subversive activities.

As the Kanu Parliamentary Group we pressed the President to recall Parliament so that we could debate this matter of foreign money hovering over us. The President told us nicely and quietly that they had methods to deal with this situation. We kept quiet.

Then, in this House the Assistant Minister for Home Affairs categorically made a statement—the Assistant Minister in question is Mr. Wamuthenya—in very positive terms, saying that the Government knew that money was coming into the country. If the Government knew that foreign money was coming into this country, then, definitely the Government should be in a position to give the country the names of the recipients of this foreign money which was being brought here to subvert our Government. Mr. Deputy Speaker, we are independent. Our independence has been earned by sweat and blood. We do not want any country in this world to bring money into Kenya to try and subvert our Government.

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

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

If it is a political organization, Mr. Speaker, which is getting money for subversive activities in Kenya, then let that particular party be wound up. Let the leaders who get the money be rounded up as well, because we are here to build a country, a nation for our children and for posterity, we are not here to allow ourselves to condone some actions of the Government. If the Government condones the actions of the people who bring in such money for political purposes, to upset the country, then, eventually, we might find it is too late to do anything.

We have a little saying in Luhya, that only one small mushroom in a heap of mushrooms, eventually makes the whole heap of mushrooms bad. So, Sir, today, if we have individuals bringing money into this country, we want the Government

[Mr. Muliro]

to expose these individuals who want to subvert our Government. If it is a party, even our own party, Kanu, if we are not organized and we have to depend on foreign money to organize ourselves, then let us go to the people of Kenya and ask them to donate the money for effective organization of our party. We should not, however, look to the foreigners who would like to subvert our country. They can use individuals within our own party; they can use individuals in the opposite party.

This, Mr. Speaker is what prompted me to move this Motion on adjournment. I am convinced the Minister who will reply to this question will tell us where the evil lies so that we can eradicate it through and through and then Kenya will be peaceful. If we condone it, then we are going to regret but our regret may be too late.

Sir, I beg to move.

Mr. Shikuku: Mr. Speaker, in view of the seriousness of the Motion, I will not take up much time. I would like to join the hon. Mover who has so ably moved this Motion and say that we are getting tired of these repeated statements by people who are in responsible positions and who are not, it appears, in a position to tell the House exactly what is happening.

Mr. Speaker, an hon. Member making a statement in this House, or outside the House, can be excused, but for somebody in the Government of the country to make a statement which he is not prepared to back up to the hilt, as far as his allegations are concerned, I find very absurd. It degrades the very word "Government", because I am of the opinion that any Minister or Assistant Minister should be responsible enough—and act responsibly—to know what he is talking about.

Mr. Speaker, the reason why I feel I must support the Motion is because the people in the country are led to believe that this Government is a Government of propagandists. If you can say something which you cannot substantiate, then you are propagating something which you cannot uphold, and in most cases, Mr. Speaker, some of the propaganda can be substantiated. However, it is nonsense for Ministers and Assistant Ministers in this Government to go on making such wide allegations of, let us say, this Sh. 8,000,000 which have been brought into Kenya for subversive activities. Sh. 8,000,000, Mr. Speaker, is enough to give every poor man Sh. 1 throughout the whole country. It is not a small amount. We would like to know who received this amount of money, where he received it from and from whom he received it. Once you know that, then we can put a man into prison, do away with that country;

if it has an embassy here, we can close that embassy and put the representative on the first plane available at Nairobi airport so that he can leave this country immediately. This in itself is corruption and we do not want our people to become corrupted. If the Government can continue making allegations which they cannot prove, allegations which are of such great importance, Mr. Speaker, then it can be safely said that the Government is a Government of irresponsible people and that they are condoning corruption of and by our own people. If Government is not prepared to accept such mud-slinging, then the time has come, today, when Government should tell us who brought the Sh. 8,000,000, from whom, from where, and for what purposes.

If they do not believe all this, they must shut up completely. If it is a question of organization, we are getting fed up with this party having money from outside the country. I do not care who, whether KPU or Kanu or whatever party it is, Mr. Speaker, we want our people to know that Kenya is for Kenyans, and not for Russians or Americans, or any country outside this. If our people are going to be used to having money, then we are going to have representatives in this Parliament. Mr. Speaker, there will be a wrong representative in this Parliament because it will be a question of how much money you have given away; that will determine your coming to this Parliament, and the result will be terrible. It is going to be a corrupt Government of people with money, who have their masters outside the country, and, therefore, Mr. Speaker, I feel it is a very serious allegation and this Government has a duty to do.

Personally, Mr. Speaker, I have struggled for the independence of this country, and I am not going to let anyone—be he Russian or American; after all, there is no difference between an American and a Russian, they are all devils and, as far as I am concerned, they are not interested in my welfare, and I must guard against this, Mr. Speaker—

POINT OF ORDER

CRITICISM OF FRIENDLY COUNTRIES

Mr. Godia: On a point of order, Mr. Speaker, is it good language for the Member to speak of Americans or Russians as devils? Is that not bad language?

The Speaker (Mr. Slade): No, I have told the House so many times of our own Standing Order which prohibits criticism of friendly countries, except by way of Substantive Motion for that purpose, on which a vote is taken. Hon. Members must be careful about this. You can criticize

[The Speaker]

individuals, foreign individuals, or otherwise, but not foreign countries or their government with whom we have friendly relations.

Mr. Shikuku: Thank you, Mr. Speaker, for drawing my attention to that, but I do not mean to be that bad, but the point is that in the world today, we have East and West, and every country is trying to get the under-developed countries onto its side through means of money, through means of aid, through many other means; I mean they are more advanced in their network. These are the sort of things, Mr. Speaker, I feel we should not encourage. I must agree with you, Mr. Speaker, that the word "devils" is a little strong. But I was trying to find a mild word, unfortunately—

The Speaker (Mr. Slade): I confirm that it is completely out of order if you use it with reference to a named country.

Mr. Shikuku: No, Sir, I will be out of order, I agree with you. Particular people in those countries, Mr. Speaker, have some of their stooges here to try and get us on the wrong track. Mr. Speaker, I must end and say that the Government—

POINT OF ORDER

UNPARLIAMENTARY LANGUAGE: "STOUGE"

Mr. Omar: On a point of order, Mr. Speaker, Sir, I remember that one day you gave a ruling to this House that you did not regard the word "stooges" as a parliamentary word, and that it should not be used in this House. The hon. Member has used it, is this in order?

The Speaker (Mr. Slade): It is not in order, no, not to describe anybody as a stooge.

Mr. Shikuku: Thank you, Mr. Speaker, I thought I misunderstood your ruling, because I thought that you had ruled that it is not good to refer to hon. Members as stooges in this Parliament, but, nevertheless, if it applies to everybody outside this Parliament, then I withdraw it. I mean those who have—

The Speaker (Mr. Slade): I think we had better get this clear. It is an offensive word and one that should not really be used at all, but I cannot, as a matter of order, object to a general reference to the existence of stooges outside this House, if that is all you are doing. When you start naming anybody as a stooge, that is when you have to stop.

(Resumption of debate)

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling.

I feel, Mr. Speaker, the agents of those foreigners who are here have to be restricted, and I think Government owe us a great deal, if they can tell us who are engaged in this filthy game which is going on and which is endangering the peace and freedom of this country.

With these few remarks, Mr. Speaker, I beg to support in order to give some more Members a chance to say a word or two.

Mr. Kibuga: Mr. Speaker, Sir, this is a very important matter and I hope that the Government will not take it lightly. For a long time we have known that there is foreign money entering the country. During the "little general election" it has been said several times that there is foreign money involved, and even the President himself knew that there was money being distributed to people; he said that people should accept these bribes but when it came to voting they were to vote for Kanu.

If we allow foreign money to play games in this country, before long we shall find ourselves without a country. We shall find ourselves with a country that has already been bought. We have reached the stage when we cannot allow our people to be bought any longer. Some of the people are strong enough not to allow themselves to be bought. If foreign money is allowed into the country, the truth is no longer known and is discarded. Then you find people voting because of money. That is why, Mr. Speaker, we must insist that our Government knows the source of this foreign money, regardless of where it comes from, that it should come to the Government, and then the Government could give money to people by way of loans for development.

When it comes to individuals, and these individuals become masters of other individuals, this is very bad, and if the Government is taking care of the country, and we have agreed to give the Government all help necessary so that it can deal with these people, then I would say that our Government is becoming weak in allowing this money to confuse our country. It is important that the Minister for Home Affairs has come, and I think he will be briefed in the fact that we deplore this foreign money coming into the country. Many times people are repeatedly saying that there is foreign money; although we know there is foreign money in the country, we expect more explanations from the Minister. We expect strong action from the Minister, we do not want just words.

[Mr. Kibuga]

Mr. Speaker, Sir, last year when we were starting to legislate for one trade union for the whole country, all the vehicles bought by the different unions were taken away by the Government and given to the union which was recognized. There should be the same thing with politicians. We should not deprive the trade unionists who are receiving money from outside and yet allow the politicians to continue to receive money from foreign countries. Is our Government efficient? Do we have a good special branch in the country? Either we have no special branch which is efficient, or if we have a good special branch, we should have a Government which is ready to take action.

Is it the Government which is not taking action? Or is it the special branch which is not working? We need to know this one.

Mr. Speaker, because there are quite a number of people wishing to speak, I would like to stop here but insist on the Government taking action, and not words. We are tired of words and would like action.

The Speaker (Mr. Slade): I do not know if the Minister would like to speak. We have to watch the time, as hon. Members realize we will be stopping at 7 p.m. Every hon. Member has the right to speak for ten minutes; if another Member was to speak now for ten minutes, it would not leave much time for the Minister. Mr. arap Too, you do not want a full ten minutes, I take it?

Mr. arap Too: No, I am always short, Mr. Speaker.

Thank you very much, Mr. Speaker. Mr. Speaker, you will remember that I was the Member who asked this question, and, after asking this question, I met the Minister who has just come in. He indicated to me that he was going to disclose all the names of those who receive money, if the Government had any evidence at all. During the reply by the Assistant Minister, the Minister admitted, very clearly in this House, that the Government had evidence, and for that reason my friend, hon. Muliro, raised this on a Motion for adjournment.

What I wanted to say on this Motion, Mr. Speaker, is this. In the country today, people—especially those who have had the trouble of famine relief—are trying to look forward to the day when the money will come to them. If the money goes to them, this Government will be wrecked, because of the money that is going around the country today. They go to bars, they go to the people right in the reserve, and sing in

Nairobi that they support the Government, when the real roots of the Government are being cut in the reserve. Therefore, Mr. Speaker, we would like our Government to note this very carefully, because, Mr. Speaker, we know that the money that we receive from foreign countries, we receive for development in the form of loans, or any other way of receiving this money. If there is evidence that this money is coming to our country in order to support some people who would like to see the beloved Government that we have today wrecked, we are not ready, Mr. Speaker, Sir, to support such activities from any friendly country. We would like the Minister who has now come in—and I am very pleased that he has come in—to tell us what action his police are taking to see that all the bars which are being used as hotels by the dissident group or this subversive group are closed. What is he going to do with these people? He must close all the bars that are used for all subversive political action.

With these few remarks, Sir, I wish to support the Motion.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I am very sorry indeed that I was late. I have been campaigning from this morning until late this afternoon for Kanu, so hon. Members should not accuse me of not being present from the beginning of this Motion.

Sir, I am grateful indeed to the Member for Trans Nzoia for having thought of moving this Motion for the adjournment. Definitely, when I made this statement some time early this year, I meant it, and I think it is obvious. It is no use hon. Members saying that Government is not making a genuine statement on matters of this nature. Again, Government knows every individual's activities if such activities are going to subvert the Government or not, Government is knowledgeable of such activities. In the interests of the peaceful people of Kenya, Government will see to it that liberty and the movement of individuals for genuine purposes are guarded and preserved.

Sir, I do not want to divulge matters which I think would be of importance in the interest of the security of the State; I do not want to mention individuals who have been handling these moneys, either to subvert the Government or to use them for political purposes against the Government of Kenya. I would like to say that the persons who have taken a keen interest in going against the Government are those people who receive money to bribe ordinary citizens, to bribe those who are unfortunate and are not employed, those who are job-seekers in the streets, so as to go against the Government.

[The Minister for Home Affairs]

I would not go against any Opposition criticizing the Government if it came, genuinely, from the people, with the money from their own pockets, but how can we regard an Opposition which receives money from foreign countries to work either through the people I have said are unfortunate—the job-seekers and others—or even through some civil servants?

Definitely, we would like to give people a chance to mend their ways. I would like to repeat this, Mr. Speaker. If the hon. Members of this House who have been sent out to the country, as a result of the constitutional amendment in this House, could have been bribed to get these moneys, how come that the ordinary person who is not knowledgeable in matters of this nature accept such bribes.

Mr. Shikuku: On a point of order, Mr. Speaker, do I understand from the Minister for Home Affairs that the ex-Members of this Parliament were bribed? If that is so, could he tell us how much they were given to become dissidents?

The Speaker (Mr. Slade): The hon. Member cannot raise a question like that as a point of order, but he can ask for substantiation. That is what you are wanting really, is it not?

Mr. Shikuku: Yes, substantiation, Sir.

CONSIDERED RULING**EXCEPTIONS TO THE OBLIGATION OF
SUBSTANTIATION**

The Speaker (Mr. Slade): On that, I would remind hon. Members of something the House has probably forgotten: a Communication from the Chair that I made nearly three years ago on a point raised by Dr. De Souza, I think, that I think there must be one exception to the obligation of substantiation, where a Minister—one has to trust him not to abuse any special privilege he has—says in the interest of the country, security in particular, he cannot afford to substantiate what he has said. I recognized that, by that Communication, as being the one and only ground for not persisting with a demand for substantiation. But whether the Minister wishes to give that on this case, I do not know.

(Resumption of debate)

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I am always a straightforward man, I do not need to hide anything, but when, in my judgement, something will jeopardize Government machinery, I will not divulge it.

However, in order to clear the doubts of the hon. Member, I would like to say this. When the dissident group had their vehicles impounded, as Government stood guarantee to the United Dominions Corporation, a sum of Sh. 187,760 was paid to the United Dominions Corporation, in payment of outstanding hire purchase for the vehicles now in possession of Parliamentarians classified as dissidents. This amount was paid through Vohra and Vohra, Advocates, Rajab Manzil, Victoria Street, Nairobi, and the man who handled the money affairs was Mr. Joginder Vohra, the senior partner in this concern. So, if this large sum could be paid just within seconds, why should the Member ask me to substantiate every conceivable thing? The hon. Member understands that this dissident group have, to date, Mr. Speaker, about seventy vehicles. He, himself, being the former Secretary-General of Kadu, knows that he did not have any money. But if he had money, he could have definitely bought more vehicles.

Therefore, we are very vigilant, Mr. Speaker, and we know embassies which support these people and the methods they use in handing over these moneys. So Government is thinking very seriously and will act without hesitation on such embassies which go against the legitimate, elected and popular Government of Kenya.

We have said earlier on, Mr. Speaker, that this Government is non-aligned. We do not mind about the British, Americans, Chinese, Russians, Czechoslovakians and others.

I would also like to inform hon. Members that there are persons from eastern countries who work in diplomatic missions and trade missions and who work as intelligence officers. They work as intelligence officers, but they regard themselves as being members of trade missions and think nobody knows. I am indeed very conscious of these things and hon. Members will not be surprised that action will be taken against those people who act against the Kenya Government.

Therefore, Mr. Speaker, as I said before, I thank the hon. Member for Trans Nzoia, and during my speech on the Budget in connexion with this matter, I will disclose more activities of these people.

So, Mr. Speaker, I thank you very much for affording me this short time.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our time. The House is therefore adjourned until tomorrow, Thursday, 23rd June, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 23rd June 1966

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

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

PRAYERS**ORAL ANSWERS TO QUESTIONS***Question No. 193***KALENJIN AND AKAMBA ARMY RECRUITS**

Mr. arap Biy asked the Minister for Defence to assure the House that both Kalenjin and Akamba tribesmen were still recruited by the Kenya Army.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, the answer is "Yes," Sir.

Mr. arap Biy: Mr. Speaker, Sir, if the answer is yes, Sir, could the Minister further assure this House that members of these two tribes are given a chance to be employed or to be recruited in the Army because, at present, the rate is deteriorating at such a speed that we are almost coming to nil?

Dr. Mungai: Mr. Speaker, Sir, the answer is again, "Yes", Sir.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell the House whether recruitment is based on a tribal or merit basis?

Dr. Mungai: There is a recruiting team that goes throughout the country recruiting people to join the Kenya Army, and when they report there, they are recruited on merit.

Mr. G. G. Kariuki: Mr. Speaker, Sir, would the Minister give an assurance that the Kenya Army will continue recruiting all tribes and that priority will be given to tribes who had no chance in the Army before?

Dr. Mungai: It is not necessary for me to give that assurance, Mr. Speaker, Sir.

Mr. arap Soi: Mr. Speaker, Sir, as the history of Kenya has shown that the Kalenjin and the Akamba are the best soldiers of Kenya, would the Minister ensure that more of this good soldier material of Kenya is taken in preference to others?

Dr. Mungai: Mr. Speaker, Sir, the history of Kenya does not show that at all.

**NOTICE OF MOTION FOR THE
ADJOURNMENT****UNSATISFACTORY REPLY TO QUESTION NO. 193:
KALENJIN AND AKAMBA ARMY RECRUITS**

Mr. arap Biy: On a point of order, Mr. Speaker, due to the unsatisfactory answer given by the Minister, I wish to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS*Question No. 185***TOURS BY MINISTER FOR AGRICULTURE**

Mr. Mbogoh asked the Minister for Agriculture and Animal Husbandry to tell the House:—

- (a) What areas of Kenya he had toured since June 1965 and on which dates.
- (b) When he was prepared to tour the other parts of the country which he had not yet toured.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. The Ministry of Agriculture and Animal Husbandry has two Assistant Ministers, between whom, Ministry duties are divided in such a way that the Minister is left with high-policy matters, leaving the detailed work to his Assistants. The Assistant Ministers spend considerable time in the field, advising farmers on Government policy, as it relates to livestock and general agricultural matters. Hon. Members will no doubt remember the recent wide tours by the Assistant Ministers during the recent recess.

Nevertheless, the Minister undertakes brief visits to various parts of the country for specific purposes as shown here below: 4th June 1965, Bunyala in Western Province; 9th June 1965, Nakuru; 14th June 1965, Coast Province; 22nd June 1965, Eldoret; 28th June 1965, Kisumu to Kakamega; 5th September 1965, Lower Kabete; 22nd September 1965, Nakuru; 7th October 1965, Mombasa; 5th November 1965, Kitale Show; 22nd January 1966, Kitumani; 23rd January 1966, Baringo District; 24th January 1966, Nakuru; 30th January 1966, Kisii District; 14th March 1966, Kajiado; 4th June 1966, Kericho; 3rd June 1966, Nakuru Show.

In answer to part (b), the Minister has many engagements, not only within the country but also overseas, but whenever it is practicable, he will certainly arrange to tour the parts he has not so far visited.

Mr. Mbogoh: Mr. Speaker, Sir, does that not show that the Minister has been touring Nakuru and Nakuru only, which is a European area, and then Mombasa where he goes for pleasure and not for visiting African farmers who are the majority of the people in this country?

Mr. Khasakhala: Mr. Speaker, Sir, the reply is "No". Nakuru is not a European area, nor is Mombasa.

Mr. arap Too: Mr. Speaker, Sir, will the Assistant Minister assure this House that the Minister will endeavour to tour some of the driest parts of the country, which he has not been to yet, and in particular the Elgeyo-Marakwet District?

Mr. Khasakhala: Mr. Speaker, Sir, if the hon. Member listened carefully to my answer, he would have heard that I stated the Minister has two Assistant Ministers and if he is not able to go to these places, his Assistant Ministers will certainly do so.

Mr. Somo: Mr. Speaker, Sir, will the Assistant Minister tell this House, apart from touring Mombasa for his pleasure, which other districts he has toured in the Coast Province?

Mr. Khasakhala: Mr. Speaker, Sir, the Minister goes on duty where he is required; whether it is at Mombasa or elsewhere at the Coast, he will certainly go there, and he has been to the Coast.

Mr. Seroney: Mr. Speaker, Sir, can the Assistant Minister tell us why it was necessary for the Minister to send another Minister to open the Kapsabet Show, and can he assure the House how soon he will visit the Nandi District and Uasin Gishu?

Mr. Khasakhala: Mr. Speaker, Sir, the hon. Member should remember that Ministers have collective responsibility and a Minister can easily ask another Minister to go and perform a duty for him, but nevertheless I would assure the hon. Members that the Minister will visit Nandi as soon as possible.

The Speaker (Mr. Slade): We cannot deal with every district that hon. Members wish the Minister to visit.

Next question.

POINT OF ORDER

RAISING MATTERS ON AN ADJOURNMENT— REPLIES TO QUESTIONS

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I would like to seek your guidance on questions and answers and how far they become satisfactory to a Member. If a Member asks a question and the answer is, "Yes" and that is the answer which the Member actually expected, then the Member turns round and says that the answer is unsatisfactory, as with the first question, is that Member still allowed to pursue that matter on adjournment, and yet the answer was, "Yes", which he wanted?

The Speaker (Mr. Slade): Yes, because he was not satisfied by the answer to a supplementary question.

Mr. arap Soi's question now.

ORAL ANSWERS TO QUESTIONS

Question No. 196

KAPLONG-KAPKIMOLWA ROAD

Mr. arap Soi asked the Minister for Works whether—

- (a) the road from Kaplong through Bomet to Kapkimolwa (in Bomet Division) was maintained by the Government through the county council, or was it maintained by county council from its funds;
- (b) he was aware that the County Council of Kipsigis had failed to keep this road in good condition in all seasons and that the people were asking the Government to take it over and maintain it themselves.

The Speaker (Mr. Slade): In this case, I was informed before the House sat that the Minister for Works and his Assistant are both unavoidably absent, with apology, and this question will have to come on the Order Paper a day or two hence when he is available to answer.

Next question.

Question No. 177

DECLARATION OF WANJARE-SOUTH MUGIRANGO AS AN ADJUDICATION AREA

Mr. Omweri asked the Minister for Lands and Settlement if he would tell the House when the whole of the Wanjare-South Mugirango Constituency was going to be declared an adjudication area.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Wanjare area in South Mugirango is within the Kisii Administrative District. The whole of Kisii District has been declared an adjudication area. Therefore, the question of Wanjare being declared does not arise. However, it must be realized that it is not possible to work in every sub-location of any district simultaneously, due to lack of enough teams. Work has been completed in four sub-locations of the district and it is in progress in another twenty-nine sub-locations. The remaining areas will be embarked upon as and when teams are released from the schemes they are working on at the moment.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell this House when the whole of Kisii District was declared an adjudication area?

Mr. Gachago: Mr. Speaker, Sir, I did not hear properly, whether the hon. Member wanted to know when it was declared. If so, the answer is that the area is already an adjudication area, I do

[Mr. Gachago]

not know why the hon. Member wishes to know when, but I can assure him that it is an adjudication area, now, at this moment.

Mr. Omweri: Mr. Speaker, arising from the Assistant Minister's earlier reply, that lack of staff is making the demarcation slow, would he tell me what his Ministry is doing to add more staff to carry out the planning and the survey in Wanjare and South Mugirango in particular?

Mr. Gachago: Mr. Speaker, we think that we have posted enough teams in the district and, as I have informed the House—and I hope the hon. Member will agree with me—we can only have the teams we consider enough, according to the finances at our disposal and according to the various other factors. Whether the district needs more staff or needs more attention than other districts, I cannot say, but, Mr. Speaker, Sir, I can assure the House that we are doing the best we can for Kisii District and we are doing as much as we are doing for the other districts.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister tell the Members what prerequisites there are for a district, location or an area so that it can be declared an adjudication area? What do we require there first?

Mr. Gachago: Mr. Speaker, Sir, there are several factors which I do not need to enumerate.

*Question No. 187***CIVIL SERVANTS' USE OF GOVERNMENT VEHICLES**

Mr. Mbogoh asked the Attorney-General if he could tell the House how many civil servants had been successfully prosecuted, fined, fired or imprisoned for (a) having misused Government vehicles; (b) having misappropriated accounts, and (c) having neglected their duties.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. I very much regret that I am unable to provide all the statistics asked for by the hon. Member, as such figures have not been kept in the past. However, I hope that central records of public officers will be kept in the future which will enable such figures to be readily available. I can say that the number of civil servants convicted for theft by public servant in 1964 was 106 and in 1965 was 130. These civil servants were, of course, dismissed from the Service. Misconduct such as misuse of Government vehicles and neglect of duty does not usually give rise to a prosecution, because such misconduct, although deplorable, is not necessarily criminal. Such conduct does, of course, lead to disciplinary action which may result in dismissal of the officer concerned.

Mr. Speaker, Sir, having said that I would like to say this. The Government takes a very serious view of any misuse of Government vehicles and disciplinary proceedings are instituted against any officer who is found to have made use of a Government vehicle for his own private purposes, contrary to the provisions of the Code of Regulations.

Mr. Speaker, Sir, plans are now afoot for stricter checks on the misuse of Government vehicles. It will not be in the public interest, however, to reveal details of these plans at present, as this information will be of assistance to the guilty parties. However, they may take this as a warning. I know for certain and I have seen a number of civil servants (and some Ministers) using Government vehicles in places where, in fact, one cannot say that it is an official trip. I have also information of Government vehicles with GK written on them taking wives to do their shopping, or taking the children to school. I am afraid this is going to be taken more seriously. I have made arrangements with the Commissioner of Police and, as I say, this is a warning to those who are doing this.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the rising numbers of those convicted for the misuse of Government funds, would the Attorney-General direct that these statistics be printed and given to every Government officer so that when they misuse any Government funds, they know that they are committing an offence and know how many have been prosecuted as this might make them afraid to do the same?

Mr. Njonjo: Mr. Speaker, Sir, as I have already indicated, I am not going to give free advice to those people who are misusing Government vehicles. I have said that checks are now afoot and those who are doing it are going to find themselves in trouble.

Mr. arap Biy: Mr. Speaker, Sir, would the Attorney-General tell this House what machinery the Government has employed in checking this misuse of Government vehicles, because, otherwise, they will continue to use these vehicles?

Mr. Njonjo: Mr. Speaker, Sir, I am afraid I must rely on the Kenya Police for this, because, if I give the information here, I do not know whether you are going to warn your friends that these are the arrangements. I, therefore, propose to deal with this through the police, and this notice also goes to the drivers of Government vehicles. They must not use Government vehicles to carry their girl friends at night, and as I say, these checks will apply both to the drivers and those who are using these vehicles.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that the Attorney-General has assured the House that he is going to use the police, could he tell what sort of counter check there will be on the policemen, because they also do the same sort of thing?

Mr. Njonjo: Mr. Speaker, Sir, there is a saying that sometimes you employ a thief to catch a thief.

Mr. Makone: Mr. Speaker, Sir, arising from the Attorney-General's reply, will he agree with me that the same penalty should not be given to the drivers, because they work under instructions given to them by their bosses?

Mr. Njonjo: Mr. Speaker, Sir, I am sorry, but I did not hear the question.

Mr. Makone: Mr. Speaker, Sir, will the Attorney-General agree with me that the drivers who are involved in cases of GK vehicles being used at odd times, should not be penalized, because they work under instructions given to them by their bosses?

Mr. Njonjo: Mr. Speaker, Sir, that is, of course, entirely a matter of evidence. If a driver can prove that the errand he was doing was under the instructions of somebody superior to him, then, of course, the man who is responsible is the superior and not the driver.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Attorney-General clear this point with me. Is the Attorney-General aware that many of these prosecutions are taken, these days, because a person who is superior to you is a member of another tribe who has been chasing you to leave your present job for another, or that the people prosecuted do not agree that they are justifiably fined? Is the Attorney-General aware of this sort of thing? Also, Sir, can he tell the House that this is not the case?

Mr. Njonjo: Mr. Speaker, Sir, I am not prepared to accept that allegation. I am responsible for prosecutions and, if it can be brought to my notice that somebody has been brought to court, or has been convicted, without any evidence, I will be very interested to know. No person should be brought to court unless there is sufficient evidence to result in a conviction.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that the number of cases has increased in 1965 of people misusing Government vehicles, misappropriating accounts and neglecting their duties, and in view of the fact that fines and imprisonment do not have any effect on these people, will the Attorney-General consider introducing legislation whereby such people will receive corporal punishment?

Mr. Njonjo: Mr. Speaker, Sir, I am satisfied that the sentences which are meted out by the courts today are a sufficient deterrent. I do not think it is a joke for somebody to be sent to prison for seven years for misusing Government money; I also think that is a long enough imprisonment to be a deterrent.

Question No. 186

REPORT OF THE COMMISSION ON PROSTITUTION

Mr. Mbogoh asked the Minister for Co-operatives and Social Services if he could tell the House whether the Report on Prostitution had been published yet. Also—

(a) what were the findings of the commission and how many times had it sat; and

(b) how many witnesses had been interviewed since the commission was established in 1963.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, I beg to reply. The answer is, "No" to the first part of the question. The committee has not yet compiled a report. Following months of deliberation, it decided that it would require the assistance of an expert to ascertain the true underlying causes which lead women to prostitution.

An application for such an expert was submitted to an organization of the United Nations and that body is now endeavouring to find a suitable person, whilst discussing details of the terms of reference with the Government.

Mr. Mbogoh: Mr. Speaker, Sir, in view of that reply, would the Assistant Minister assure this House that the Government will stop harassing the prostitutes until this commission has reported its findings.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I know nothing about the Government harassing the prostitutes, because I have never had such evidence.

Mr. G. G. Kariuki: Mr. Speaker, Sir, can the Assistant Minister tell the House the names of the members who compose this commission, and who the chairman is?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, the committee comprises of the Minister for Co-operatives and Social Services, the Minister for Agriculture and Animal Husbandry, the Minister for Lands and Settlement, the Minister for Commerce and Industry, the Minister for Health, the then Minister for Justice and Constitutional Affairs—

Mr. Komora: On a point of order, Mr. Speaker, Sir, in view of the fact that there is no Ministry known by the name of Justice and Constitutional Affairs, is the Assistant Minister in order to state and say in this House, that the Minister of Justice and Constitutional Affairs composes a member of that committee which he is saying?

The Speaker (Mr. Slade): It is not out of order, but you could ask for an explanation of this rather curious situation by supplementary question in the ordinary course if you catch the Speaker's eye.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I will continue giving my reply to the hon. Mr. Kariuki. By the last mention, I mean of course, the then Minister for Justice and Constitutional Affairs, Mr. Mboya, who is now the present Minister for Economic Planning and Development. The seventh member was Mrs. Asiyo, the eighth member was Mrs. Shiganga and the ninth was Mrs. Kaigwa.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of explanation, Mr. Speaker, I would like to make the point that there is no development or planning in the matter and that, in fact, the membership now transfers to the Attorney-General.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on a point of order, I merely wish to say that my office is the least qualified to deal with this matter.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, the second part of my question has not been replied to. I wanted to know who is the chairman of this commission.

The Speaker (Mr. Slade): I do not know whether you were going to reply to that, Mr. Maisori-Itumbo, were you?

Mr. Maisori-Itumbo: Yes, Mr. Speaker, the chairman is our Minister for Co-operatives and Social Services.

Mr. Omweri: Arising from the Assistant Minister's earlier reply, Sir, that the committee had applied for an expert from the United Nations, since this was a local problem and the local people might be more qualified to understand, what did the committee do to find an expert locally and solve the problem quickly?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, this is the general view, that the western type of civilization is what we are copying in Kenya, so the Ministry thought that we would learn better how to go about this case if we had a person from a western civilized country.

Mr. Tuwei: Mr. Speaker, Sir, from the reply of the Assistant Minister, that we are going to be better off if we get an expert from overseas to come here and deal with this matter locally, would it not be better to thrash the matter out according to our own traditions? Do we not have an expert on African traditions to work hand in hand with the Paper on African Socialism, Sessional Paper No. 10?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, my Ministry will be very happy to get advice from the hon. Member if he has anything to suggest to us.

Mr. Somo: Mr. Speaker, Sir, will the hon. Assistant Minister agree with me that bachelors should be excluded from this committee as they have no experience?

Mr. Maisori-Itumbo: The answer is, no, Sir.

Mr. Mbogoh: Mr. Speaker, Sir, in view of that unsatisfactory reply would the Assistant Minister then tell this House whether it will be possible to re-compose that committee, because it seems that the nominees on that committee are people who cannot get to the root of this problem? In that case does it not mean that there should be a reconstitution?

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I will be happy if the hon. Member wishes to see me in my office to suggest a co-opted member for this committee who knows more than the present members.

Question No. 178

AFRICANIZATION: SUPERINTENDENT OF WEIGHTS AND MEASURES

Mr. Omweri asked the Minister for Commerce and Industry:

- (a) If the Minister would tell the House when the post of Superintendent in the Weights and Measures Department of his Ministry would be Africanized and filled by a Kenyan.
- (b) Would he also tell the House what prospects lay ahead for those officers who had passed their professional examinations in weights and measures.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. (a) The post of the Superintendent of Weights and Measures, which is currently held by an expatriate, will be Africanized as soon as a suitable African is available.

(b) Those officers who passed the professional Board of Trade examination have a chance of being appointed as inspectors of weights and

[The Minister for Commerce and Industry] measures. At present, there are four African officers who have passed this professional examination, one of whom, has been appointed as assistant superintendent of weights and measures, after serving for some time as an inspector of weights and measures. The other three have recently been appointed as inspectors of weights and measures.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply to the first part, would he tell us what qualification the present officer holds to enable him to continue occupying that post when the Africans have passed their examinations?

Mr. Kibaki: Mr. Speaker, Sir, I have said here that the first essential is that the officer should be professionally qualified by passing the Board of Trade examination. The second is that we would want him to be sufficiently long in the service to get experience of our problems locally, and the legal aspects of the job. That really is what is required.

Mr. Seroney: Mr. Speaker, Sir, would the Minister tell the House how soon does he envisage that a local person will be available to replace the expatriate?

Mr. Kibaki: Mr. Speaker, Sir, I do not think it should be very long. We have, as I said, four fully qualified Africans. We have, in fact, in London, another three who are training for this professional examination. So, they will have the basic qualifications. It is only a question of their sticking to it and getting further experience.

QUESTION BY PRIVATE NOTICE

STUDENTS LEAVING UGANDA AS A RESULT OF THE RECENT DISTURBANCES

The Speaker (Mr Slade): Mr. Mbogoh, I think you have a question by private notice? Will you ask it now?

Mr. Mbogoh: Mr. Speaker, Sir, what action is the Minister taking to help those Kenya students who were either expelled or ran away from Uganda schools during the recent disturbances in Uganda?

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply to my fellow Member for Embu North. This is a general question and must be treated as such. No action, therefore, is necessary from the Ministry, for the Ministry cannot deal with a generalization but needs specific incidents and cases.

However, a few applications for admission to Kenya schools have been received from pupils who have been previously attending schools in

Uganda. These are being considered, in accordance with the Ministry's normal educational procedure where vacancies exist.

I must also point out, Mr. Speaker, that if there is any truth in the allegation that these students have been expelled, then the Ministry would like to know of such specific cases and the causes leading to expulsion.

We still regard Uganda as a friendly country, and we will not allow the Ministry to become an instrument for these students to seek educational asylum. If the students ran away, Mr. Speaker, then they must have known the consequences they were running into by running away from their schools where they were receiving education. I must regard it, in some cases, as a cowardly action on their part.

Mr. Mbogoh: Mr. Speaker, Sir, in view of that reply from my colleague, the Member for Embu South, would he then tell the House what steps should be taken if these students live, let us say, in an area which I represent? What steps should I take to notify him of their presence in my area so that they can be specifically dealt with rather than in general?

Mr. Nyagah: The doors in my office and that of the provincial education officer in the area where the hon. Member comes from, are always open.

Mr. Makone: Mr. Speaker, Sir, is the Minister for Education aware that these boys did not run away from Uganda because they were cowards or otherwise, they ran away because the situation was critical?

Mr. Nyagah: Mr. Speaker, how do I know that, when the question says that they ran away? I do not know the causes why they ran away.

Mr. G. G. Kariuki: Mr. Speaker, Sir, would the Minister assure the House that all the Kenya students in Uganda will be protected and not interfered with by the unconstitutional Government of Dr. Obote?

The Minister for Natural Resources (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, is it in order for the Member for Laikipia to refer to a friendly Government and a friendly Head of State as running an unconstitutional Government?

The Speaker (Mr. Slade): No, it is quite out of order; so much out of order that you must withdraw that statement, Mr. Kariuki.

Mr. G. G. Kariuki: I do withdraw, Sir. Would you allow me to ask another supplementary question?

The Speaker (Mr. Slade): No, I do not think so.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the replies by the Minister, would the Minister assure us that our Kenya students in Uganda are protected and are safe there? Can he assure the House that if they remain there they will be safe?

The Speaker (Mr. Slade): I take it there is no reply from the Minister to that question.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister, this time, replying by telling me that he will, soon, after this question, contact the Minister for Education in Uganda and ask him, as a matter of courtesy, to take these students back, because they left on account of the critical situation and it is not right to blame them for this reason?

Mr. Nyagah: My Ministry has not enough money to play about in investigating cases which the hon. Member is speaking about, but we will examine any specific cases which are brought to us.

Mr. Mbogoh: Mr. Speaker, does the Minister agree with me that had he been in Uganda at the time, he also would have run away and so it would not be just an act of cowardice?

Mr. Nyagah: I do not agree with the hon. Member in this respect at all.

The Speaker (Mr. Slade): Next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 15th June 1966)

(Resumption of debate interrupted on 22nd June 1966)

(Second day of Budget Debate)

The Speaker (Mr. Slade): Mr. Makone was speaking and had ten minutes left.

Mr. Makone: Mr. Speaker, yesterday when I was speaking I had dealt at length with the question of settlement. I was trying to tell the Minister for Settlement that the whole idea of settlement was uneconomical and it was not physically possible for the farmers to meet their loan repayments after the first year of settlement on the schemes. I made an appeal to the Minister to contact the Commonwealth Development Corporation and assure them that although they borrowed this money from them, with a view to

helping the farmers, it was not possible to make the loan repayments after the first six months or even after the first year. I hope, Mr. Speaker, that after this debate on the Financial Statement, the Minister will contact these people and then arrange a modification of the agreement.

During our elections in 1962, we made certain specific stands. We made our stand clear to the nation with regard to certain basic issues on which we won the elections. One of these refers to land, employment and some participation in the commercial circles. We are doing well in regard to land settlement, but we are not doing as well in the commercial field. I appeal to the Minister for Commerce and Industry to see how the African image can be projected in commerce. One wonders, Mr. Speaker, when he comes to Nairobi whether he is in Bombay; when he goes to Kisii he does not know whether he is in Bombay or Calcutta. If there is no other way out, then we should adopt the same method we did in relation to land settlement; we should have shop settlement, if possible.

I think I exhausted my facts yesterday. Before I leave I would like to say one thing. I would like to warn the Kanu Party that the recent announcement about the election of the local authorities is not in keeping with the paper on African Socialism. The people who are non-citizens should not be allowed to contest seats or vote, because, Sir, in other countries in the world, for example, America, Britain or even China, non-citizens are not allowed to take part in the elections. It was only last week that we were told of the first coloured person who was a police constable in Britain. A lot of people went to see this police constable, how he worked, and it was difficult for this man to continue with his work because there were a lot of people who wanted to shake hands with him because he managed to secure the position of a police constable in Britain. Here, we even allow the non-citizens to take part in the ruling of this country, to decide the policies which we should pursue.

Mr. Speaker, this is wrong and not in keeping with the policy of African Socialism which we have told the nation to follow.

Mr. Speaker, when I consulted my constituency, I was told that it is wrong for non-citizens to take part in these elections or even to become contestants of the local authority elections.

Mr. Speaker, again, I will not sit down before I say something about settlement; there are some good people working there known as Peace Corps. Mr. Speaker, with due respect, without underrating the ability of these people, the Ministry of Settlement should go a long way to find

[Mr. Makone]

out whether they are really helpful in this field or otherwise. You find, Mr. Speaker, some of these gentlemen who are known as Peace Corps, drawn from United States or other places, are people who are frustrated in their own countries; not all, but some of them are people who have no experience whatsoever, Mr. Speaker, and yet they are the people who are known as experts on the settlement schemes. Were there any settlement schemes in America where these people could get experience so as to come and advise us here? Mr. Speaker, this is the question. These gentlemen have no experience whatsoever. They have no experience of water systems, or the co-operative movement, which is badly needed on these young settlement schemes, and yet you find that instead of employing our Standard VIII boys and giving them a training of two or three weeks, so as to come and advise their own people and ease the unemployment problem, the Minister seems to think that because somebody is white, therefore, he is wonderful. Mr. Speaker, I would like the Minister to look into this business. I am not saying that all of them do not understand what they are doing, but many of them, Mr. Speaker, are people who have no experience whatsoever and are wasting public money and are taking the positions where an African would do a good job.

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

Mr. Mwamzandi: Thank you very much, Mr. Speaker, Sir.

I need first of all to congratulate the Minister for Finance on the able Budget Speech he has brought this year. This, Mr. Speaker, is the first Budget he has made in which the ordinary person has not been got at either directly or indirectly; it is just a little. The way he introduced his Budget Speech, Mr. Speaker, was interesting. We expected the Graduated Personal Tax to be raised this year, but it is the same, Mr. Speaker. We expected, Mr. Speaker, the price of maize from ordinary shops to increase, but we praise him because it is the same. However, indirectly, he has managed to get some money through other small sources such as soap, matches, petrol, which the ordinary person does not use very much.

There are other ways, Mr. Speaker, if the Minister for Finance wanted ways to obtain some money and we could have advised him on some of these ways. We have so many projects where public money is being wasted while the traders gain a lot of money. If the Minister raised the licence for such places as night clubs, Mr.

Speaker, where after midnight a bottle of beer is much more expensive than any other time, then we would get a lot of money in this project. We do not need night clubs, Mr. Speaker, and if the proprietors are tired of running their night clubs it would be better if they closed them down. Those were the places where he could have obtained money, and, in fact, they are the places where our young girls are being spoilt. They teach themselves western life, and some of them completely refuse to be married, Mr. Speaker.

Another way in which the Minister would have obtained much money, Mr. Speaker, was on the land. We always talk of how to get land for our poor people who were deprived of their pieces of land, today being owned by a number of Asians, Europeans and others. Mr. Speaker, I would be very much grateful if the Minister could increase the land rent within this year so that every landlord would give up his land, because some of these people obtained the land for nothing. If so much tax were imposed on an acre of land, automatically that landlord would give up the land and we poor Africans would be given that land to make use of. Unfortunately, Mr. Speaker, these landlords were kept in the same position, but I hope the Government is going to take that into account. That is one way, Mr. Speaker, of Africanizing this land. If, for instance, we say, "We want to Africanize your farm", the landlord will be biased; but if he is told that the rent this year is so much per acre, and if one fails to pay for that land, he automatically loses it, then we might get much more land for our people.

I am introducing this, Mr. Speaker, as advice to the Government: the way we can get back the land that was stolen by these people from our own poor people; so I hope the Assistant Minister for Finance is jotting down something in this respect.

That, Mr. Speaker, would extend to many other projects. It is no use having an hotel around Mtito Andei where our tourists are being overcharged; let us say they pay Sh. 50, Sh. 70 per night, the meals being so expensive, and yet the tax is so little. It looks as if the country is being sucked; all the money is taken by the proprietors who automatically take the money to their own countries. We must see the profits these proprietors get and what taxes we should charge them.

So, Mr. Speaker, there were many other ways in which the Government could have obtained a lot of money without sucking the ordinary person, but most of them have been forgotten.

[Mr. Mwamzandi]

Mr. Speaker, Sir, I do not have much to say on this Budget Speech, but I am grumbling about a few things. The way the Ministries were allocated was excellent. We have seen that almost every province is represented, either in the Cabinet or among the Assistant Ministers, but there is one danger growing up in this country, Mr. Speaker, where the public are taxed for the maintenance of these offices. The danger, Mr. Speaker, is this. If I go to the President's Office, for example, the first word I will hear at the door is "atiriri". I have seen every Minister loading his office with his own tribe. I wonder how far we shall go, Mr. Speaker.

If I go to the office of the Minister for Finance, I will be spoken to in the Kikuyu language, right from the bottom to the top—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, can the hon. Member substantiate the allegation he is just making about my Ministry?

The Speaker (Mr. Slade): Yes, can you do it, Mr. Mwamzandi? I think you were about to do so, but please substantiate.

Mr. Mwamzandi: Mr. Speaker, this does not need any substantiation. If I go right from the bottom of that office, it is obvious; he, himself, knows. I have given that as one example. I would not say your office, but your Ministry, your own office has only Kikuyus, I know.

The Speaker (Mr. Slade): Address the Chair, Mr. Mwamzandi.

Mr. Mwamzandi: Mr. Speaker, this is an obvious fact. There is an office boy, if not three, all "Kiuks"; the sweepers are "Kiuks"; the lift operators are "Kiuks"; the telephone operator, Mr. Speaker, is a "Kiuk".

The Speaker (Mr. Slade): Kikuyu, Mr. Mwamzandi.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, is this really substantiation or is it just continuing the allegation; the point is he should—

The Speaker (Mr. Slade): Yes, it is. Substantiation means giving the grounds on which you say something. Now, Mr. Mwamzandi, I understand, is speaking from his personal experience of one or more visits to the Ministry, and he has found various offices held by Kikuyu. That is all right.

Mr. Mwamzandi: Thank you very much, Mr. Speaker. I have given this as an example. I am sorry to mention an office in which he has an interest, but this is happening in every office—

The Speaker (Mr. Slade): You must realize, Mr. Mwamzandi, that so far you have only referred to office boys and lift attendants. I do not know if you propose to go any higher.

Mr. Mwamzandi: I need not go further with that, Mr. Speaker, except that I want to say there is a danger of our Ministers, as I said, loading their offices with their own tribes. I cannot, Mr. Speaker—

The Speaker (Mr. Slade): Mr. Mwamzandi, I think, with only that amount of evidence, you must withdraw your statement that the Ministry of Finance consists of Kikuyu from top to bottom, because you have only given the bottom, though we know the very top. I think you must withdraw.

Mr. Mwamzandi: I need not withdraw, Mr. Speaker, I can bring the breakdown on this allegation next week.

The Speaker (Mr. Slade): I think tomorrow. Either you have the evidence now or you have not. It may be outside the Chamber, but you can bring it tomorrow, after Question Time.

Mr. Mwamzandi: Mr. Speaker, he is asking whether I am a Luo or a Kikuyu. He does not know my tribe. This is the danger, Mr. Speaker. They are regarding the Kikuyu and Luo as the main tribes in Kenya. This should not be taken as a fact. African Socialism, Mr. Speaker, does not exclude any tribe; every tribe is a Kenya tribe. But we have other tribes besides those two tribes, and we have other tribes forgotten completely.

Go to the Kenya Army and the minor tribes from the Coast—from the Taita down—are forgotten completely. Go to the National Youth Service, and there is a danger with this service. Whatever recruitment is done, we see our boys who are sent to the National Youth Service sent back, yet we see others being taken into various Ministries. What is wrong with these people from these minor tribes? We call them minor tribes now, but what is wrong with these people.

The President, Mr. Speaker, gave every Minister the responsibility of seeing that his Ministry is not tribalistic, but every Minister is abusing his responsibility because he does not follow the exact procedure of the office. If we go to an office where the Minister is a person from the Coast, we will never see a Coast person but a mixture of tribes. But with other Ministries there is a danger of the other tribes forgotten completely. Promotions—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, the allegations that the hon. speaker is making cast doubts on the integrity of the Public Service Commission. Is it in order for a speaker to do this?

The Speaker (Mr. Slade): No, I would not say necessarily that this casts doubt on the integrity of the Public Service Commission. At any rate, the hon. Member is entitled to comment on what he thinks he has seen and make general comment as to what he believes to be a danger. It is only when he makes a specific allegation—as he did about your Ministry just now—that he can be required to substantiate or be called to order.

Mr. Mwamzandi: I need not explain much, Mr. Speaker, but if I want to make things look worse in this country, we can do it. A vacancy can be published in the *Kenya Gazette*, but there is already a person working in that position, so that when the Public Service Commission sits, they just recommend this person, so the Public Service Commission is really run by certain Ministries. This is an actual fact and I need not talk much about that, Mr. Speaker.

Another danger, Mr. Speaker, which is arising in this country is in connexion with promotion. When we talk of Africanization, it looks as if some other tribes are not promoted to jobs which need Africanization. You will see some people from certain tribes working as district officers, who have a more than adequate education, for a long time, whereas, other people, who recently joined, are promoted. They jump from district assistant to district commissioner within two years.

This is another danger that must be looked into otherwise all the other tribes will conspire, and that is what we do not want. We want fair treatment from the bottom to the top, but if we make unnecessary promotions for some people, and those with adequate education or qualifications are left out, then that will be another danger.

Mr. Speaker, Sir, before I finish off my time, I would like to speak on the self-help projects: the *Harambee* projects. Mr. Speaker, Sir, we have seen that the districts which remained behind before will continue to remain behind. It is always the case, Mr. Speaker, Sir, when the President starts an *Harambee* project every Indian, European and Asian will contribute something to the President so that it will be seen by the President he has given something. Mr. Speaker, Sir, there is the danger that I, as an ordinary Member, will be left entirely alone with my project in my district, being expected to make that project flourish. For example, Sir, we started an *Harambee* secondary school at the Coast, and if it were not for

the influence of our provincial political head, Mr. Speaker, it would have been a failure. The only help we can say we received from our Government was from the then Minister for Education who only contributed Sh. 500.

Now, Sir, if we did not work together in the Coast Province to raise the money to make a go of the secondary school it would have been a failure. So, Sir, there is the danger that unless these *Harambee* projects are changed they will not be successful. It is entirely useless having so many *Harambee* projects in, let us say, Gatundu, where everybody will send his donation. They will not send any donations to me. There is nobody here who sent any donation to Kwale *Harambee* Secondary School, that is why our girls could not go to school. However, Sir, if that school had been sponsored by one Minister who would say that this was his *Harambee* project, then we would see every Indian, European and Asian send his donation just to say that he has done something.

So, Mr. Speaker, Sir, I would like to advise the Minister for Education to advise the Cabinet to change this policy of *Harambee* projects. In some districts it looks as if they are going to be left entirely as they were. This is a fact which must be looked into. Mr. Speaker, Sir, in Kwale we have so many girls who have passed K.P.E. but we failed to open the school for girls simply because we are not known in the country. Mr. Speaker, Sir, only the Indians from Kwale, personally, know me, but will not contribute so much because this project was not started by a Minister.

Mr. Speaker, Sir, another problem which I would like to speak on is this. We have seen a lot of money set aside for the Ministry of Education. We like education, but we have one problem which is concerned with our Standard VII and Standard VIII boys. This problem is the fact that the teachers go on strike so often. Mr. Speaker, Sir, we have seen many strikes where these people who go on strike lose their pay. I would like, Mr. Speaker, Sir, before I finish to say that the same conditions—

The Speaker (Mr. Slade): No, I am afraid not, Mr. Mwamzandi. Your time is up.

Mr. Muliro: Mr. Speaker, Sir, I rise also to speak on this Budget and to oppose the policy of the neglected farmers in Kenya.

Mr. Speaker, Sir, one of my serious disappointments is that the Minister did not consider giving the rebate to the farmers for machinery and diesel. Mr. Speaker, Sir, I submit that long before we became independent the Colonial Administration

[Mr. Muliro] was generous enough towards the farming community in this country. Those farmers, many of them had long experience farming in this country and many of them were rich. Today, Sir, the young African farmer is placed at a serious disadvantage because he has to compete with already well-established wealthy farmers, and yet the Minister would not consider giving them any rebate.

Mr. Speaker, Sir, another point I would like to say is that in order to stimulate the maize production to feed the nation in this country, the Minister for Agriculture and the Government should, at least, guarantee to the Kenya maize growers a definite price of about Sh. 40 to Sh. 42 in order to stabilize the product for about the next three years. It is only through doing this and giving this guarantee to the farmers that the farmer is able to plan ahead in order to bring about the effective production of food in this country. Mr. Speaker, Sir, it is a humiliation to Kenya as a nation to be buying food from overseas, because of short-sighted policies of our Government.

Mr. Speaker, Sir, another point which I would like to raise is this. What I would like to see done in this country is with regard to animal husbandry. We should not, as a country, import any canned beef from overseas. We have enough *ngombes* in this country, and we should let our hotels serve the country with fresh meat. We have a Kenya Meat Commission and so we should let those who want luxuries—corned beef—have it in Kenya, but not let them have any imported canned beef in this country. Now, Sir, the thing is this, we have to be self-sufficient. We have to work for that.

Now, Mr. Speaker, Sir, another point I would like to raise is with regard to land consolidation, and the registration of titles in many of the African areas. Mr. Speaker, Sir, without land consolidation and the effective registration of titles, farming in African areas is virtually impossible, because one can only develop a piece of land when one knows that that piece of land is going to remain his for ever. If he knows that somebody else is going to receive it tomorrow, then he will not do much to the land. If he has no title to this piece of land he will not get credit from any bank, commercial bank or even the Agricultural Finance Corporation. Now, Sir, this situation should be taken as priority number one by the Government.

Mr. Speaker, Sir, this afternoon when he hon., I think, Mr. Makone, asked a question with regard to the registration of land in Kisii, he was told

by the Minister for Lands and Settlement that only four sub-locations have already been done, and that nine are still to be done. Mr. Speaker, Sir, the time which it has taken them to establish these four is about three or four years, and so, Sir, the other nine locations will possibly take them until 1971 before they can be finalized. So, Mr. Speaker, Sir, I feel this must be done soon.

Mr. Speaker, Sir, another point I would like to speak on, still with regard to agriculture, deals with the marketing. The marketing boards are statutory boards set up by legislation passed in this House, and I continue to say that there are too many. The marketing boards should not be created for the sake of giving jobs to some individuals who are friends of certain Ministers. This is not because someone wants to be friendly.

An hon. Member: How did you get yours?

Mr. Muliro: As a consolation prize. Mr. Speaker, Sir, that was a consolation prize if you know the language of the people.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, the hon. Member has alleged that some jobs have been created by some Ministries to give to some people, would I be in order to ask him to substantiate that?

The Speaker (Mr. Slade): No, I do not think so. You get this sort of general allegation. It is really an expression of opinion from what hon. Members have observed generally rather than an allegation of fact, and I do not think we want to try and get substantiation.

Mr. Muliro: Mr. Speaker, Sir, if the hon. Member is out looking for votes, it is *shauri yako*. Mr. Speaker, Sir, I say that marketing boards must market the goods, and the crops so as to basically give profits to the producer, or the grower, and if we reduce the overhead charges, the producer is going to get a good price no matter how the world market price fluctuates, at any given moment. Therefore, Sir, we should have an organization for market research where if any delegation is sent out made up of one, three or five people, it will be able to sell Kenya's pyrethrum, Kenya's tea, Kenya's cotton, the Kenya Meat Commission products, the dairy products and even the maize. Instead, Sir, of what is happening today. Mr. Speaker, Sir, the Kenya Meat Commission sends a group of people to go out to look for markets, the Dairy Board sends people out to look for markets, the Uplands Bacon Factory also does the same thing, and Kenya's pyrethrum growers do the same thing and these people from the same country are wasting the growers' money. So, Mr. Speaker, Sir, that is for the Minister for Agriculture to look into.

[Mr. Muliro]

Mr. Speaker, Sir, another point I would like to raise is in regard to the Ministry of Settlement. I think the Minister for Settlement is making a complete jumbled-up mess of the settlement schemes in this country. Sir, I know of cases numbering up to about 100-plus of people whose plots have not been ploughed, although the money has already been paid to certain Indian and Asian contractors who have established themselves in Kitale Garage with four tractors. Mr. Speaker, Sir, if this is the way we are going about the settlement projects, then it is a complete failure. If the Government wants to make it a definite success, then it should create a tractor unit power scheme, so that the tractors are owned by the scheme, maintained by them—

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, Sir, do we have a quorum in the House?

The Speaker (Mr. Slade): Yes, we are just a quorum.

Mr. Muliro: Mr. Speaker, Sir, I think the Minister in the President's Office is only trying to disrupt my speech unnecessarily.

Mr. Speaker, Sir, another point is this. One finds that the Ministry of Settlement is becoming a marketing organization in the settlement schemes. We need our organizations like co-operatives in the settlement schemes which ought to market the goods, and the Minister should create another pseudo-marketing organization in the settlement schemes for the purpose of collecting the money from the settlers. If that is arranged with the Maize Board or the Kenya Co-operative Creameries, then the money will be collected.

Mr. Speaker, Sir, another point I would like to touch on is with regard to the question of education. We should educate our children so that they can live and live decently. Now, Sir, the training of teachers is very, very vital. Teachers are today becoming fewer and fewer because a number of them have joined this mad world of politics, and others have been attracted to the Civil Service, but luckily there are hardly any teachers who can farm. Mr. Speaker, Sir, I find the so-called *Harambee* national organization called *Harambee* schools does not co-ordinate at all. It was a blindfolded policy by the Government. Today, Sir, the Minister for Education should sit down and see how best it could be re-organized and be part and parcel of the development programme. Mr. Speaker, Sir, without that we are going to create more frustration.

Mr. Speaker, Sir, on the question of the co-operative movement, I want to say that I am happy that there is now a Minister for Co-operatives and Social Services. I hope this Minister will organize the co-operative movement effectively. The co-operative movement should consist of the growers as the first stage, and the second stage should be a marketing organization so that money from the marketing organization goes directly to the producer and eliminates completely the middle man. If we cannot do that, although we talk of African Socialism, and try to bring more money into the pockets of the ordinary man, we are not going to do it without eliminating the middle man. Therefore, Mr. Speaker, Sir, I think the Minister for Co-operatives must second to every co-operative union organization an accountant or a good, well-experienced Government servant as a book-keeper.

If we do that, then we will know where we are going, seconded by Government, so that we know that in these particular posts if we do not work well, will be sacked. Then the people who say, "The more I pinch from these co-operatives, the better," will have to think again. We have had experience, Mr. Speaker, where a person is appointed as secretary of a co-operative union and then tomorrow he has a beautiful car, the day after he has a beautiful house. Then he says, "Damn it all to the co-operative movement," and he attacks the Commissioner for Co-operatives at some stage. The next thing is that we have to prosecute these co-operative members who squandered the money of the unions. So, this, Sir, is a very serious issue and that is why I feel that the Minister must second to the co-operative movement Government officials to train everybody. No union should be left without a Government officer until it has a well-established organization.

Then I come to the question of the Development Plan. The Government must have definite targets for everything. For instance, one clear example with which I am very well acquainted and associated is cotton. The Government, in its programme, says that by 1970 we must have at least 100,000 bales of cotton. Therefore, we must go to the location and see that every location must have a programme that this year it will produce so much, the following year it will produce so much and so, until by 1970, we have our target. If we cannot do that, then we will never reach our target.

The next thing I want to touch on is the question of the common market. The only way in which we can ensure a common market in East Africa is by eventual political federation of East

[Mr. Muliro]

Africa. If this does not take place, then, Sir, the common market is going to surrender to territorial ambitions. This is what disappointed me, Sir, when the Minister for Finance never said anything about the future of the East African Federation.

Finally, I would like to say a word or two on Kenya exploiters. Today, Sir, in Kenya we are suffering from two worlds, the western world and the eastern world. Money comes to this country to buy politicians with. When money comes in that manner, Mr. Speaker, then it is obvious that the donors must have a motive behind it. The donors know what they want, be they from the West or from the East. This is an issue which we as a nation must regard as most serious. There are politicians in this country who know that the only way of coming up is to try and ingratiate themselves with the President. They go and say, "So-and-so is that, So-and-so is that, So-and-so is that" and then you are told, "You are a good boy, I will give you a good job." Mr. Speaker, such politicians are a threat to Kenya, politicians who tell lies about their colleagues in order to get promotion, in order to be given certain favours, such politicians are a threat to the nation. We have many of them in the country today. Therefore, if Kenya has to be a nation at all, we of Kanu, must be determined to put the party right. I wish to see the President of Kenya, the president of Kanu, speaking to this House, in the event of the dissolution of this House, in the language in which Dr. Nyerere spoke to his Assembly last year, "Today we are sitting for the last time, we are going out to the people. The people who will come back here will be determined by the Tanu Party we think." I would like to hear President Kenyatta telling us this here, and he can only tell us that if the party is well organized. Therefore, Mr. Speaker, I appeal to my colleagues in this House, that in the interests of Kenya we must have the party effectively organized. The people of this country should pay for the maintenance of Kanu, not some magnanimous donors from the United States, from Britain, or from West Germany. If we cannot pay for our own organization, then definitely we cannot pride ourselves on the fact that we are a political party, or an effective political party.

I feel I must say this openly to my colleagues because we are members of one party. We want to see that we create a stability based upon the party, not stability based upon the image of President Kenyatta, as it is today in the country. Our unity today is Kenyatta as the President. If

he is not there, I challenge us to question ourselves, do we have that stability? That is what I want to know.

With this, Sir, I beg to support.

MINISTERIAL STATEMENT

APPOINTMENT OF LEADER OF GOVERNMENT BUSINESS

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, I beg to make a statement that I have been instructed to make by the President.

The Speaker (Mr. Slade): Before you make the statement, Mr. Gichuru, I should observe that the correct time a Minister should make a Ministerial Statement is actually just after Question Time.

You have shown me the content of the statement, it is very brief, very important, and I am quite sure the House would like to hear it now.

Please proceed.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, as the House is aware, His Excellency the President is the Leader of Government Business in the House of Representatives. In exercise of this responsibility, His Excellency has made important Government pronouncements in this House. It is not, however, possible for His Excellency to be present in the House for the day-to-day consultations and business in the House.

I am by command of the President to announce that in his absence he has assigned the responsibility of the Leader of Government Business to the hon. James Nyamweya, Member of Parliament, Minister of State to the President's Office.

The House should note accordingly.

The Speaker (Mr. Slade): I am sorry that there are not so many hon. Members present to hear this pronouncement as there would be if the statement were made at the ordinary time.

However, on behalf of the House, I welcome very warmly this appointment. We have seen for some time our need of a Leader of Government Business, both from the point of view of myself and my staff, and also from the point of view of Government in the co-ordination of activities in this House.

Apart from that, I think every hon. Member will agree that the appointment of Mr. Nyamweya is particularly fitting because he is not only Chairman already of the Sessional Committee, but he has proved to this House both his ability and his very pleasant personality.

Mr. Ochwada: Mr. Speaker, Sir, I wish to thank the President for the appointment because, having been in this game since it started, I have known the sort of manoeuvres that manage to arise whenever such an appointment is made.

However, a person of the standing of Mr. Nyamweya is an impartial person whom I have known most among us, and he is a person who has not only proved his capability, but also has constantly attended the House from day to day. He has sat with those Members who have sat in the House almost the whole time he has been available to the House.

I hope, Mr. Speaker, that most of the Government officials, and Ministers, will support Mr. Nyamweya in his day-to-day duties of leading us in this House and that we will not have the same show that we had not more than six weeks ago in this House.

With those few remarks I beg to thank the President very much.

Mr. Seroney: On a point of order, Mr. Speaker, I have heard of a Leader of Government Business in the Senate because there is no Minister there. Is the appointment of my hon. friend, Mr. Nyamweya, equivalent to what is called elsewhere the Leader of the House?

The Speaker (Mr. Slade): Yes, I imagine so. Mr. Nyamweya will be the Member who represents Government for the purpose of discussing the business of Government in this House, and indicating the general policy and tactics of Government with regard to any business in this House. In that position, and also, of course, in the absence of the President, we look to him as Leader of the House.

Hon. Members are quite aware that it is common practice in other countries to have a Leader of the House or a Leader of Government Business who is particularly suited for the purpose by his qualities, and his other occupations. It does not imply any particular status outside the House.

Mr. Mbogoh: Mr. Speaker, while welcoming the appointment of the hon. Nyamweya to be the Leader of the House, I wish to draw the attention of the House to the fact that many times this House has been adjourned because of the lack of quorum, and in most cases Ministers have not been present. It has also been the policy of the Back-benchers to move the adjournment of the House because of a lack of Ministers.

In welcoming this appointment I hope that there will be no more adjournments and that the hon. Nyamweya will be a Whip of the Ministers

and that he will keep them in the House all the time, until the Ministers are respected by the people and the House.

I feel that the hon. Nyamweya fits this job very well and I very much welcome him in his new appointment.

Mr. Makone: I wish also to congratulate the President for the way in which he has chosen my hon. friend, the Minister of State.

An hon. Member: He comes from Kisii.

Mr. Makone: Mr. Speaker, Sir, not necessarily because he comes from Kisii but because of his keen observation of things in the Chamber. He is the Minister and Member who has sat with us for a long time and takes part in the deliberations of this House.

I am sure it was the wish of all hon. Members that the President should notice this and choose the hon. Nyamweya for the appointment. I wish to congratulate the Minister on the appointment and to thank the President.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, I seek your guidance on this. The President has made this appointment and hon. Members are allowed to debate it. Is there any rule by which a Member of this House can raise an objection to the appointment?

The Speaker (Mr. Slade): No, it is entirely the President's affair to decide who is to do this important work in this House. It is no good hon. Members disagreeing with the appointment, and even if they did, it would be courtesy to keep silent.

POINT OF ORDER

LEADER OF GOVERNMENT BUSINESS TO BE SENIOR MINISTER

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, I want to know something because in the past we have had some important issues where a senior Minister is called upon to move in the House. Does it now mean that Mr. Nyamweya is going to be the most senior Minister in the House?

The Speaker (Mr. Slade): It is quite an interesting question that Mr. arap Soi has raised, and there is one Standing Order at least which refers to the senior Minister as the right person to move for the suspension of a Member from the service of the House. I think for that purpose, anyhow, if Mr. Nyamweya were here, we would regard it as his duty, being, as it were, the senior Minister for the purpose of Parliamentary business; not senior in any other way.

Mr. Kamuren: On a point of order, Mr. Speaker, in regard to the hon. Nyamweya's position now, is it not in order for him to be given a special place in this House as a privilege?

The Speaker (Mr. Slade): It would be in order if his colleagues would like to agree among themselves, but hardly necessary.

Mr. Mbogoh: On a point of order, Mr. Speaker, it seems that there is a new system, because when the hon. Soi rose he rose on a point of question. I have never seen in our Standing Orders a point called a point of question. Can I be directed on that, please?

The Speaker (Mr. Slade): A point of order can often take the form of a question; very often. We must continue with the main debate now.

COMMITTEE OF WAYS AND MEANS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(*Resumption of Budget Debate*)

Mr. Kibuga: Mr. Speaker, Sir, I would like to support the Motion on the Budget. While supporting the Budget, and the way in which the Minister for Finance presented it—he did so in a very able manner—I would like to agree that the duties raised on different items are welcome.

The only thing I do not quite understand, and on which I would like some clarification, is on the question of raising duties on matches. According to what he said, the duty will be about 2 cents per box of matches. This, in fact, will mean that since the 1 cent piece is no longer legal tender in the Republic, if, for example, somebody goes to buy a box of matches, instead of paying the extra 2 cents, since there will not be any legal position for the 1 cent, an individual will be forced to pay 5 cents. I would like the Minister, when he replies, to tell us whether it is going to be the customer who will add the 3 cents or it is the shopkeeper who will lose his 2 cents.

QUORUM

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, much as I hate interrupting the speech of my hon. friend, I think we have no quorum at the moment.

The Speaker (Mr. Slade): No, we do not have a quorum. Ring the Division Bell.

(*The Division Bell was rung*)

The Speaker (Mr. Slade): We have a quorum now. Continue, Mr. Kibuga.

CONSIDERED RULING

VOTE OF THANKS FOR COMMUNICATION FROM THE PRESIDENT

Mr. Shikuku: Mr. Speaker, I am seeking your guidance. We have had something this afternoon which we have not had in the past, where a Communication from the President has been presented to the House by another Minister, to the effect that one of the Ministers is the Leader of the House. This being a new case, would it not be in order for Members to have some sort of vote of thanks in order to show their appreciation for what has happened?

The Speaker (Mr. Slade): Yes, it would be open to hon. Members always to move a vote of thanks. But if it was a Private Member's Motion, it would have to be treated in the ordinary way as a Private Member's Motion, with due notice. I would have thought, on this occasion, informal expressions of appreciation might be enough. But if any hon. Member likes to give notice of a Motion for a vote of thanks, and the Sessional Committee likes to give it priority, as they have power to do, that would be quite in order.

(*Resumption of debate*)

Mr. Kibuga: Mr. Speaker, before continuing I would like to make sure that the time lost is not counted against me, and that I still have the full twenty minutes.

Mr. Speaker, Sir, when interrupted I was commenting on the question of the increased duty on matches and was saying that legally we no longer have a one cent piece, so if there is an increase of two cents this will mean that when someone goes to buy a single box of matches, he may be forced to pay five cents extra for it. Mr. Speaker, Sir, if this is going to be the case, I would ask the Government to declare openly that there will be an increased duty of five cents and not two, because I know most of the shopkeepers will demand that people pay the five cents. When the Minister comes to reply, I would like him to clarify this point.

Mr. Speaker, Sir, moving away from that, I would now like to comment a little on the personality cult in this country. For a very long time, since we were elected and until we were forced to pass a Bill here to dismiss some people from the House to go and seek a fresh mandate from the people, a lot of time and energy have been wasted in the country and in the House on the personality cult, people competing for leadership. We hope that with the appointment of new Ministries, the Ministers will concentrate on their duties and not try to defeat one another. If this happens, then it

[Mr. Kibuga]

will be necessary for the President to discipline the Ministers. We do not want the same thing to happen as was happening before the appointment of these new Ministers. Every other day we had one Minister speaking, and then the next day the Government spokesman answering, and so on. In the end people were becoming very confused as to who was the Government spokesman, and who was this Minister of the Government, and so forth. We hope that with the new establishment of the Government there will be no necessity for the Government spokesman to correct Ministers from time to time. If it is found necessary to discipline a Minister who is contradicting the Government policy, the proper thing would be for this Minister either to leave the Government or for the President to dismiss him, but we do not want confusion in the country. We, the Backbenchers, were confused many times. You would hear a Minister say something, and then the following day the Government spokesman would reply, and the people asked who this Government spokesman was. Is he the same Minister? What is happening? Mr. Speaker, I hope this will not be experienced any longer.

Mr. Speaker, a great deal was said yesterday about foreign money, and I do not want to dwell on this at all. But I still insist that unless foreign money is controlled, there will be chaos in this country. I am not an expert on money exchange, but I would like to know from the Ministry of Finance why it is that foreign money repeatedly enters the country without being checked. We find people loitering in the streets and going round the country not doing any useful job, but preaching against the Government. Yet you see that they have good suits, they eat very well, their standard of living is very high; where are they receiving their money from? Has the Government failed to control this? The people who cause dissatisfaction and discontent are these very same gentlemen who are very well dressed; I do not know where they receive their money from. They are even better dressed than most of the Members in this House, even the Ministers. They drive very big and expensive cars. I do not know where these cars come from. I think it is now necessary for the Government to control these people, and the property they have received in order to sell the country should be confiscated and given to the poor.

On tourism, Mr. Speaker, Sir, I would like to say that the other day my hon. friend, Mr. Makone, and myself were very lucky in that we were invited to go to Kilaguni Lodge, in the Tsavo National Park. That is a wonderful place. If tourism is developed properly, Mr. Speaker, we

will have a lot of money coming into the country. There is one unfortunate side to tourism, Mr. Speaker, and that is that most of the people in this country can afford to go to the national parks, can afford to go to these lodges, but I think that not enough interest has yet been created by the Government in this form. I think that, as the first move, it would be a good idea for the Ministry of Tourism and Wildlife to invite some of these permanent secretaries, people with well-paid jobs, Members of Parliament, to spend part of their holiday in the national parks and lodges, and also reduce the fees for the first time. This would be encouraging for them. Once they understand the value of tourism and the value of wild animals, I do not think there will be so many poachers, and then this problem will be on its way to being cleared up. I can assure the hon. Members that I very much enjoyed this trip with my colleague, hon. Makone, and I think they would enjoy it themselves.

Mr. Speaker, there is another way to encourage tourism. When hon. Members of this House go outside the country, they will talk about tourism. How could I talk about Kilaguni Lodge when I never knew about it? I had no experience of it. It is the same thing with hon. Members here. I would also suggest that to develop this industry it will be necessary to encourage teachers and students in schools and colleges to visit these places, and a way must be found to reduce the fees. Maybe there could be a competition for schools, so that a certain number of pupils or students would be allowed to visit the lodges. Most of the lodges are too costly for students and reasonably paid people to visit. I think more places should be built, where accommodation would be cheaper, so that people could go there with their bedding and only go round to see the wild animals.

I can assure the Members that, after going round Tsavo National Park, I recognize that we have a great heritage of wild animals, and that we should encourage the Ministry to develop this industry.

Mr. Speaker, Sir, I would like to talk a little on education. For a long time we have not been having a clear-cut policy on education.

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

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

It is my hope, Mr. Deputy Speaker, Sir, with the appointment of the new Minister, that we have the right Minister. When he presents his Vote, we expect to hear a little more about the organization of education. I would like to point out that,

[Mr. Kibuga]

although we have been independent for more than two years, the syllabuses in the schools are still colonial. You will find that, although we have decided to follow African Socialism, teachers in the schools know very little about this. The pupils know very little. The students know very little, and it is necessary that there should be fresh syllabuses. The Ministry should see fit to revise all the syllabuses, especially for geography and history, so that they will be in touch with the every-day life of Kenya.

Again in other departments, workers or employees are given the chance to go for refresher courses, so that they will be brought up to date. The teachers, I think, on this count have been left behind, and it would be necessary for the Ministry to encourage refresher courses, not necessarily to talk about teaching and education only but there should be visitors from different Ministries to talk to these teachers about every-day life in modern Kenya. It was only recently that we heard that some teachers were anti-Government, anti-Kanu, anti-everything, but after going round I know that some of them would like to be for the Government but they do not know what is happening. Things are changing so rapidly in Kenya that it is necessary for the teachers to be brought up to date just like other people in different areas.

Mr. Deputy Speaker, Sir, a lot has been changed in the Constitution since Independence. These changes have been necessary and we welcome them, but it is high time we received a copy of the Constitution so that an hon. Member can refer to it, educationists can refer to it, and so on. I think we cannot depend on our memory as to the Bills we have passed.

In connexion with that, Mr. Deputy Speaker, I would also like to ask the Ministry of Labour to see that identity cards are brought up to date, and that we do not have to carry identity cards bearing the British Crown and Coat-of-Arms. They must be attractive, as my hon. colleague says. They must be brought up to date.

Mr. Deputy Speaker, I would like to say that while I appreciate that our civil servants have done a good job in this country, I have found that there are some very senior civil servants who interfere with politics. Now that we have a Leader of Government Business here, I would like to point out to him, and to the Government as a whole, that civil servants should be told that politics should be left to politicians, and that a civil servant must concentrate on his job.

I know of some individuals, for example, in my constituency, who come along during the weekend and interfere with the political situation there. I would welcome anybody to become a politician, but he cannot become a politician and still remain in the Civil Service. I think this is a case which happens with many Members. We sympathize with some of these civil servants because, whilst we bring them into the political arena, they will suffer, but they do not realize this. They take the advantage of well-paid jobs and come and interfere with politics. Mr. Deputy Speaker, Sir, I hope that the Leader of Government Business will see it fit to instruct all civil servants, especially senior civil servants, that this is not their job; but we welcome them to resign and join politics, and we will compete.

Mr. Deputy Speaker, Sir, on the question of boards, I would like to point out that many times Members have said there are so many boards; that you find a Member of this House being given chairmanship of this board, and also that he is a member of another board, and yet another board: this is utter disorganization. If the boards have to be run properly, it is not necessary to overburden one individual with so many boards. In fact, it is taken for granted that we have only a few intelligent people who can become members of the boards, but it is wrong to give a single individual or a few individuals responsibilities within the boards. Distribution of responsibilities must be carried out.

Mr. Deputy Speaker, Sir, I would like to touch just a little bit on the Information and Broadcasting network. During the Emergency, the Colonial Government saw fit to see that Government policy and Government plans were known by every individual in the country. Cheap radios were provided so as to enable an ordinary man to know what was happening. I think I would ask the Ministry of Social Services, Ministry of Information and Broadcasting, and Finance, for example, to see that wherever there is electricity, people should be provided with a television set, so that they can understand what is going on. Again, wherever there is a group of people in the evenings, radio sets should be provided freely. They could be asked to pay a little bit of cess, rather than be deprived of information coming from the Government.

We may think that this would be a lot of expenditure, but whilst we educate our people, whilst we educate the masses, the country will be running smoothly, and development in the country will be hastened; so the expenditure will be worth while.

[Mr. Kibuga]

Mr. Deputy Speaker, Sir, I would like to touch on the co-operative movement department. I have been hearing that a Bill is to be brought to this House so as to control societies and unions, and I think it is overdue. So the Minister for Co-operatives and Social Services should be informed that this Bill should come quickly. There is a lot of unnecessary expenditure by societies, by certain individuals, taking advantage of the ignorance of most of our people; they are spending a lot of money which they should not be spending.

Mr. Deputy Speaker, Sir, I do not want to say much but I will say that on trade, commerce and industry we hope that there will be courses to train our African businessmen, so that they can compete with Europeans and Asians, rather than think of nationalization.

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

Mr. Kamuren: Mr. Deputy Speaker, before I comment on a few items, I wish to congratulate the Minister for Finance on the most important speech he made when he was presenting the Financial Statement in this House.

Mr. Deputy Speaker, I would like to touch on water which we have been talking about from time to time in this House. Some of us come from areas where there is no water; some people have suffered in the past, but up to now they have not had any help from the Government. Mr. Deputy Speaker, we know very well that water is the most essential item in human life in both domestic use and stock and we are not going to run this country unless water is provided to people all over the country, especially in drier areas. We find sometimes, Mr. Deputy Speaker, communication becomes very difficult just because people find no water on the way. Some people complain that they have no roads, although they have footpaths, just because they find it difficult to travel a long distance along the footpaths without finding water on the way. If the Minister would try his level best to go to a constituency such as mine, which is East Pokot, he would find that a person goes for at least six miles to get water and he has to walk another six miles back home. This has brought a lot of discouragement in that part of the country, Mr. Deputy Speaker, and I have found also that even my people think that my Government, or an African Government, has not done much for them. Although we always tell them that the Government is doing its level best to see that we in the area get water projects carried out, they deny it and say, "Look, the Ministers in the Government have not come to our—"

QUORUM

Mr. Omar: On a point of order, Mr. Deputy Speaker, there is no quorum.

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

(The Division Bell was rung)

POINT OF ORDER

PREMATURE CLOSURE OF BUDGET DEBATE

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I wish to seek your guidance, whether in this case, when Members are dissatisfied with the debate, it is in order if a Member puts the question that the Mover should be called upon to reply, so as to finish with this debate which is so uninteresting?

The Deputy Speaker (Dr. De Souza): No, I do not think any Speaker would normally tolerate or accept such a Motion because, after all, there are five days given for Ways and Means and I think every hon. Member who wants to speak should have a chance.

POINT OF ORDER

POINTS OF ORDER RAISED WHEN THERE IS
NO QUORUM

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, I do not know whether it is correct or not to raise a point of order when there is no quorum, because I always take it that you are dealing with another point of order.

The Deputy Speaker (Dr. De Souza): Well, we are strictly not in session in the sense that we do not conduct business, but I think if there is a point of order that is raised which, in fact, affects the order of this House, an hon. Member can raise it. It does not constitute, in the strict sense, conducting business; we are merely discussing a point of order.

Mr. Mbogoh: So, therefore, there is no point of order which would follow on another point of order.

The Deputy Speaker (Dr. De Souza): That is a technicality, I think.

Yes, we now have a quorum. Do continue.

(Resumption of debate)

Mr. Kamuren: Mr. Deputy Speaker, I was speaking on the water system. The Minister for Finance has now come in and I would like him to see to it that enough money is going to be allocated to the Ministry concerned, to see that water projects are given to the drier areas in this country.

[Mr. Kamuren]

Mr. Deputy Speaker, I would like to touch on another item, and that is schools. We find that there are some schools at the moment—especially *Harambee* schools—which have already rather defeated the people concerned within the country, and the people would like to see the Government take a step whereby these schools are taken over by the Ministry, as a remedy, so that the people will not collapse. I have, for example, a school such as Eldama Ravine *Harambee* school which I found the other day defeating the parents; they could not maintain the children, they could not even get them food. If the Ministry could be allocated enough money, so as to take over such schools and run them before even two years are up, then I am sure the Ministry would have done a great deal for the people of this country. This applies not only to that school but any other place where *Harambee* schools have been built.

Mr. Speaker, some schools have not been improved up to now, and they were there during the colonial days. It is now high time for the Ministry to see to it that some reorganization is carried out. There are some secondary schools which do not have enough teachers. I found the other day that the girls' high school, which is in the Baringo District—near the headquarters of the district—has one teacher in Form I and one in Form II. Mr. Deputy Speaker, when we went to the principal of the school, he could only tell us that there was not enough money sent from the Ministry for running the school.

We want to see to it that, before the Budget debate ends, the Minister has noted a few points concerning such matters which are very important to the people of this country.

Now, Sir, I would like to mention teachers. We have been talking of teachers from time to time, and we have found that terms of teachers have been very horrifying in this country. We find teachers running away from the Ministry of Education to other Ministries, not because they do not like teaching but because they are discouraged by their terms of service; they are not given enough. You find a P3 teacher remains a P3 as long as he is alive, and there is no other promotion. If something could be done for these teachers, so that they get some promotion and at least get better leave, then I am sure the Government will have done a great deal for the teachers in this country. They are the people who carry the most important burden; it is the most important burden in the Government of Kenya. But we do not come and see them here.

We find also that most of the Members who were elected here were teachers: possibly even

the Minister for Finance was a teacher, and he should see to it that teachers right from P4, P3, P2 and P1 are given the most important privileges in this country, so that when we are at home, Mr. Deputy Speaker, they see that we enjoy life in Parliament and they enjoy life at home in teaching our children. They will see that we are not coming and passing legislation here, leaving the teachers only writing on the blackboards, so that they do not enjoy any other thing apart from jokes, which, of course, normally do not help them at all.

I would like to say something about settlement schemes, Mr. Deputy Speaker. Settlement schemes in this country, in actual fact, have been fragmented and are so small that you find a person with a twelve-acre piece of land which is not enough. He may be a rich man who has money to buy enough cattle for even a hundred-acre plot, but this person is given only twelve or fifteen acres. This is not enough, Mr. Deputy Speaker. We want the Minister to see to it that schemes are extended and, in fact, those people who have smaller plots are given more acreage to enable them to have more development in their own plots.

Now, Sir, if we come to some other schemes, such as the settlement scheme in Sabatia, we find some people were very unlucky and happened to get some plots where there is a bit of swamp. They cannot have their cattle grazing and they cannot even cultivate it themselves. But still the Ministry of Lands and Settlement demands six-monthly instalments to be paid. Mr. Deputy Speaker, it is a pity that Government cannot send some people to go and see to it that these people who are given such small plots pay a little bit of it or pay after twelve months, so that they get some money from other sources, rather than paying money they get from their own energy out of the plot.

Mr. Deputy Speaker, some of the settlement plotters produce a lot of crops: those who have, maybe, eighty-acre to hundred-acre plots, special plots, with houses. They can produce enough crops to get sufficient money, but they do not have a market. I found somebody at one scheme who had planted forty acres of potatoes, but when I went there he was asking me where to send the potatoes, and I could not tell him because the Government has not sent an expert to go and see that these people plant the right crop for the markets.

Mr. Deputy Speaker, a Minister says that we eat them in Nairobi, but those people have not had any expert to tell them that people eat them in Nairobi.

[Mr. Kamuren]

Mr. Deputy Speaker, Sir, irrigation schemes have brought another problem in this country. Some people need a lot of irrigation schemes. Some schemes have not been expanded since the colonial days; they still remain as they were, even though there are enough loans from the Government to such irrigation schemes. They need to be expanded so that we have more and bigger irrigation schemes.

Also, the Government should have thought of more projects to bring industries to the country, so as to absorb the people who have no jobs at the moment, because we have so many people loitering here and there in the towns. It is not their fault, it is the fault of the Government which has not seen fit to borrow some money from either of the *blocs*, and then create an industry where some of these people would be absorbed, so that they do not go on loitering and asking for jobs in Government, asking for free land and for free services in this country. Mr. Deputy Speaker, we want to see that the Government goes into such things which are so important to the people of this country.

When we come to health centres, Mr. Deputy Speaker—I would like to be brief so that more time is given to other Members—there are some places where there are not enough hospital assistants or medical assistants; they have only nurses and dressers who are not able even to tell what sort of disease a patient has. For instance, in my own area we have a health centre in a place known as Nginya. Up to now—

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, the hon. Member speaking is becoming so parochial that it seems he is not speaking on the Budget Speech. Every minute he is referring to his own small area, and I think the Speaker has ruled that somebody should not be so parochial.

The Deputy Speaker (Dr. De Souza): I do not think he is becoming very parochial at the moment; I think he is giving instances in his own constituency. But if you start dealing only with your constituency, Mr. Kamuren, then I am afraid you will be too parochial.

Mr. Kamuren: Mr. Deputy Speaker, I think the hon. Member does not see and that is why he has glasses!

An hon. Member: But he can hear.

Mr. Kamuren: Mr. Deputy Speaker, I represent a constituency of more than 30,000 people, and I would like to speak on things touching them. It is no use for me coming here and when I speak some Members feeling—I am not wasting their time; in fact, I said—

CONSIDERED RULING

PURELY PAROCHIAL MATTERS NOT TO BE
DISCUSSED IN BUDGET DEBATE

The Deputy Speaker (Dr. De Souza): Mr. Kamuren, I do not know whether you heard the ruling delivered by Mr. Speaker earlier on. It is that you cannot dwell entirely on parochial matters. You can deal with matters which affect the country as a whole, but you can, as it were, give examples of such problems by referring to particular problems in your constituency. It is a slight difference, I am afraid, but it is important.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I think you had better make it clear to us whether an hon. Member representing his constituency is not allowed to speak on and to refer to some important things happening in his own area.

The Deputy Speaker (Dr. De Souza): Well, there is a ruling that has been made and I do not want now to go into the merits of that ruling, because the ruling has been delivered and I am afraid hon. Members here must abide by that ruling. But I think I might explain again.

There are a large number of problems which affect the country as a whole and one can discuss those problems, and in elaborating those problems, one can refer to particular incidents or difficulties in one's own constituency. But if one starts going into very parochial matters, which have no relevance at all to the whole country, except for the particular constituency, Mr. Speaker has ruled that that will not be permitted in the context of this debate on the Minister for Finance's speech. I am afraid that is the ruling that we must abide by and that is the ruling that I must insist that hon. Members follow.

(Resumption of debate)

Mr. Kamuren: Mr. Deputy Speaker, let me then be a little national.

I was touching on health centres and was giving an example in my own constituency. This is not only concerned with my own constituency; I am now touching on the whole country. As far as health centre in every Member's constituency are concerned, they should be looked into and qualified doctors should be sent to such health centres. Also, the Ministry must see that more improvement is made in such health centres, so that at some time they will have to be promoted to district medical headquarters. We need to have even more than two or three, but as long as we have enough doctors, Mr. Deputy Speaker.

[Mr. Kamuren]

When I go to loans which are always given to traders, I sometimes find people in certain parts of the country do not get loans.

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

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

Even though they are given forms to apply for such loans, I do not know what has happened with the Ministry of Commerce. We have to see to it that in future people coming from places where they have not been given the privilege of having a big enough loan for trading are given some assistance by the Government.

To conclude, Mr. Speaker, I would like to say a little about foreign money. We have been talking of foreign money which is being brought into this country through certain circles. We have been putting some questions in the House, to the effect that Members would like to have some proof as to where this money comes from and what it is for. Mr. Speaker, we hear from the Minister that the Government is not intending to disclose certain things because of national security. We do not want to see the Government making statements to the effect that some people have to dish out money in the country for overthrowing the Government. We hope the Government will have in future a law, so that anyone dishing out money anywhere—which is proved—must be dealt with. Mr. Speaker, we do not want to see some people undermining our Government. We also sometimes hear Members of this House coming into the House and confusing the people of this country by terming themselves as the presidents of the poor. Mr. Speaker, we have only one President in the country and he is the President of the Republic of Kenya and of the party. There is no one else. Whoever wants to be the president of the poor has to leave the Chamber and then go and stay with the poor. Mr. Speaker, I know very well that the poor must be represented; we all represent the poor, but we should not all come and make ourselves so many presidents representing illegal organizations or societies. We want to see that the President we have is the President of the party and the Republic of Kenya.

Sir, with these few remarks, I beg to support the Minister for Finance.

Mr. Pandya: Mr. Speaker, Sir, I would like to add my tribute to the Minister for the most able and lucid manner in which he presented the Budget to this House.

He also took the opportunity of giving the country the background of the economic development that has been taking place in the last two or three years and how buoyant the economy has been since this Government came into power. I personally feel that this Budget—although one can criticize any Budget that is presented to the House—is a realistic Budget and one that makes the correct approach to the problems of this country. I know it is true to say that some of the taxes the Minister has imposed have hit the poor people. It inevitably does happen, Mr. Speaker, that some people are affected in one way or the other. The Minister also indicated that by the increase in his proposals there will not be such a marked effect on the cost of living index of Nairobi. Although I know that very many hon. Members would like to say that those people who are contributing to the economic development of this country must be taxed further, I would like to remind those hon. Members that there is a limit which is reached and if taxation proposals go beyond that limit, then we get to a stage where there will not be much more economic development in this country, and that the taxation proposals will retard not only the human effort but will also contribute to a lowering of the standards and to a lowering of the contribution to the exchequer of this country. I think, in a Budget of this nature, Mr. Speaker, one has to take proper account of the factors as they exist in a developing country such as this. That is why I feel that the Minister has managed to do justice to the people and the conditions and circumstances under which we find ourselves. That does not mean, Mr. Speaker, Sir, that I am not going to be critical of the other proposals which he has made.

For instance, Mr. Speaker, Sir, it is proposed that an excise duty on soap powder be imposed. This may seem a very small item, but, of course, not only soap powder but other soap products. Now, Sir, I was interested to look at the comparative increases in this commodity. As far as the blue soap is concerned, Sir, the excise duty has been increased by 50 per cent, and so the price has been put up from Sh. 50 to Sh. 75 per 100 lb. Now, Sir, let us have a look at the effect of these increases on some of the other products of soap. Twelve dozen tablets of Lux soap, which is equivalent to 30 lb., the selling price is Sh. 87, but the excise duty is only Sh. 7/50 and the increase is less than 9 per cent. Now, Sir, on a commodity which is mostly used by all the people the increase is 50 per cent, and on the other commodities, manufactured from soap powder the increase is less than 9 per cent. Now, Sir, let us examine whether this policy is really going to

[Mr. Pandya]

help the people, because in this particular industry there are many small people who are manufacturing this commodity, and I thought one of the purposes of the Government was to encourage small-scale industry in this country; but what are they doing by the introduction of this? We are going to force the small-scale manufacturers to go out of business, and encourage the monopolistic tendency, which I think in a country such as this must be cut, and all opportunities should be given to the ordinary people to establish themselves in small-scale industries. Mr. Speaker, Sir, most of these industries are one-man industries, and this increase or this imposition of excise duty is merely creating too much work for them. They have to keep very complicated records.

Mr. Speaker, Sir, I was only looking at some of these records the other day, and I was amazed at the records that have to be kept, although I know that some records have to be kept if there is an excise duty to satisfy the Government. I feel that this is not the right approach to this problem because we are going to affect the small wage-earners, and, in fact, the people who could afford to buy this commodity will now think twice before they will be able to feel that they can afford it with the limited amount they have. I would like the Minister to look into this problem more closely.

Now, Mr. Speaker, Sir, I have always believed, and I have also heard some hon. Members speaking in this House, that we want to see as many of the local people come into the businesses, commercial and industrial enterprises in this country. I have also believed that in developing countries such as this, an expanding economy which can assimilate a large number of people, will be useful. However, Sir, the only thing I have heard from the hon. Members is that phrase, "Give us more loans." I have yet to come across any Member who can make any constructive proposal with regard to gaining the experience and know-how of business methods. This, Sir, is the point. I think most of the people believe they know it all, but, Mr. Speaker, Sir, let me be frank and say that many people who engage in businesses do not know the elementary principles, and it is important—I am not trying to be critical, but what I am trying to suggest is this: let us help these people through voluntary organizations, and I know of some voluntary organizations who offer their services, and the only answer they get is, "We know that part of it, experience and know-how. What we want is a loan." Now, Mr. Speaker, Sir, the hon. Members know that when some of them asked the Minister questions, and I can remember one or perhaps two years ago, the

then Minister for Commerce and Industry had to admit that 75 per cent of the people who took loans had hardly paid them back or had not paid them back in time.

Mr. Speaker, Sir, we cannot play about with money. We have to be realistic about it. I am only trying to be helpful. Let us place some emphasis on getting the experience and know-how from those people who I know, and it was a wrong advantage to have given them an early start, but, Sir, those people who come forward by their own efforts, and if they are willing to come and help us, I think we ought to accept them and their programme which should be welcomed by the Government, so that we make some real and sensible progress instead of year after year coming into this House and saying that we are not getting enough done. That, Mr. Speaker, Sir, is not the way to spend the money of the country and of the taxpayers, just to make a few people experiment. I do believe that certain measures should be taken so that we do see a representative character of the people in the main bazaars or streets of, not only the main cities, but small centres as well. I am all for it. I will do everything possible to see that we do get a truly integrated commercial background in this country and as soon as we have that the more confidence there is in this country. However, Sir, I want people to go and examine how they can help the ordinary people to get the necessary experience and know-how.

An hon. Member: What is your suggestion?

Mr. Pandya: Mr. Speaker, Sir, my suggestion is that the Government should examine the establishment of small business clinics and to try to get the people to understand how they can get loans from the bank on normal business principles, and I am sure many of my friends here would like to take advantage of that facility. I have seen them prosper over the last two or three years since they have been hon. Members of this House. I suggest that the above is one way this can be achieved. If the hon. Assistant Minister will consult me outside, I am prepared to give him free advice.

Mr. Speaker, Sir, I would now like to refer to another aspect, and that is education. I am so glad that the Government this year, has taken the correct approach and given us a considerable amount of more money. It is not enough, but it is a good start. I agree that we have not been promised free education, or given the day by which we are going to have it, but it is a good start that we are beginning to spend more money on the essential social services that we require.

[Mr. Pandya]

Now, Mr. Speaker, Sir, I want to find out when we are going to get the reaction of this Government to the Education Commission's Report. I must declare my interest here, Mr. Speaker, Sir, because I was a member of the Education Commission. When are we going to get the Sessional Paper indicatory? What the Government's views are on the report that was submitted to the Government in October 1964? The report was published on Republic Day. Mr. Speaker, Sir, I would like to know this because we want to get a move on in this country. The commission took such a long time to recommend the proposals and now Government is not taking any action. I must say, Mr. Speaker, Sir, I think this was a waste of time. We cannot afford to delay things here. The Government must get a move on and I hope the Minister will be able to tell us when they are likely to place the Sessional Paper before this House.

Mr. Speaker, Sir, referring to matters of education, and thinking of the Kenya students who are being educated abroad, I would like to say this. I remember some of the hon. Members suggested that they should be kept informed of the development in this country, but, Sir, I thought it might be a valuable thing if some of our Ministers, when they constantly travel abroad—I am not suggesting that they do not do this, because they may be doing it, but I would like to say—they take the advantage of their presence in the country and go and meet these students, and tell them of the developments we are making in this country. That, Sir, is the way to keep them informed of the trend of development in this country, instead of leaving them to the fate of looking at the newspapers, which sometimes do not give the correct appreciation of the problems we are facing in this country. I hope, Sir, that better use will be made of these visits by the Ministers, because I am sure they do have some spare time after they have been negotiating with other parties and that it would help to make our students feel that they are being kept informed.

Mr. Speaker, Sir, I am saying this from experience. Last year, I was abroad and I found that the students were dissatisfied, that no efforts had been made by the Ministers and others to see them and to acquaint them with the background of the problems in this country.

Mr. Speaker, Sir, I would now like to refer to another matter, on which I am not much of an expert. I must confess, but the Minister for Finance in his speech did refer to the coffee berry disease. I am not a farmer, but I do realize the disastrous effects this disease could have on one

of our main export commodities. I remember, Mr. Speaker, Sir, that for a long time coffee has been a basic and important export commodity. Mr. Speaker, Sir, I remember some years ago, 47 per cent of the exports of this country was coffee, and I was a little concerned that since this disease, which has been in existence now, I understand, for nearly three years, the Government still has not yet found a solution to remedy the situation, and the damage, in fact, is increasing day by day, so much so that this disease is spreading to other areas. I think, Sir, we need not look at the expense part of it, and, if necessary, we must call in international expert advice, because, otherwise, what will happen, as I said, is that this disease will spread and I do not think it will affect the quality of the coffee but the quantity. We know coffee is in a competitive world market, therefore it is essential that the Government should take immediate steps to remedy this situation and get help from whatever quarter is possible and try and stop this, one of our main export items, from further deterioration. I do appeal to the Government to look into this matter very seriously.

Mr. Speaker, Sir, only the other day we heard an announcement that all importation of goods from Kenya has been banned by the Uganda Government. This is a very serious matter. This is going to affect basically the economy of this country. I do not want to say something that might prejudice the big talks that are going to be held tomorrow. I would just like to tell the Government that it is most essential that the common market problems be resolved once and for all. We are tired of the times we hear that there has been a Kampala Agreement, because what is the practical effect of it? Every country is going against the spirit of the agreement. Mr. Speaker, Sir, it is time we took a really serious stand on this. If we are going to have a common market let us have a genuine common market that will benefit all the countries, not only one or two partners. But, Sir, let us be sure and work out a programme that will be respected by all these partners. I do sincerely trust that the discussions between the Heads of State tomorrow on the Philip Report will bring about some lasting agreement between these countries. I think they are suffering from suspicion of each other, not only in the common market, but many other things, and this is of no advantage. I am not only speaking as a business man, but I am speaking for the ordinary people of this country. We are tired of this competition between the three territories which is going on. Let us have a solution that

[Mr. Pandya]

will be lasting and worthy of the trust and confidence that the people of the three countries have placed in the Heads of States.

Mr. Speaker, Sir, there are one or two other problems that I wanted to deal with, and one is in regard to citizenship. We have heard many times the question, how many citizens are there in this country of non-African origin. I do not want to refer to the problem in detail, because this is now a matter of the past. What I do want though is to ask the Government not to delay consideration of these applications which have already been made long ago. What is it that is holding up these applications? Is it because we do not have sufficient staff or is it because the Government is reconsidering its stand? Mr. Speaker, Sir, there are a lot of people who have applied for citizenship as long ago as a year, what are we going to do about it? We are going to have registration in August for the new Voters' Roll and surely, Sir, we must settle this matter because it is becoming a bit of an annoyance to these people when they are, in some cases asked, where is your citizenship certificate? The only thing they can show is the receipt of having paid Sh. 50. I do want the Government to look into problem.

Mr. Speaker, Sir, there is one other matter I have raised several times but would like to mention here quickly, because I see my time is nearly up, and that is in regard to the question of bonds. Here, Sir, I am speaking for all the people of the country. I think the requirements of the security bond are Sh. 4,000 on application for a passport, and I think this is asking too much. I have suggested that the amount of the bond should be in relation to the countries that the people want to visit. If the countries are far away like America, England or Canada the bond may be more, but if the countries are Tanzania or Uganda, I think they should have a reasonable amount of bond, and not demand Sh. 4,000 from the people. I do want the Government to look into this. I do have many more problems, but I am not going to bother this House, because they can safely be raised in the discussions with the Minister.

Finally, Mr. Speaker, Sir, I would like to say that generally speaking the people in this country have welcomed this Budget. I would like to congratulate the Government on the very forthright manner in which it has tackled the issues since it has taken over the reins of this country. I am speaking for most of the people of this country, when I say good luck to our energetic Ministers in the great work they are doing for the benefit of the country.

Mr. Speaker, Sir, I see that I have a few seconds left and I would like to refer to one other matter, and that was the matter raised by my friend, the hon. Member for Kwale, Mr. Mwamzandi. He said that the Asians had not given assistance to the Kwale *Harambee* School. I want to categorically deny this because some of my colleagues from the Coast will remember, in fact, that some people in Mombasa have contributed very generously to this project. If it was not for their help, the school, for which we collected £7,000 in Mombasa, would never have been started. Mr. Speaker, Sir, I deplore this kind of attack by Members who come into this House and mislead the other hon. Members by saying that the Asians, Europeans, and even other Africans in Mombasa do not contribute anything at all. People have contributed to the various *Harambee* schools in their areas, not only in Gatundu, because people do not only give money to favour some people, but they want to help all the people of this country.

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

Mr. Nyaberi: Mr. Speaker, Sir, I have been very patient this afternoon and happy that you have given me this opportunity to speak. Mr. Speaker, Sir, much has already been said on the Financial Statement, but I would like to say something with regard to the settlement schemes.

Mr. Speaker, Sir, the aim of the settlement schemes is to facilitate the orderly transfer of land from Europeans to the Africans, but, Sir, in my experience this Ministry has done its best, but it has left a great part of it which, if he does not take care, might bring about the collapse of the settlement schemes. Mr. Speaker, Sir, you find that there are some officers within the settlement schemes who are evaluation officers. These people, Mr. Speaker, Sir, most of them at least, are foreigners, but are still maintained in the Ministry of Settlement.

They value the land and the improvements on the land at a very high price. As a result, you find our men who are trying to purchase land, and the improvements thereon, find the price too expensive. These people do not mind what price they have fixed and for this reason I appeal to the Minister for Lands and Settlement to check on this. I asked the Minister to let us have valuation officers who are Africans. The Africans would help us because, after all, the other people are only interested in earning their living and then they go. This is something very serious on the side of settlement schemes.

[Mr. Nyaberi]

The other matter in connexion with settlement schemes is that the Minister for Settlement does not see that there are water facilities on the land which is given for settlement schemes. The people are just thrown on the land, they pay the initial deposit and after six months—

Mr. Makone: On a point of order, Mr. Speaker, is the Member strictly in order to mislead the House, that there are settlement officers who value the land when in actual fact the settlement officers do not value the land?

The Speaker (Mr. Slade): Order! You cannot raise a thing like this as a point of order, Mr. Makone. If he is wrong in his facts, he must be put right in another way, not by way of a point of order.

Mr. Nyaberi: Thank you, Mr. Speaker. I hope the Member realizes that he claims to know much about settlement schemes when he really does not.

Mr. Speaker, Sir, water facilities are lacking on the settlement schemes. This is why I say that if the Government could do a bit more than it has done to see that new settlers are given water facilities—Sir, I was saying that the new settlers are thrown there and after six months they are presented with bills demanding them to make the loan repayment. Mr. Speaker, you can imagine what a settler would harvest after six months. I think that the period of six months which is allowed to settler to start repaying his loan is too short. I feel that the Minister for Settlement should look into this and probably lengthen the period.

Mr. Speaker, Sir, the loan repayment is spread out over thirty years. Some of us who have bought land in the settlement schemes complain that thirty years is too long. Some person might die before he completes the repayment of the loan. I think the Minister should shorten this period and probably make it ten years only. Thirty years is too long.

I will now turn to the Ministry of Co-operatives. Here, Sir, you find that there are too many statutory boards which serve the purpose of marketing. These boards, for example, the Kenya Coffee Board, The Coffee Marketing Board, The Kenya Planters' Co-operative Union, all these bodies are only serving the purpose of organization. It would be better if the farmer who grows coffee could get more money out of that which goes to the organization and the commissioners. In Nairobi, you may read in a newspaper, 1 cwt. of coffee was sold at Sh. 2 or Sh. 3, and out of this the money that will reach the individual grower could be as little as 40 cents or 50 cents per lb. Why is this so? It is because

we have too many statutory boards only for the purpose of organization. I appeal to the Minister that there should be amalgamation of some sort in order that we can have only one body, and this body will be concerned with marketing. We want the individual grower to get his money.

The books of the societies are not well looked into. Formerly we used to have co-operative inspectors, but at the moment you find that we do not have such people. You may find that the co-operative officers stay in the district headquarters and they do very little to supervise the co-operative societies. So, you find that many of the farmers' societies are not taken care of. We would like to see that our Government makes sure that the production and distribution of coffee, as well as the exchange of coffee, are worked out under a better system.

Having said that I will now turn to the Minister for Local Government. Here there is an all-round complaint against local authorities, particularly county councils serving the rural areas. You find that these county councils are not well run, that they are lacking proper administration. There is too much nepotism and hardly any good planning of the way in which the county councils should be run. I would like to give an example that an area council gets its money authorised by a county council in that county. Then you find, however, that the organization in the county council is not very good. We do not have trained treasurers and so the estimates forwarded to the Ministry of Local Government for approval take a lot of time to be approved. Why is this? It is because the councillors and the whole administration of the council are not really adequate. So, Mr. Speaker, you find that there is a long delay in approving estimates from the county council by the Minister for Local Government. I am sure this happens because he, probably, looks at it and finds that the estimates of income and expenditure are too high. I understand that there is a commission of inquiry at present on the side of local government in various districts, and I hope that they will bring a clear report so that something can be done. The Minister for Local Government should see that the councillors are well trained, that the staff, the treasurer and clerk to the council are also well trained in order that we can have better men who can advise the area councils; we should not just have men who sit back and wait for their salaries. This is very serious. Without area councils, without county councils, without other local authorities the machinery of our Government may not work very well. I would ask the Minister for Local Government to do something here.

[Mr. Nyaberi]

Mr. Speaker, you find that the secretary/treasurer of an area council is not a man who can rely on his own work, he has to rely on district officers to come and advise him. However, if this man was given good training, I think he could take care of the financial situation of an area council or of a county council.

You find that most roads in the country which come under the county council are not really roads at all; they could be termed something else. I would ask the Minister for Local Government, before he approves an estimate from a county council, to see that that particular county council is functioning properly.

Mr. Speaker, Sir, much has been said about the courts. Today many hon. Members of this House have been asking the Attorney-General to state why this law of 14 years with *kiboko* has never been implemented. I wonder whether the courts have something to fear, or is it that the law was printed on paper to remain in the pages of our books of law. I say this because there is a colossal amount of stock theft in the country and whenever these thieves are caught they are taken to court. Here the public do not understand why the courts have never found it fitting to sentence some offender to 14 years' imprisonment.

I would appeal to the Judicial Department to see that the people of this country are not deceived when they are told that there is a law which can sentence someone to fourteen years' imprisonment plus *kiboko*. The law should not remain as if it were invalid because it is not used in the courts.

There are many cases in Kisii, especially in my constituency which borders Kericho District. Here is where you find there are a lot of people who can be caught stealing stock. The Attorney-General should look into this.

Coming to the question of roads, you find that in Kisii there are only six miles of tarmac road in the whole district. There are six constituencies represented by Members of Parliament, some of them sitting in the Cabinet, and yet they travel on bad roads. This area is potential on the side of agriculture, producing a great deal to help in the economy of this country; this area contributes much to the national income. Why, then, does the Minister for Agriculture not ensure that this area is given some loans for development? There are no good roads in Kisii, and if there is agriculture, then there should also be good roads so that the produce can be transported easily.

Some of these roads are the responsibility of the county councils of which I have already spoken. You find that the six miles of tarmac road in Kisii is so bad that, in fact, it is something which I ought not to speak of here. In certain other districts you might find long distances of good tarmacked roads. I wonder what the Minister for Works is doing in this connexion?

I must say something about the Ministry of Health. I would like to refer to my district and here I would say that we have only one Government hospital. There are no lights in this hospital; there are too many patients and they all come to this hospital because there is not another hospital.

CONSIDERED RULING**RELEVANCY AND SCOPE OF DEBATE IN
BUDGET DEBATE**

The Speaker (Mr. Slade): Mr. Nyaberi, I have tried to explain two or three times in the course of this debate that it is a question of relevancy. The speech which we are debating was the speech on the general financial and economic position and outlook of the country. There was not a single reference to any parish in that speech. Likewise, in order to comment with relevance on that speech you could talk about almost anything which is of general, countrywide significance, and in doing so you are entitled to refer to particular examples in your own area of a countrywide problem, but you cannot just embark on the needs of your constituency without reference to the general problems of the country.

(Resumption of debate)

Mr. Nyaberi: Mr. Speaker, Sir, I was coming to that and was trying to say something on free medical treatment. I find that in most hospitals, even in Kisii, that there is great delay because of this free medical treatment. Actually you find that the staff serving patients have to attend to long queues of people waiting for free medical treatment. I think the Minister for Health should do something to increase the staff so that we have people being dealt with quickly, then they can go away. In many cases—even though this may not happen in my district—you find that when people come to the hospitals for free treatment they line up, they have to wait for hours and hours, and, in the end, they give up and go to private doctors where they have to spend a lot of money buying medicines which they would not have to pay for in these hospitals which provide free medical treatment. I urge the Minister for Health to see that something is done to remove these unnecessary delays so that we do not have queues of people waiting to receive treatment.

[Mr. Nyaberi]

I would not like to dwell any longer on this debate. I know much has been said in regard to the Budget. The Budget has been well planned and we are all happy with it.

In conclusion, Mr. Speaker, I must once again come back to the Ministry of Settlement. Something should be done to help the new settlers. They should be given a much longer time than only a period of six months before they can be expected to start repaying their loans. Also, the period of thirty years within which time the whole loan must be repaid is also too long. This is not something which only I think is not right, it is something on which the whole country feels the same.

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

Mr. Ochwada: Mr. Speaker, Sir, I will not take much of the time of the House since much has already been said on the Budget Speech.

First, Mr. Speaker, I would like to thank the Government for the work they have done since Kanu came into power in 1963, particularly within the last twelve months, on the side of economic development of this country.

I would like to comment on the statement made by the Minister for Finance which was delivered to this House on the 15th of this month. First, Mr. Speaker, I want to tackle industrialization. There has been a tendency, and I have kept on repeating this since I came to this House, to concentrate industries in urban areas rather than extending them to the rural areas as well. Now, Sir, it is true that it is up to the investor to decide on where he wants to invest his money. However, I think it is also a duty of the Government to ensure that whatever money is invested, is invested in the interests of the people of this country as well. Therefore, I would suggest to the Government that in future if there are any industrialists who are interested in establishing industries in Kenya, they should be advised to try and locate their industries in areas where we have no industries at the present moment, and especially in rural areas where there is so much unemployment at the present time. Also, the market is already there for any manufactured goods.

Now, secondly, Mr. Speaker, there is the question of communication. If this country is going to develop economically, we must have proper means of communication. It is no use urging people to go back to the land, it is no use wasting a lot of money on settlement schemes if we do not have adequate means of communication. For example, Mr. Speaker, Sir, roads. In the present

development estimates, you find that there is unnecessary expenditure which has been set aside, and I would like to know from the Minister, when he comes to reply, how much economic exchange or, to be precise, how much trade we have between Kenya and Ethiopia.

How much business and how much trade have we between Ethiopia and Kenya to justify the spending of £450,000 in one year on the construction of a road between Nairobi and Addis Ababa? If this is a question of prestige, Mr. Speaker, we had our prestige during the time we were fighting for our independence. We are now independent. What we are out to do at the present moment, Mr. Speaker, is to undertake economic development, to feed our people. Feeding our people means that they will go all out to defend themselves, as a contented community.

Mr. Speaker, Sir, I have raised questions about communications in this House several times, and I am told that so much tarmac road is serving a certain area, so much road is to be constructed in a particular area, but when I look at the Development Estimates I find the amount that is set aside for this purpose is far from sufficient, and we will still be left very much in need of means of communication. It is true that we cannot do everything in one year, but at least, Mr. Speaker, we should cast our nets wide enough to provide for those areas which are not properly served at the present moment. It is no use concentrating on the Rift Valley, Central Province, and the Nairobi area, where we already have sufficient roads to serve those areas. We should extend to areas where we have sufficient land, and where we produce most of our commodities for the local markets. We should encourage the people by giving them sufficient ways and means of transporting their products to the market. It is no use telling me, a person who comes from the Western Province, or telling a person who comes from the North-Eastern Province, telling a person who comes from the Eastern Province, to cultivate more and more, and grow cabbages and tomatoes, when there are no means of communication to transport these products to the market as quickly as possible. It is a waste of his money and energy and also a waste of the Government's efforts to try and encourage people to work when they know very well that there are not sufficient means of sending their products to the market.

Now, Mr. Speaker, I come to my third point, and that is land consolidation and land title deeds. This has been very slow. You will remember, Mr. Speaker, that not more than a fortnight ago I asked a question as to how many title deed holders there were in a certain province. The

[Mr. Ochwada]

figure I was given showed clearly that in one of the districts, which is the highest cotton-producing district, there was not even a single person with a land title deed. That district is left at the mercy of loans from the Agricultural Finance Corporation, and loans from the Government. A person in that area has not got the facilities to approach a bank and get a loan, even if he may have 100 acres of land which he might want to cultivate. He cannot cultivate it because he cannot raise a loan; he has to depend on a Government loan which may not be enough to enable him to cultivate his *shamba* and grow more cotton, and contribute to the national income. Land survey to be speeded up, Mr. Speaker. The Government should bear in mind that if we are going to achieve our aim of economic development in this country, we must give our people facilities to receive money, other than relying on Government financial resources only.

My next point, Mr. Speaker, Sir, is on tourism. Tourism has been very much concentrated in areas which are already developed. We have areas, such as South Nyanza, such as Western Province, which have never been touched. Why do we not have this industry extended from the national parks, the Tsavo National Park, the Nairobi National Park to these other areas where we have wonderful natural scenery which people from outside would like to see. We have the Mount Elgon National Park, which is awaiting development. If I look in the Development Estimates there is nothing set aside for it. We have the Lambwe Valley, the Kakamega Bird Sanctuary, which has been waiting for years, and nothing has been done; the Kaimosi Forest, and all other places, the Nyangori Forest, which have not even been provided for in these Development Estimates. When are we going to have these areas developed into places of interest for tourists? Tourism is one of our largest revenue-earning industries in this country. I would like to see it extended to other areas as well, not to be concentrated in Masai, Ukambani, and some other areas which are already developed. We would like it extended to other areas as well so that money can be evenly distributed throughout the country.

Now, Mr. Speaker, Sir, there is the question of balance of trade. It is true, looking at the Minister's statement, balance of trade was saved by our own inter-territorial trade. Our international trade, Mr. Speaker, costs us a lot of money. At the present moment, East Africa is on the verge of disintegration. Where are we heading, Mr. Speaker? How are we going to save our future? At this point, Mr. Speaker, I do

not want to prejudice tomorrow's discussions of the three East African Heads of State, I wish them the best of luck in their discussions tomorrow, so that instead of us drifting apart, we will come closer together in our future trade and future links as we have been before. It is a shame that immediately after becoming independent, instead of our drawing closer together we are drifting further and further apart. I would like to appeal to the Kenya Government, as the Government of the senior brother, that it is time for us to act and show our junior brothers that we are the senior brothers. You know very well that there are only three brothers in East Africa. There is no need for me to tell you who are our junior brothers. We may have married last, but it does not mean that we are the junior brothers, we are the senior brothers, and I am proud of that. I would like us to set an example, as we did at the Kampala Agreement, forgo some of our benefits to show them that we are helping, because one of us has already introduced separate currency, and I am quite sure they are starting to suffer from that separate currency. We ought to tell them before it is too late. We ought to come out and advise them, and even agree to forgo some of our own interests for the sake of unity and the maintenance of our common market, I mean our East African Common Market.

Mr. Speaker, the hon. Member would like to know what I have said as a Central Legislative Council member. I have repeated this same statement time and again during Central Legislative Council meetings, that our drifting further and further apart does not serve any useful purpose. We would be better off by remaining together as we were before and during the colonial times.

Mr. Speaker, Sir, I now come to the question of taxation. It is my firm belief that taxation is for the sake of relieving the poor man. In this Budget, Mr. Speaker, as it was put by an hon. Member, the taxation which was introduced was a little too severe on the ordinary man, and I am sure that the Minister is aware of it, as an hon. Member reminds me, but I would like to say that the time has now come when taxation should, in actual fact, be for the relief of the poor man. We have gone too far on indirect taxation. We should now come back on to direct taxation, so that the man with the money, like the hon. Assistant Minister for Finance, can pay more, and subsidize the poor man on the street. I do not see anything wrong with that. Mr. Speaker, on this question of taxation, I hope, in future, the Minister will not go as far as he has gone this time, and that he will make the man with the money pay the tax in order to subsidize the poor man.

[Mr. Ochwada]

My next point, Mr. Speaker, is health. I would like to thank the Government for introducing free medical treatment in the out-patients' services, but, Mr. Speaker, there has not been much done on the side of establishing more health facilities, especially hospitals. I notice that in the Development Estimates for 1966/67, a certain amount has been set aside, and I would like to quote one of the amounts that has been set aside: £20,000 for a district hospital. I do not understand how £20,000 can actually provide a hospital. Perhaps this is only for a mere ward. If it is a hospital for a district, let us have sufficient provision to put up the hospital. This is on page 44 of the Development Estimates, where £20,000 has been set aside for Busia Hospital, and there is no provision for the full project of that particular hospital. We do not know whether it is the £20,000 that is going to build the full hospital, because at Homa Bay—if the Member wishes me to quote—the full project is £150,000; so far £65,000 has been spent during this financial year and £75,000 has been set aside for the next financial year. For Busia only £20,000 has been set aside for the next financial year, but no project value has been mentioned in the Estimates. I am very worried, because this is an area where we have all sorts of diseases: malaria and many others. Many other diseases are there, and I would like to see a hospital provided which will cater for the people of that area.

Mr. Speaker, it is a pity that the Attorney-General has left, as I wanted to comment on our judicial system. We are heading for a crippled judicial system. Up to now, we only have one African magistrate in the country. It may be better than nothing, Mr. Speaker, but are we not old enough to have more than one since we became independent? Do we not have the personnel? We have not been told whether it is lack of personnel, or because of lack of willingness among trained Africans to take up these posts and that is why we have only one African magistrate. The time has come, Mr. Speaker, when our Government should consider this seriously, because a judicial system can cripple the whole country. It can cripple the economy of the whole country. It can cause a lot of harm to the country, and I would like, as soon as possible, to see that within that system we have a number of our own people participating.

Mr Ngala-Abok: On a point of order, Mr. Speaker, is the hon. Member really speaking on this debate generally? I feel that he is becoming more and more specific while speaking. Is he speaking generally as is required in the Financial Debate?

The Speaker (Mr. Slade): Yes, I have the impression that up to now he has been perfectly general in his discussion. I cannot quite hear what the hon. Member is saying now so I do not know.

Mr. Ochwada: It may possibly be the fault of the microphone, Mr. Speaker, but I have been trying to speak as loud as I can.

I was commenting on our judicial system, Mr. Speaker. I pointed out that it is not enough that up to the present moment, since we became independent, we have only one African magistrate. The time has come when the Government should encourage more and more of our own people, who qualify in the law, to come and join our judicial section. The judicial section of a country is a most important institution in the development of that country, and I believe that it is the same with our own country. That time has come for our Government to consider seriously that instead of allowing our young men who qualify as lawyers to go to work under other lawyers for a year or two, they should take them into the Government legal services, either in the judicial section or in the State Law offices, to serve our own Government, so that we do not have a crippling of our judicial system in the future. It is too much that we should go on relying on expatriates after three years of independence, and possibly longer.

Now, Mr. Speaker, Sir, I come to the section where the Minister referred to the raising of capital. It is true, and it has been commented on by a number of hon. Members, that foreign aid has become a little too much. In fact, instead of being foreign aid it is now harming us more and more and is a liability. It is, in fact, going to the extent of crippling our economy. Mr. Speaker, as I said last year, and I still repeat this year, how much has the Government done to try and raise local money? I know for certain that our people have money. Some of it is buried under the ground. How much has the Government done to issue stock for our people to purchase? If I may refer to the Minister's statement, where he mentioned local stocks being bought out almost immediately. I remember that this happened when I was at home and I rang my bankers and asked them if I could buy some stock. What I was told was that the stock was bought out even before it was issued, and I was surprised. If we find that foreign money is becoming far too expensive for us, why can we not try and raise our own money from within this country? There is a lot of money in this country. Let the Government come out with local stock; we will buy it out and the Government will have sufficient money to spend on our economic development projects in this country, rather than relying more and more on loans from outside.

[Mr. Ochwada]

My last point is on the question of the public debt. We are told by the Minister that the public debt is increasing year after year. The Minister himself has never told us on what we spend this public debt money. It may be that some of this money is being misused. We would like to have a document from the Ministry showing us on what this money is spent, because as he said, in 1961 it was £69 million and in 1965 it had gone up to £95 million. Perhaps the Assistant Minister is trying to direct me to where to find it, but when he comes to reply, I want him to tell us. Other hon. Members may know, but I would like to know on what we spend it.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of information—

Mr. Ochwada: My time is running out, Mr. Speaker, and I hope when the Minister comes to reply he will give us an idea of what he spends that money on.

Of course, this rise in the public debt causes anxiety and particularly to me, when, in fact, I do not know on what this money is spent, and I would like to be told when the Minister comes to reply and not to interrupt me—

The Speaker (Mr. Slade): What is it, Mr. Odero-Jowi, a point of order or a point of information again?

The Assistant Minister for Finance (Mr. Odero-Jowi): A point of information, Sir.

The Speaker (Mr. Slade): I do not think the hon. Member is going to give way; his sands are running out too fast.

Mr. Ochwada: Mr. Speaker, Sir, I said he will give us the information when he comes to reply. I have already finished that point and I am coming to another.

As I said before, we should not concentrate all our efforts on prestige projects.

An hon. Member: For example?

Mr. Ochwada: For example, land settlement. Land settlement was a prestige—and I repeat, was a prestige—project. Let us now, Mr. Speaker, go back to the former African land unit areas and try to develop them, because very little has been done in these areas and these are the areas which are producing more and more of our domestic products. I still feel, Mr. Speaker, that much has not been done in these areas and should be encouraged and increased. The expenditure in these areas should be increased, particularly on things like water supply and land

consolidation, so that the farmers in those rural areas can be encouraged, not only to look upon Government as the only source of loan money but even to approach commercial banks and get loans, in order that they can also contribute to the economic development of this country in a big way.

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

Mr. arap Soi: Thank you very much, Mr. Speaker.

Many Members have spoken and have mentioned many things, so I will try to bring up points which others have not talked about.

Mr. Speaker, I will begin with squatters in the country. It is a very well-known fact that the Government has produced a policy concerning squatters in the country, but it has failed to implement it. You will see that in several settlement schemes squatters are being neglected and some of them are not even thought about at all. Mr. Speaker, Sir, this is creation of poor people in the country. These people have no jobs. They are the people who were permanently employed, to some extent, by settlers and now that the settlers have gone, Government should see that these people are taken care of.

Secondly, Mr. Speaker, I come to the question of poor children or orphans. The Government has voted or allocated a lot of money for education in the country, but there should be some money set aside for children who cannot go to school nowadays, who have poor parents or who have no parents at all. There should be some specific amount of money set aside, so that remission of fees is effected in primary schools. There are thousands of children, Mr. Speaker, Sir, who are now leaving school. They attend school for one or two years, but their parents cannot educate them any more. With our African Socialism, under which people have several wives, they are defeated openly in trying to educate their children, so the Government should not neglect these children. If it neglects them, it is creating trouble-makers in future.

A Member says, "How many do you assist?" My children are still young and I am educating two other children. Mr. Speaker, Sir, I do not want to be taken away from my main speech.

It is a well-known fact that many children are failing to go to school, and especially since we promise free education, we should at least take care of or consider these poor children.

Another thing which has been neglected by the Government, Mr. Speaker, is the creation of seats in the settlement schemes: these are county

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council seats. Mr. Speaker, there are large areas which used to have members who were settlers to represent them in county councils. Now they are settled and there is no seat for them in the county councils. The Government should look into this and should create some seats, so that many services in settlement schemes—such as health services, area council roads or county council roads—will not be neglected. At the moment, there is nobody looking after them and you find that all the settlement schemes that were settled in 1962 do not have their roads taken by county councils or by area councils. This is because they are not represented in county councils. So the Government should not forget this because some of these areas, when the councillors were elected, had not been settled, they were empty places, the farmers had left; and now they are settled by thousands of people. They should be thought about.

Fourthly, the veterinary service in the country, Mr. Speaker, is deteriorating. There are livestock officers and instructors in the country. It is very good for the Government to have them, but veterinary surgeons are lacking. You find that places like Sotik—where they used to have three veterinary surgeons and where high-grade cows are kept—have none at this moment. This is a very serious case because you find that many cows are sick with diseases which a veterinary or livestock officer cannot treat because they are not allowed to cut any part of a cow or an animal, unless they are veterinary surgeons. So the Government should not say that we are encouraging farming, especially dairy farming, in some particular places or, let us say, in the whole country, and yet it does not take the trouble to try and get veterinary surgeons either from outside or posted from certain places in Kenya where they are in greater numbers. It should spread them because there are so few. Mr. Speaker, dairy farmers should not be discouraged by seeing a farmer losing a very good cow, giving a lot of milk, through lack of veterinary surgeons. It is a very serious mistake. These people should be regarded like doctors in hospitals, because there are cases which are so bad as far as dairy cows are concerned. They are susceptible to very serious diseases where a veterinary surgeon is very necessary.

Fifthly—I am still on farming—you find that the Government is encouraging passion fruit in this country and it thinks that it is creating a very important export, bringing an important excise duty, but the diseases affecting passion fruit are never controlled by the Government, and this is becoming very serious in this country.

The Government should come out with a specific policy concerning the passion fruit crop, because it is a very, very important cash crop. If farmers are helped by Government when they begin to grow passion fruit, they will get a lot of money. I know of farmers who have made Sh. 4,000 a month out of passion fruit, and that is a very big income for the farmers. So, Mr. Speaker, Sir, diseases of passion fruit should be controlled by providing money or specific subsidies for these farmers. Government could provide the spraying machines and the *dawa*, so that farmers could spray the fruit well, and then they could repay the money for those things afterwards.

Mr. Speaker, I see in the speech that the Minister has allocated more money to the Army, education and health. This is a very good thing, but I would like to mention something about the Army. We know that the Government is fighting the *Shifita*, but I think it should fight it more strongly than it is doing now.

Also, I would say that most of the soldiers who are killed in the *Shifita* areas are forgotten. I mean that when they are killed the information given to their families is not good. I know of soldiers who have been killed and their parents have not known for several months. This is a very bad case. They should be informed and the soldier's property should be given to them. Anything belonging to the dead soldier should be given to the parents or wife—

Mr. Godia: On a point of order, Mr. Speaker, is it in order for the hon. Member to indicate that those fighting the *Shifita* have been forgotten, that they do not get information to their homes? Can he substantiate that?

The Speaker (Mr. Slade): You can ask for substantiation, yes.

Mr. arap Soi: Mr. Speaker, Sir, I have a person in my constituency, the father of a boy who was killed in the Army, and he was sure that he had a radio; the father came to me and said that he did not get that particular radio. I know the man who was killed; I taught him in school; he was a boy I knew very well. His parent has not received all his property up to now. This is substantiation. I am not saying what I do not know, Mr. Speaker; you must know that most of those who are fighting there are my people. They are very brave. Mr. Speaker, Sir, I also turn to the—

Mr. Godia: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to indicate that all those people fighting the *Shifita* are belonging to his tribe? Is that not false?

The Speaker (Mr. Slade): He can say it. He said most of the people.

Mr. arap Soi: Mr. Speaker, Sir, I said most of them, not all of them.

Now, Mr. Speaker, Sir, I would like to come to the question of education. I am sure that most of the hon. Members who have spoken in this House have mentioned something about education. I do not want to indulge in this too much, but I would like to say that the politicians encouraged the *Harambee* schools to be built and the people were very enthusiastic and came out and contributed very much to these projects and have completed the schools. They are paying the school fees, running the schools, but still they are being asked to pay and also run the schools. Mr. Speaker, Sir, I feel that because most of the teachers, or, perhaps, all the teachers that were teaching in other places, were moved to these *Harambee* schools, I do not see the reason why the Government should not continue paying their salaries. This is a very important part to the people who have built the *Harambee* schools. I think the salaries of the teachers should be paid by the Government. This is a very straightforward fact. They are qualified and should be taken into account in the Budget.

Mr. Speaker, Sir, if the Government, however, carries on neglecting these schools, by not even paying the salaries so that people continue paying towards the running of the building, for food and other things in the schools, and the salaries, then, Sir, I do not think it is fair. The Government should pay the salaries of the teachers.

Now, Mr. Speaker, Sir, I must also say something about the health service. I know it has already been mentioned, but, Sir, in support of those Members who spoke about the health services in the country, I feel that in the rural areas the services provided by the health centres is free but inadequate. There are several locations where there are no health centres at all. They are far from the people, if some do exist in other locations.

Now, Mr. Speaker, Sir, most of the people live in the part of the country where smallpox broke out. Most of the schools in the country, when this illness broke out, did not get any vaccination. This was a very serious case on the part of the Government, because it should have made sure that the whole country had their schoolchildren vaccinated in the health centres or the mobile units should have been provided to those locations where there is no health centre. That, Sir, is a very important aspect in the life of these people. There should be more health services in the rural areas. Where there are roads there should

be some specific arrangements so that at least every corner of the country is given something in order to help the people.

Mr. Speaker, Sir, I see that my time is running short, but I would like to mention something about what the hon. Mr. Nyaberi said about the term of fourteen years' imprisonment for the stock thieves. Mr. Speaker, Sir, I think some Members are forgetting that when there is a law providing the maximum punishment or penalty it should not always be applied. This does not mean that the judge always has to convict people and sentence them to fourteen years' imprisonment. This is a very wrong understanding on the part of some Members. I feel, in fact, Sir, that if the courts decide to sentence somebody for so many years, they will be wasting somebody's life because he will be stuck away in prison. Some of these people who go to prison may be married men with children, and these should be considered.

Mr. Speaker, Sir, I also feel that a lot of beating, which was suggested, is catered for in these days by the police. Whenever they arrest these people they always seem to beat them, which is illegal. This, Sir, should not be allowed and I feel that the punishments which are being given to these people by the courts is enough at this time. Mr. Speaker, Sir, some of these people are being sentenced to five years' imprisonment and that is a very long time. I think this is enough time for imprisonment for the stock thieves.

Mr. Speaker, Sir, I would also like to mention that since the Government has not been able to provide free education they should permit some county councils to impose some taxes where they could then provide free education. The county councils are willing to do this, but I think the Government, or the Minister for Local Government, is not permitting them to do this. They should be encouraged, since they are concerned with primary education, they should be free to raise the taxes if they wished to do so, in order to provide compulsory education free. So, Mr. Speaker, Sir, there should be some specific policy in the education department where county councils or municipal councils are permitted to impose some taxes so that children in that county or municipality get free compulsory education, so that even the poor children are catered for.

Mr. Speaker, Sir, I also would like to support some of the Members who criticized the Agricultural Finance Corporation for introducing, in some cases, a case where they can give loans to the farmers who have no title deeds. The Government should allow, or should try to fix, some kind

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of security which is not the land so that farmers are freely given these loans, as it has been provided by the Government.

Mr. Speaker, Sir, I think I have mentioned most of my points which I wanted to say, but I feel that I would like to say that the Budget has been well planned, although the items I have mentioned have been forgotten, I feel I would like to join those hon. gentlemen in congratulating the Ministry, and the people who did all this work, by supporting this speech.

Mr. Speaker, Sir, I beg to support.

Mr. Barasa: Mr. Speaker, Sir, when I read the Budget Speech I find that the Minister had two things in mind, one was to raise more revenue for the Government and, two, to protect young industries because Kenya would not be competent enough to take care of the development of industries from foreign countries. Our industries are so young that when we continue importing goods from outside we find that our products do not compete with imported goods.

However, we must think of raising the revenue; we must have more revenue for the Government. Yet, at the same time, we must think of the ordinary man. The ordinary man has a lot of expenses, he has to pay school fees for his children. These days the school fees are very high, especially in the *Harambee* schools. I am sure that every Member will speak about the *Harambee* schools because every parent and every member of any community is complaining about the high fees. Therefore, I feel I must say that when the Government is imposing a lot of revenue, a lot of duty on imported goods, it must think of releasing the burden from the parents. You find that a parent may have to pay for a son or a daughter over Sh. 800 or Sh. 900 by way of school fees, and yet the boy or girl does not get any books or stationery. So the people say that if the Government can think of itself and can raise the revenue, then it also has to look after the people, it has to find ways and means of helping the ordinary man in the street.

Mr. Speaker, Sir, since 1962 there has been one song all the time, that we want free education in the country. The Minister has not told us the ways and means by which we will get the money which we need to give the people free education. The only excuse that the Government gives us is that it does not have enough teachers. Unless the Government is prepared to better the working conditions of teachers, then there will never be enough teachers. In addition to this, Sir, Government should have a short programme for training teachers as was done in

1946 after the Second World War. The Government of that time introduced a system whereby people took a one-year course in order to become a teacher. In this way, those who had just returned from the war, could undergo training for one year and become teachers. So the only way in which the Government can get more teachers is to have a short training course and then we can introduce free education in the country. Let us leave the question of compulsory education alone if the Government does not have enough teachers to give us this compulsory education. We could have only free education according to the number of schools and teachers that we have in the country.

Now, another point I wish to deal with, is Graduated Personal Tax. Every poor person in this country has to pay Graduated Personal Tax whether he is employed or not, whether he has a piece of land or not. I think it would be unwise for the Government to try to impose a lot of extra duty on the ordinary man. What Government should do is to exempt the poor class from paying Graduated Personal Tax until such time that any man from this class of people has a job.

Government is not working hard enough to have industries all over the countryside. The industries that we have are concentrated in Nairobi. There is a place known as Thika and you find that there are industries there as well. We think it is unfair for the Government to concentrate all the industries in Nairobi and Thika only, forgetting other places. Industries should be spread all over the country so that we can assist the jobless. If the Government does not do so, then those who are jobless, who always go hungry, will become ruthless. They may join any person who will give them money. Then, they should not be blamed for such actions because it is not their fault; Government has done nothing to create employment for them.

When these people are told, "Go back to the land", well, there are some who have land while there are others who do not have any land. Some people have a talent for farming, others do not. So, the Government ought to have as many industries as possible.

Early in 1964 the Government said that it was going to set up a paper factory at Broderick Falls. Up to the present moment the people of this country have heard about that on the air and read about it in the newspapers. I do not know whether the Government is reluctant to set up the paper factory, or whether it has no means of starting the paper factory at Broderick Falls. This is very important, Sir.

[Mr. Barasa]

Another thing is that the farmer is not getting enough for his products. Let me talk of Bungoma District. Here the people produce coffee but they get very poor prices for their coffee. The maximum price per lb. is 29 cents and, therefore, these people are tempted to export their coffee all the way up to Uganda. They smuggle the coffee into Uganda. Some of the people join certain co-operative societies in Uganda because the price of coffee in Uganda is very, very much better compared with the price in Kenya. The Government should adopt the system of give and take. When the Government takes a lot of money from the people in the country, then, also, it must find ways and means of giving the people better prices for their products. I think that in order to encourage the farmers we must give attractive prices.

Last year, we had a Motion in this House and it was unanimously resolved that every bag of maize was to fetch Sh. 47/50, but now in the Western Province we find that a bag of maize only fetches Sh. 31 and some cents. So the farmers are very discouraged. We have enough food in the country and yet we get some more from America. The yellow maize we bought from America is more expensive than the maize that is grown here. If it costs more because it comes from far away, then there is no sense in importing it when we have enough food in the country.

Some time last week, or early this week, we heard that a Minister from Tanzania who was in the United Kingdom tried to spoil the name of our beloved country. I would ask the Government, if the Heads of the other two countries come here, to—the Minister's name was Sheikh Babu. Our President should ask President Nyerere to demote this Minister because he tried to spoil the name of our country. We cannot allow any other neighbouring country to play about with the name of our country because we have our own problems. The problems of this country have to be tackled by the people of this country alone, and not by anybody else. We do not want anybody to interfere with the affairs of our country. Therefore, I would like to ask the Government, when the Heads of the three States meet, they should discuss how they should warn their own subjects not to interfere with the affairs of neighbouring countries.

I come now to the question of duties on imports. An ordinary man is already suffering. There are some things that he just has to buy and these are soap, matches and mineral water.

He just has to buy these things. So I would ask the Government to consider ways and means of helping these poor people.

What about the price of petrol? Since I came here, the price of petrol has been going up every year but our travelling allowances have not increased at all. In my area the cost of petrol is Sh. 5/15 and the Government only pays me 40 cents per mile. The same applies to the civil servants.

Road licences have been increased by Sh. 40. Insurance on motor-cars has also been increased. I think the Government is trying to punish the people who own cars. The costs are going up too much. I wish the Government would consider this so that all the people in Kenya who have not bought cars as yet—I think the Government is trying to discourage those who intend to buy cars. Government should not only think of punishing people who own cars because there are so many other things apart from cars. People who own cars are not the only people to be punished. When the day for the Budget Debate comes along we always know what will be said about cars.

The Speaker (Mr. Slade): Mr. Barasa, would this be a good point for you to break off and continue when we sit again?

Mr. Barasa: All right, Sir.

The Speaker (Mr. Slade): You see, it is now time for the interruption of business. You have about eight minutes left, I think.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for interruption of business and the House is adjourned until tomorrow, Friday, 24th June, at 9 a.m.

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

WRITTEN REPLIES TO QUESTIONS*Question No. 7***TRAINING FOR FOREST OFFICERS AND GAME AND FISH WARDENS**

Mr. Ngala-Abok asked the Minister for Tourism and Wildlife if he would tell the House how many people had been sent for training and how many had already been trained by his Ministry to be forest officers or game and fish wardens from both South and Central Nyanza, since offices had been opened in Nyanza last year; and how many were now employed in these departments.

The Minister for Tourism and Wildlife (Mr. Ayodo): Our personnel records are not kept on district basis. The information given below is, therefore, based on facts supplied by candidates at time of employment.

The Fisheries Department offices in Nyanza were opened in November 1964. Since their opening, eight students have been sent overseas for various courses in fisheries, three of these are from South and Central Nyanza.

Since the opening of the Game Department offices at Homa Bay, there has been no intake to the College of African Wildlife Management. My Ministry is, however, planning to send thirteen students to join the college in July this year, and four of these will be from Nyanza.

It is not quite clear whether or not the hon. Member wants to know the total number of people who are currently employed in these departments. In any case, such information is available in the Government's staff list which the hon. Member may consult at any Government office.

Question No. 8

POISONOUS PLANTS IN THE KISII HIGHLANDS

Mr. Makone asked the Minister for Agriculture and Animal Husbandry whether he could tell the House what local plants there were in the Kisii Highlands which were poisonous and which constituted a danger to human and animal health. Would he also tell the House whether any research into the existence of such plants had been carried out.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): My colleague, the Minister for Health, has no knowledge of any local plants in Kisii which are dangerous to human health. But although there are no records of specific incidences of death caused by any poisonous plants in the area in question, the following plant families, growing in the Kisii Highlands, are known to be poisonous to animal health:—

Moraceae, Hexsandrum sp., Stramonium sp., Celastraceae, Phytolacca sp., Senecio spp., Urgania sp., Anthericum sp., Gloriosa sp., Phepericum sp., Scilla sp.

To date, there is no specific research on poisonous plants undertaken by Government, but the Veterinary Services under my Ministry, and also the East African Herbarium, do maintain a research service in this field.

At the moment, the cost of sending out scientists to carry out research on these plants is prohibitive and my Department of Veterinary Services

relies entirely on plant specimens and information submitted by farmers. If the hon. Member could request specific farmers from his constituency to single out and submit specific suspected plants, my Veterinary Department could investigate into the properties that may be poisonous to animal health.

Question No. 48

**TIMBER, COTTON AND SUGAR GROWING:
WESTERN PROVINCE**

Mr. Godia asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether his Ministry had sufficient plans for encouraging the growth of suitable timber, cotton and sugar-cane in the Western Province, so that, as soon as the paper, cotton and sugar factories were established at Broderick Falls, Busia and Mumias, respectively, there would be no lack of supplies of the materials required.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): My opposite number in the Ministry of Natural Resources, under whose province forestry falls, has informed me that he has started a scheme under which about 20,000 acres of soft woods will be grown in the Western Province and that any landowners wishing to grow timber for sale to the envisaged paper mill should consult their nearest forest officer. But there already is adequate timber to feed a paper mill and further plans will be made after the mill is in operation.

Regarding cotton, the Ministry's plans for expansion of cotton production in Western Province are in an advanced stage now and it is hoped that the present cotton credit programme will be expanded from year to year in order to provide cotton growers in Western Province with an increasing amount of finance for the development of this crop, provided they repay loans advanced to them. I would like to comment here, Mr. Speaker, that Western Province's record of repayments of these loans is so far very bad and, if this trend continues, the Ministry's attention will be focused elsewhere.

The growing of sugar-cane and the manufacture of sugar must always be considered as part and parcel of the same project. It is for this reason that the timing of a factory for Western Province must be closely related with the planting programme of the cane and the availability of cane on the opening day of the factory. The present feasibility study, soil survey and research programme are going along well and give every indication of leading to a successful project, provided, of course, the correct procedure is followed and the factory is not erected prematurely.

Friday, 24th June 1966

The House met at Nine o'clock.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Slade): I have to inform hon. Members that His Excellency the President has assented to the following Bills which were passed by the National Assembly during June 1966:—

Passed Third Reading

No.	Title	House of Representatives	Senate	Date of Assent
18.	The Constitution of Kenya (Amendment) (No. 3) Act, 1966	2-6-66	3-6-66	7-6-66
19.	The Supplementary Appropriation (No. 2) Act, 1966	7-6-66	8-6-66	14-6-66

SENATE AGREEMENT TO BILLS

The Speaker (Mr. Slade): I have also received a message from the Senate that on Wednesday, 22nd June 1966, they agreed to the Statute Law (Miscellaneous) (Amendments) Bill and the National Hospital Insurance Bill, both without amendment.

NOTICE OF MOTION

UNIFICATION OF TEACHERS' TERMS OF SERVICE

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

THAT this House urges the Government to implement at once the resolution passed in the House of Representatives in July 1965 for the unification of the teachers' terms of service, one employer and better working conditions and better salaries.

ORAL ANSWERS TO QUESTIONS

Question No. 202

NYANSIONGO SETTLEMENT SCHEME

Mr. Nyaberi asked the Minister for Lands and Settlement whether he would tell the House which plots in the Nyansiongo Settlement Scheme had been left for public use and what those public utilities were.

The Speaker (Mr. Slade): No one to speak for the Ministry of Lands and Settlement? We will wait in hope.

Next question.

Question No. 203

PLOT ALLOCATIONS FOR BUSINESSES

Mr. Nyaberi: That applies to the same Ministry, Sir.

The Speaker (Mr. Slade): I see the Assistant Minister has arrived. We will just go back to your first question, Mr. Nyaberi.

Are you ready now to answer this, Mr. Gachago? We have had it once already.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Sorry, Mr. Speaker, I am not ready yet.

The Speaker (Mr. Slade): Will you be ready if we have it at the end of the questions?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir.

The Speaker (Mr. Slade): Does that apply to the next question also and the next one?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir.

The Speaker (Mr. Slade): Very well; we will come on to Mr. Mate's question.

Question No. 151

SECONDARY SCHOOL PLACES FOR MERU PUPILS

Mr. Mate asked the Minister for Education to tell the House how many Meru pupils who had failed to get places in a Form I somewhere right away, did get places in a secondary school by the end of the second term of 1966. What schools had absorbed the greater number of these pupils.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Ninety-six pupils from Meru District, who had qualified for secondary education but who had not been admitted into a Form I in the first instance, obtained places by the beginning of the second term in 1966.

Fifty-five of these pupils were admitted at St. Mary's, Egoji and Ka'aga Girls' Schools. Seventeen given places at the Mombasa Technical Institute, while the remainder were absorbed in small numbers by the secondary schools situated in Meru District.

Mr. Mate: Mr. Speaker, Sir, in view of the fifty-five who were admitted at both St. Mary's and Ka'aga Girls' School, does that mean that we have additional Form Is in those two secondary schools?

Mr. Mutiso: Yes, Sir. In Meru we have two Form I classes in Meru School, two Form I classes in Chuka School, one Form I in Igembi, one Form I in Miakani, and one Form I in Ka'aga Girls' School. In Nkubu, we have two Form I classes, Chogoria one Form I class, and Ikuu one Form I class.

Mr. Mate: Mr. Speaker, Sir, the Assistant Minister referred to Ka'aga Girls and St. Mary's, Egoji. The question was, in view of the fifty-five, does that imply that St. Mary's, Egoji, and Ka'aga have now additional Form Is to make a double stream?

Mr. Mutiso: Mr. Speaker, I thought I had replied to that supplementary question when I said that in Ka'aga Girls' School we have one extra Form I class and in St. Mary's Girls, Egoji, we have also one extra Form I class.

Question No. 198

COMMERCIAL SCHOOLS FOR COAST PROVINCE

Mr. Omar asked the Minister for Education if he would tell the House what plans he had for opening or building commercial schools, to teach purely commercial subjects, in the Coast Province.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. It is not clear what is meant by "purely commercial subjects". However the Government's plans are to diversify the curricula of secondary schools generally, including the technical schools, throughout Kenya by introducing practical courses of which commercial studies will form a part.

Question No. 199

SUBSIDIES FOR PRIVATE SCHOOLS IN
MOMBASA

Mr. Omar asked the Minister for Education whether, in view of the fact that many students at the Coast passed K.P.E. but did not find places in the Government secondary schools, he would consider subsidizing some of the private secondary schools in Mombasa so that the fees in these schools could be reduced.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, again, I beg to reply. No, Sir. Compared to the other provinces, it is not correct to state that many students in the Coast Province passed K.P.E. and failed to get places in Government-aided secondary schools. Coast Province had one of the poorest percentage passes in K.P.E. in 1965 and yet had one of the highest opportunity index for admissions to secondary schools.

Mr. Omar: Mr. Speaker, Sir, is the Assistant Minister not aware that private secondary school fees are higher than those in Government secondary schools and that many K.P.E. boys do not get a chance to go to these private secondary schools where they pay high school fees, and that there is a need to subsidize the fees in these schools?

Mr. Mutiso: Mr. Speaker, I consider that to be a different question, because the main question was related to number of admissions—

The Speaker (Mr. Slade): No, Mr. Mutiso. If you read the question again, you will see the main question is whether, in view of the number of students who get into Government schools, the Ministry will subsidize the private secondary schools.

Mr. Mutiso: In that respect, Mr. Speaker, the Government cannot control the private schools. As the hon. Member knows, these schools are run from other sources than the money of the taxpayers, and therefore, until such a time that the Government is in a position to control these private schools, we cannot subsidize the cost of fees in these schools.

Mr. Shikuku: Arising from the previous reply by the Assistant Minister, Sir, to the effect that the pass percentage in the Coast was very low and they had the highest intake in secondary schools, do I understand from the Minister that these schools are still on a provincial basis? If they are not and they are controlled by the Central Government, why did the Assistant Minister not take pains to get more bright brains from other parts of the country—particularly from Western Province—who passed so highly and could never get any school elsewhere?

Mr. Mutiso: Mr. Speaker, Sir, I am certain that the hon. Members of this House know very well that it is the intention of the Government to give priority to the less-developed areas, particularly in the field of education. This is the reason why we consider that the Coast Province should be given a kind of privilege in admitting students to secondary schools, so that they can also catch up with the already developed areas of the country.

Mr. G. G. Kariuki: Mr. Speaker, Sir, can the Assistant Minister tell the House the number of students who passed K.P.E. in 1965 in the Coast Province and how many were given chances in secondary schools?

Mr. Mutiso: Mr. Speaker, Sir, I would need notice of that question.

Mr. Gatuguta: Mr. Speaker, Sir, on this question of subsidizing private secondary schools, the Minister is not giving a satisfactory reply. What we want to know, Sir, is this. The private secondary schools are there and the Government is encouraging the people to build these *Harambee* secondary schools, so are there any plans by the Ministry to take over these schools in the near future? If not, is the Ministry concerned going to subsidize them?

Mr. Mutiso: Mr. Speaker, the Government has already plans to take over these schools as and when the position does allow it. The House is aware of the fact that in the Development Plan we do, in every financial year, take over some of these schools to the Government side, and, as time goes on, when the Government is in a position to take over all the private secondary schools, we shall be able to do so.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the effect that when the time comes, the Ministry is going to control private secondary schools, they may go into the affairs of such schools but not now, will the Assistant Minister agree with me that the Education Act is old and colonial and should be amended so that the Ministry can begin to control the affairs of these private secondary schools until the time that they will subsidize the schools?

Mr. Mutiso: Mr. Speaker, Sir, one thing that I will not agree with the hon. Member is that the Education Act is old and colonial. In fact, Mr. Speaker, Sir, it was only last year when the Education Act was reviewed and this was not during the period of the colonial time. As and when the Government is in a position to take over these schools, when the financial resources allow, the Government will be only too happy to do so.

Mr. Muliro: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, would he consider including Masailand and the Turkana areas in the priority list he is giving to the Coast?

Mr. Mutiso: Yes Sir.

Question No. 202

NYANSIONGO SETTLEMENT SCHEME

Mr. Makone, on behalf of Mr. Nyaberi, asked the Minister for Lands and Settlement if he could tell the House which plots in the Nyansiongo Settlement Scheme had been left for public use and what were the public utilities.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. In addition to a number of plots which

have been reserved in the Nyansiongo Settlement Scheme with water-tanks, water-troughs, dams and cattle dips, throughout the scheme that are excised and reserved for public purposes; an area of 120 acres has been set aside for a proposed new township. This will contain the following: (1) a market; (2) eighty allotments of half an acre each for business, workshops and industrial plots, administrative and police plots, health, social, religious and education plots; a cemetery and public open space; and a large number of residential plots. The plan for this township is now being drawn up.

Mr. Makone: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, is the Assistant Minister aware that the 120 acres which were set aside for the purposes he has outlined have been fragmented into small plots? These plots are 51, 54, 56 and 58, and these plots have been allocated to the people, and the people are there now? Can he tell me from where he gets this figure 120?

Mr. Gachago: Mr. Speaker, Sir, I am not aware of what the hon. Member is saying. What I am aware is that 120 acres have been set aside for the purposes I have enumerated.

Mr. Makone: Mr. Speaker, Sir, would the Assistant Minister tell me where these 120 acres are situated, because I do not want to become confused with my analysis?

Mr. Gachago: Mr. Speaker, Sir, as I do not have a map here, perhaps the hon. Member would care to call at my office this afternoon, then I will try and educate him.

Mr. Muliro: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the supplementary question about the acreage of the plots, would he undertake to investigate whether the original 120 acres which have been set aside have actually been re-subdivided or not?

Mr. Gachago: Mr. Speaker, Sir, on receiving a complaint to that effect, I will be prepared to investigate.

Question No. 203

PLOT ALLOCATIONS IN SETTLEMENT SCHEMES FOR BUSINESSES

Mr. Makone, on behalf of Mr. Nyaberi, asked the Minister for Lands and Settlement if he could tell the House whether he considered that a group of people running a firm of registered businesses would be considered when allocating small plots in a settlement scheme.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. A group of registered businesses cannot be considered for the allocation of small plots in a settlement scheme. Such plots are allocated to individuals, in accordance with the following priorities: to those labourers who were previously employed on the farm before it was purchased by the Settlement Fund Trustees; and, secondly, to landless and unemployed Africans whose applications to the district commissioner have been approved by the district selection committee, the chairman of which is the district commissioner. Large registered businesses may purchase farms direct or with financial assistance provided by the Land and Agricultural Bank of Kenya.

Question No. 210

AFRICANIZATION: COAST PROVINCIAL SURVEY OFFICER

Mr. Mwatsama asked the Minister for Lands and Settlement if he could tell the House when the post of Provincial Survey Officer would be Africanized in Mombasa.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply again. There are only three African staff surveyors as against four provincial survey offices in the country. Two are, at present, manned by African staff surveyors, that is, the provincial office, Nakuru, for the Rift Valley Province, and the provincial office at Kisumu for the Western and Nyanza Provinces. The third African staff surveyor is, at the moment, posted to the Survey of Kenya Headquarters to gain administrative experience and will be posted to a provincial office as soon as he shows that he has a good grasp of his administrative duties. When the time of his posting is decided on, he will not necessarily go to Mombasa, he could go to Nyeri, all depending on how much there is in the particular office.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply that we only have three surveyors, and one is still trying to gain the knowledge of the practical side entailed in survey work, would he tell the House what the Ministry has done so far to train more people in order to man all the provinces and Africanize the posts? Are there any trainees studying and, if so, how many?

Mr. Gachago: Mr. Speaker, Sir, we have a training school for the surveyors at our institution on the Thika Road and we are trying to train as many surveyors as possible. One of our problems is that, as soon as we start training these surveyors,

they become attracted by other jobs and, instead of completing their courses, some of them run away. It is becoming increasingly difficult to produce surveyors because of some of these obstacles. What I would like to tell the House is that we would be grateful if hon. Members of this House would encourage young men and women, school-leavers from their constituencies, to apply for training as surveyors and to stick to their course of training when they come to the school.

Mr. Kamau: Mr. Speaker, Sir, in reply to the hon. Assistant Minister that most of the younger people are attracted by other positions, would he make this position very attractive by giving them good pay, because we know that surveying is a very hard job, and people have to stay in the sun for a long time? So could the Assistant Minister assure this House that they are going to make it attractive by paying them well so that they stay on at their surveying course?

Mr. Gachago: Mr. Speaker, Sir, survey work is highly technical as all the hon. Members in this House know and, before a person can qualify for this work, he has to be trained for a period of time. It is a matter of patience, Mr. Speaker, Sir. Those young men and women who are taken to our school, if only they were patient, it would be possible to consider them for good and attractive salaries as offered elsewhere in the Government establishments. It will, of course, as the hon. Members will appreciate, be very difficult for a person who has not been trained first to be offered an attractive salary.

PERSONAL STATEMENT

WITHDRAWAL OF ALLEGATION

The Speaker (Mr. Slade): Mr. Mwamzandi, you were going to substantiate a statement yesterday, that the Ministry of Finance is staffed from top to bottom by Kikuyu.

Mr. Mwamzandi: Mr. Speaker, Sir, you had ruled earlier that my substantiation was adequate generally, when it concerned every office, but when I made particular reference to the Office of the Ministry of Finance, it was then necessary to substantiate for that office. Mr. Speaker, Sir, the time I needed for obtaining that information was inadequate, in which case I would like to withdraw for having particularized that Ministry, and would like to make it general to the whole Cabinet.

The Speaker (Mr. Slade): You acknowledge that you overstated the case?

POINT OF ORDER

MAKING ALLEGATIONS

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, here it appears that the Member is telling the House that he was unable to get the names from the Ministry and, therefore, he prefers to generalize the whole issue. Is that still in order? Mr. Speaker, Sir, I was wondering if somebody wanted to get some names from a Ministry in order to come and substantiate here, it depends very much on the people in the Ministry, whether they are willing to help him; and if they refuse, do we have to take it for granted that he made a wild allegation which could not be proved?

The Speaker (Mr. Slade): Yes, because hon. Members are not supposed to make allegations of fact in this House without already knowing the truth of what they say. It is not good enough that they make allegations and then go and search for the proof of those allegations afterwards. No. I want Mr. Mwamzandi to understand that quite clearly. He should not have said it at all, unless he already had the evidence on which he based his statement, and that applies to all hon. Members.

Mr. Omar: On a point of order, Mr. Speaker, Sir, in matters of this nature, I am seeking your guidance. The hon. Mr. Mwamzandi has said that one of the reasons for him not coming and substantiating that allegation is that he did not have enough time to look for evidence. Now, Sir, supposing the House wanted to pursue this matter, and asked Mr. Mwamzandi to come and substantiate this in the future, could the House allow him permission to go and find his evidence so that he can come back and substantiate?

The Speaker (Mr. Slade): You do not seem to have understood what I said a moment ago. Hon. Members will not make allegations in this House without already having the evidence on which the allegation is based. They may not have it in the Chamber and, therefore, they are allowed to go and find it and produce it the next day. However, they cannot be allowed further time to look round for proof of something which they did not already know to be true.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, in that case, Sir, would you then consider not giving Members time to go and look for something to support their allegations?

The Speaker (Mr. Slade): Oh, really, if hon. Members cannot understand what I have said twice, I am not going to say it a third time.

NOTICES OF MOTIONS FOR THE
ADJOURNMENTLICENSING OF *Harambee* SECONDARY SCHOOLS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice of Mr. Ngala-Abok's desire to raise on the adjournment the matter of reply to Question No. 133 concerning licensing of *Harambee* secondary schools and the deposits required for that purpose.

That will be raised next Tuesday, the 28th June, on the adjournment.

SUSPENSION OF TEACHERS AND PUPILS FROM
KISII SCHOOLS

The Speaker (Mr. Slade): Also, I have received notice from Mr. Makone of his desire to raise on an adjournment the matter of the reply to his question by private notice concerning suspension of teachers and pupils at certain schools in Kisii, and that will be raised by him on the adjournment on Wednesday, the 29th June, at the time for interruption of business.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 15th June 1966)

*(Resumption of debate interrupted on
23rd June 1966)*

(Third day of Budget Debate)

The Speaker (Mr. Slade): Mr. Barasa was speaking at the time of adjournment yesterday. He is not here now. In that case, who wishes to speak?

Mr. arap Biy: Mr. Speaker, Sir, it is rather unfortunate that hon. Members have not yet seen fit to speak at this time. I think they are just waiting for a cup of tea at 10 o'clock.

Before I begin making my speech I would like to ask the hon. Members of this House to listen to me patiently without worrying me too much, without bringing in unnecessary interjections because I usually make my points very clear.

I will start, Mr. Speaker, by pointing out exactly to all hon. Members that I was not happy at all, nor was I satisfied to hear the Government dismissing over sixteen chiefs in Central Nyanza. This, Sir, is something which I should call very severe victimization, because some of these people are completely innocent.

Mr. Shikuku: On a point of order, Mr. Speaker, here we have a Member stating a case, where he feels that the people who have been dismissed by the Government—and I feel the Government must have had some reason for doing so—were completely innocent. Could he substantiate his allegation, that the chiefs who were sacked were innocent and the Government victimized them?

The Speaker (Mr. Slade): Yes, you must say on what grounds you say that, Mr. arap Biy.

Mr. arap Biy: Mr. Speaker, Sir, I said some, I did not say all.

The Speaker (Mr. Slade): Yes, but you must give examples and the grounds on which you say what happened in those cases.

Mr. arap Biy: Mr. Speaker, to enable me to go ahead with my speech, I will withdraw that statement.

I am not advocating for any wrongdoers in this country. I am not, at any time, trying to support the Kenya People's Union. I must declare my interest and say that I am a Kanu supporter, and I will continue being a staunch member of Kanu. However, Mr. Speaker, Sir, that does not bar me from speaking my mind.

On a point of order, Mr. Speaker, Sir, is it in order for the Assistant Minister for Information to call me a KPU?

The Speaker (Mr. Slade): No, I do not know whether an Assistant Minister did so.

The Assistant Minister for Information (Mr. Onamu): No, I did not.

The Speaker (Mr. Slade): It would be entirely out of order to suggest that an hon. Member supports some party other than the one to which he openly belongs. I hope no Member did suggest that.

Mr. arap Biy: Yes, Mr. Speaker.

The Speaker (Mr. Slade): He denies having done it and we have to accept his denial. However, if it is not a truthful denial it will be a great pity, especially if it was so remarked by some Member who may have heard.

Mr. arap Biy: Mr. Speaker, Sir, I usually respect hon. Ministers and Assistant Ministers and I feel very uneasy and unhappy to hear them shouting at me as if they were young *totos*.

Mr. Mbogoh: On a point of order, Mr. Speaker, I am faced with a difficulty here as to know exactly what that means. For example, now, there was an allegation that some of those chiefs who were dismissed were KPU. Then somebody shouts KPU when the hon. Member is speaking. Does

that mean that he is calling the hon. Member KPU or he is saying that these chiefs were discharged because they were KPU?

The Speaker (Mr. Slade): We will have to leave the House to judge the implication of what is said. I would have thought, in the circumstances, the clear implication was that the hon. Member speaking was KPU.

Mr. arap Biy: Mr. Speaker, this generalization of victimization is something that is going to cause a lot of unrest in this country.

The Speaker (Mr. Slade): Mr. arap Biy, you have withdrawn your allegation on victimization. You should not continue with it now.

Mr. arap Biy: Mr. Speaker, Sir, I am not referring to the dismissal of chiefs, but general—

The Speaker (Mr. Slade): What victimization are you referring to? You have to be careful, you know, with what you are saying in this House, Mr. arap Biy.

Mr. arap Biy: I am sorry to repeat that, Mr. Speaker. I have already withdrawn and will not mention the subject again.

The Speaker (Mr. Slade): You had better keep off it now.

Mr. arap Biy: It is unfortunate that I repeated it again.

I appeal to the Government to treat every citizen of this country with care. Whoever is a criminal should be dealt with in the court of law and be given adequate punishment. I will not dwell further on that point which I wanted to make clear because it may lead me into a trap.

I move on now to the question of generalization, again, of teachers being called KPU supporters. Teachers, Sir, in this country are regarded as the backbone of the progress of this country. Teachers are a very educated group, a very intelligent group, and, Sir, as provided in the Constitution of this country, that there is a freedom of speech, freedom of movement, freedom of joining societies, then, when a small group of teachers are found to be sympathizing with the opposition party to the Government, I, for one, do not see an adequate reason of generalizing the position of teachers in the country. When teachers, as such, are mistaken for KPU, I know for certain, Mr. Speaker, that they are going to feel it, and the teaching they impart to the youngsters of this country is going to be upset. So, I do not think we are going to receive good results from the teaching given in this country. I am not trying to say that teachers should join the KPU; no. Every hon. Member in this House

[Mr. arap Biy]

should understand me in this. I am only appealing to the Government to deal with any individual who proves himself beyond any doubt to be a member of that party. To go further I would say that the Government should deal with that teacher if he preaches the gospel of the party; if he does not teach, but instead he goes about preaching the policy of the party. When that is done, it will prove beyond any doubt that Mr. So-and-so is this and he should be dealt with by the Ministry concerned. He should be dismissed straight away. Once again I appeal to the Government to do that.

When I began speaking I appealed to the hon. Members to listen to me with care and not to interrupt. When they rise to speak they can point out to me where my mistakes lie.

The other point which I am going to make is on the question of Africanization in the Ministry of Lands and Settlement. The Assistant Minister concerned has just gone out of this Chamber and I hope his colleagues will write down the points I am going to make.

You find, Mr. Speaker, in the offices of area controllers and of settlement officers, that those people who are holding high positions in such offices are expatriates, and these expatriates are the people who are victimizing a good number of new settlers in settlement schemes. Mr. Speaker, I will answer that question by saying that when a farmer is given a number of heads of cattle and one, two, three or four die, and when he goes back to the same person he is told, no, he cannot go for advice to them any more because that matter is already finished; he has taken his cattle and that is all; he only has to repay the loan.

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, the hon. Member speaking has alleged that farmers or settlers who have had their cattle die, are refused advice by the settlement officers. Can he substantiate that it is true that the individual farmers are refused advice?

The Speaker (Mr. Slade): If you are being asked to substantiate, Mr. arap Biy, you should give an example of a particular case where this has happened to your knowledge.

Mr. arap Biy: Mr. Speaker, Sir, I am very grateful that I am able to give an example to this House. There was a farmer in Manare Settlement Scheme in Sotik, whose three heads of cattle died. When he went to the Senior Settlement Officer, Sotik, he was told that the mistake was his and, therefore, he was not to seek advice from the people concerned.

I hope, Mr. Speaker, this is enough to substantiate the allegation I made. I am not always ready to make allegations which are unfounded, I usually have grounds.

What I am appealing to the Government to do is to Africanize these posts of area controllers, deputy area controllers, senior settlement officers and their deputies, so that they can understand the difficulties which face the African people. A European who was a settler before, Sir, does not understand the difficulties which face the Africans. An African is regarded by an European as somebody who has no *hakili*. He is treated in that manner, Sir. If one African has to deal with another African he can understand him better and he can give him the best advice so that he can carry out his farming methods successfully.

I would like to say something on the stock-theft police units. Here, again, I am asking the Government to place these units of the police on the borders where troubles usually occur. Take, for example, the boundary of Kipsigis and Masai and you find that more than once a month, maybe three or four times a month, there are clashes between the Masai and the Kipsigis, the Tende or Kuria and the Masai, the Masai and the Kisii, and such other cases.

If this police unit was to be placed in such areas, I feel, Mr. Speaker, they would be useful. There is no need, Mr. Speaker, for placing these people at a central place like Gilgil. I do not see what they are doing at Gilgil, Mr. Speaker. They should be taken somewhere else, and I hope the Government is going to consider this.

The other point, Mr. Speaker, which I have to make—and I am very happy that the hon. Assistant Minister for Education is here—is on the question of distribution of scholarships in this country. When scholarships are given to this Ministry, they are always distributed in a very unfair manner. Mr. Speaker, I do not think I am making a point which has no sense, I am making a sensible point, and it is very unfortunate that the Assistant Minister is finding it nonsense.

Mr. Speaker, as you ruled earlier on that you are not going to allow particularizing these matters, I am only calling the attention of the Ministry concerned to think about it, so that we do not—

Mr. Muliro: On a point of order, Mr. Speaker, the hon. Member has categorically stated that the scholarships which come to the Ministry of Education are unfairly distributed. He is imputing that the Central Selection Board, which is a

[Mr. Muliro]

very impartial organization, is partial. Would he substantiate the case, and I will give him the names of Kericho people we have sent overseas?

The Speaker (Mr. Slade): I would not say that allegation of unfair distribution necessarily implies deliberate bias, but the hon. Member can be required to substantiate what he has said by giving examples; and when I ruled out parochial discussion in this debate, hon. Members will recall that I said parochial instances by way of example of a general issue are certainly permissible in the debate. So perhaps, Mr. arap Biy, you can give one or two examples of what you are alleging now.

Mr. arap Biy: Last year, 1965, thirty-eight people applied for scholarships which were given by the United States of America, Israel, the United Soviet Socialist Republic, and only two Kericho applicants were taken; and this I call unfair. Only two out of thirty-eight were taken, Mr. Speaker, and there were 200 places from the United Soviet Socialist Republic, about eighty students were wanted in Israel, and many others in other countries, Mr. Speaker. I hope my point of saying that they are doing it unfairly satisfies the Ministry concerned. So, Mr. Speaker, there is a bit of brotherization there.

Mr. Speaker, Sir, I do not think anybody can speak for me. I am here to speak for the people of this country and, more than that, the people of Buret.

Mr. Speaker, Sir, again, there is another question of the tea industry in this country. There are some districts which are suitable for tea: for example, Kericho, Mr. Speaker, Kakamega, Nyeri, and other districts. These districts should be given a chance to plant as many acres of tea as they can but, for example, Mr. Speaker, in Kericho District you find that the tea-growers are given a limit, let us say, of one-third of an acre to plant in a year; and this, Mr. Speaker, is going to make these people wait and wait and wait for a long time before even completing an acre. Instead of taking one year to plant an acre of tea, a grower is forced to plant it in a period of three years. This, Mr. Speaker, is very uneconomical, and I am again appealing to the Government, and particularly the Ministry of Agriculture, to think about this very seriously. The hon. Khasakhala is there, laughing at me, thinking that my point is again concerning some allegations.

Mr. Speaker, Sir, I need not take the time of this House, but I hope the few points I have made are adequate for the Government to consider, and I conclude by thanking the Minister

for Finance for the able Budget that he presented to this House on the 15th June, this year. I hope, Mr. Speaker, a good number of problems in this country are going to be solved as we go along.

Thank you very much. I beg to support.

Mr. Kamau: Mr. Speaker, Sir, I must congratulate the Minister for Finance on the way he deals with the Government's money in this country. It is obvious that nobody has any doubt that our Government has, politically, socially and economically—since this Ministry took over—advanced in many respects. Every hon. Member here knows the ability of the Minister in dealing with this question.

I will deal, Mr. Speaker, Sir, with a few points before I come to the main point. There are some arguments here, which I do not entertain at all, being raised by some Members, especially on employment. I think our Government is very fair. It does not employ any particular race or tribe here for the sake of tribe but because of merit and ability; and I refute completely some statements made here. Most of the Members, when they stood, said, "Kikuyus, Kikuyus, they are everywhere." I think if a Kikuyu is anywhere, he is there by virtue of his merit and ability, and not merely because he is a Kikuyu.

Mr. Speaker, I would refer back a little to the history of this country. If anyone takes the trouble to study the history of this country, he will find that when Europeans came to this country, it was the Kikuyus who were the pioneers, politically, in making the white people understand that this country belonged to a nation. It was the Kikuyus who started the struggles, and I thought Members in this House should have shown gratitude to the Kikuyus, such as the hon. Waiyaki Hinga, who fought with Europeans before any other tribes were ready to fight. I am annoyed, Mr. Speaker, Sir, and I can challenge anybody who can come here and say the Kikuyus were not the pioneers, politically, of this country. If a Member rises and says, "This is given to a Kikuyu," and we ask, "What did you do when Kikuyus were fighting white people?," he will say nothing.

Mr. arap Biy: On a point of order, Mr. Speaker, is the hon. speaker in order to suggest that the Kikuyu of this country are the only people who fought for independence and not others—

The Speaker (Mr. Slade): Order, Mr. arap Biy! You cannot rise on a point of order to argue.

The Assistant Minister for Natural Resources (Mr. Malinda): On a point of order, Mr. Speaker, Sir, is the Member not being too parochial, as you ruled out?

The Speaker (Mr. Slade): No, he is not being parochial, certainly, when he is discussing the merits of a whole tribe as compared with the merits of other tribes. It is not really relevant to this debate, but I think the hon. Member has been provoked into it by some remarks that have been made at other times in this debate and he is entitled to have a little run on this; not too long, Mr. Kamau.

Mr. Kamau: Thank you, Mr. Speaker, Sir.

I am grateful to the two hon. Members who stood. I would say to the Specially Elected Assistant Minister, Mr. Malinda, that when the Europeans came, they passed through Ukambani and the people were made to carry luggage up here when Waiyaki Hinga stopped these people from going further without making a treaty that they shall never interfere with the welfare of the people. I would tell people to go and read books, such as Lugard and *Kenya From Within*. They would then be well educated on this point, and next time I hope any Member who comes here will pay tribute to the Kikuyu who have just fought for you, who have put you where you are today by their—

The Speaker (Mr. Slade): You are addressing the Chair, I hope, Mr. Kamau.

Mr. Kamau: Thank you, Mr. Speaker.

Anyway, I want to make Members understand that they should be at least grateful to anybody who has contributed anything beneficial, instead of mocking. Mr. Speaker, I will leave that point. I think hon. Members should be in a position to know the history of this country.

Mr. Speaker, I now come to the main thing. I would only dwell on a few points which will affect the whole country. I would say we have now supported the Budget, but we have noted the tendency of most of the Ministries that when money is allocated to them it is not distributed to the local authorities to utilize for the well-being of the country. I would give an instance, Mr. Speaker, Sir. We know most of the county councils have closed schools before now because of lack of money to pay the teachers. While trying to find out the reasons, I will just say what happened in Kiambu where I come from. In 1964, Sir, and 1965, the councils were asked by the Ministry of Local Government to submit their estimates. Although the council submitted estimates in both of those years, they have never been approved by the Ministry. Therefore, most of the essential work in Kiambu District has been retarded. There were roads to be made, but they have not been made for the last two years. There were schools to be given more equipment and

more teachers, but they have never been given them because the council had no money. That was not the fault of the county councillors, it was the fault of the Ministry for not approving these estimates.

I would request the Minister for Local Government to reconsider the position of the county councils because without money they cannot do anything for the people.

I will come to another point, Mr. Speaker, which I think affects the whole country. During the colonial days, we know very well, those Europeans who had big coffee estates used to give cesses, which were used within the county councils. Since independence—and this is very surprising—we have found that these cesses, especially coffee cesses which are numerous in Kiambu, have not been going to the county councils. I have no quarrel at all with the Minister for Agriculture, because I know he is one of our ablest Ministers, but in this respect, Sir, I would say he has been very negligent of the county councils, because, although the Chairman of the Kiambu County Council and his councillors have sent so many delegates even to the President of our Republic, the hon. Jomo Kenyatta, complaining about these cesses, the Ministry has completely refused to allow this council to have cesses. Although he might have agreed, he had cut it down. It used to be about four cents in every shilling, but since independence these cesses have not been going to the Kiambu County Council. This might also have happened where cotton cesses are being taken, or even sisal.

I would now appeal to the Minister for Agriculture to reconsider the position of giving these cesses to the councils concerned, so that they may develop the work of the council because, Mr. Speaker, Sir, today, probably because I am living in a remote area, during the rainy period I can hardly come to Parliament because all the roads are bad. I think this applies also to other hon. Members. I have travelled widely in Kenya and I know that many people, like the hon. Assistant Minister from Rift Valley, Mr. ole Tipis—if I am wrong, I am open to correction—

An hon. Member: For Tourism.

Mr. Kamau: The Assistant Minister for Tourism. I know in his area there is difficulty in travelling during the rainy period, and in other places. Hon. Omar is referring to where I was detained. I know he is living on an island and he can never go to his house during the rains because the roads are so bad. Mr. Speaker, Sir, we should not be described as a Government who are not doing what the people who elected this Government are

[Mr. Kamau]

doing. In about three years we have seen what the Ministry of Education has done. In my opinion, it is one which has done wonders by increasing the percentage of education; it has done more than any other Ministry. I would like also to see the Ministry of Works and Communications improving the condition of the roads in this country.

So, Mr. Speaker, Sir, when we approve a Budget of this nature, we should not come again next year only to approve the figures and no work has been done outside. Therefore, I appeal to every Minister of this Government to see that the Votes which we have already approved this time—Next year we shall give them double if we find that they have utilized what we have given them and they come for more. We may excuse them this time by saying that they were new Ministers, they were not experienced in the conditions of the people, but there is nothing to come and report here as to why this and that was not done, because they all know the difficulties and requirements of our people. I would challenge any Minister who does not perform his duties accordingly. Every Minister here is aware of our difficulties in the past, and it is high time that they utilized and showed their ability by fulfilling what we have voted this money for.

Mr. Speaker, I will now come to touch on another very important point, and I wish that the Minister for Commerce and Industry was here.

It is very fantastic up to now to see that in Government Road all the shops, or most of the shops, are not Africanized. We should see that along Government Road all the shops, or most of them, are Africanized, so that we will be able to say that the Africans are now running the business. It is a mockery to say that we are running the trade of this country while all the trade is in the hands of the foreigners. Mr. Speaker, Sir, one Kikuyu in business does not represent nine million others in Kenya. Mr. Speaker, Sir, a Kikuyu might own a shop, but there are only about two of these stores which sell potatoes and no more. Mr. Speaker, Sir, I therefore challenge my hon. friends to join businesses so as to lead our people and show them how to do business like other people in this country. Sir, I would, though, like to appeal to the Minister for Commerce and Industry to encourage more Africans to come into the centre of the city and trade, because any foreigner who visits this country, and has not been here before, will never agree that we have independence after seeing all these non-Africans owning businesses.

When I say, Sir, that every business is monopolized by foreigners I do not mean that we should deprive them of their chances, it is just that I would like them to join with our people. For example, I would like to see Kanji and Kamau together in partnership owning a shop, Smith and Onyango, and Wanjiru and Merick, working hand in hand, but not to have all these non-African shops working for themselves. It is high time our Government did something about it. I would like to see Mr. Omar and Mr. Lobo working together. Mr. Speaker, Sir, if I find the hon. Mr. Kiprotich looking after a shop during his vacation, that would also encourage our people to come into these businesses knowing very well that it is an important project.

Therefore, Mr. Speaker, Sir, I would like to appeal to the Minister for Commerce and Industry to make more loans available to our people, because I know that we can just pass a legislation in this House saying that the Africans should go to Government Road, but they cannot go there and obtain these jobs by marching; they must have financial backing to enable them to compete with the other businessmen and keep their businesses.

Mr. Speaker, Sir, I would also like to mention that we should have commercial colleges where our people can go and be taught how to keep a good business. In order that these people may be taught how to keep good businesses we must have good business people to teach them and see that our people are taught properly and I have no doubt that our people are as capable as anybody else. Mr. Speaker, Sir, at the moment we know how difficult it is to keep a decent shop without knowing how to manage the accounts or book-keeping. Moreover, we know how difficult it is to keep a shop through being honest. These are the sort of businesses I am referring to where people have to know how to manage these things in order to keep a respectable and decent shop.

Mr. Speaker, Sir, I would now like to put another topic to the Minister for Education, which I hope he will take as some advice. Mr. Speaker, Sir, before I do that I would like to challenge any statement that states that it is only where the Ministers are putting up these *Harambee* secondary schools they succeed, while the Asians and the Europeans go to hell. Mr. Speaker, Sir, I am not boasting, but I would welcome any Member to come to my area, Githunguri, and see for himself what the people have done; and I am not a Minister. They have built their self-help *Harambee* secondary school consisting of seven classrooms and three offices. This building is all built with

[Mr. Kamau]

stones, and I am proud that I had enough influence to get Ministers, Asians and Europeans to come and contribute. I would advise the hon. Members to try the same in their areas without attacking the Ministers. Do your best and these people will come and assist you. Mr. Speaker, Sir, even in the Bible I understand it says, "God helps those who help themselves." Therefore, Sir, instead of challenging the Ministers, every Member should display his ability in his own area. I do not, therefore, advocate that the money only goes to those areas where the Ministers are.

Mr. Speaker, Sir, I would like now to request the Minister for Education to look into these *Harambee* secondary schools in one respect. Mr. Speaker, Sir, these schools were encouraged by the Government, and I would like to say that although the Government is not prepared to take them over at the moment, it should still consider, through these social services—although we are very grateful for community development which is helping these schools tremendously—helping these schools by contributing to pay these teachers in the schools, because it is a hard burden to the parents. I would therefore request the Ministry to consider this position very carefully and keenly and see that they try and help the parents a bit, especially meeting half of the salaries of the teachers.

Mr. Speaker, Sir, I am speaking from personal experience of this. I am not boasting, but if there is anybody who knows how to organize things, I can claim to be one. Mr. Speaker, Sir, what I want to say is that I have found the running of an *Harambee* secondary school a very simple job, and therefore, at this stage, I would like to ask the Government to reconsider giving some assistance, at least, to those schools. I know, Sir, some areas are not as fortunate as others. Although my friend might think that I am refuting his statement, I know that some areas are too far from the place where building materials are, for example, stones. In my area they are plentiful, but in places like Machakos and the Coast they are not, they only have bamboo and *mikoko*. Therefore, Sir, what I say is that the Government should come in and give a little assistance to such people so that these schools can prosper.

Lastly, Mr. Speaker, Sir, I would appeal to the Ministry of Lands and Settlement—

The Speaker (Mr. Slade): I am afraid there is no lastly, Mr. Kamau. Your time is up. We are very strict on time.

Mr. Kamau: Thank you, Mr. Speaker, Sir. With those few words I support the Budget.

Mr. Mate: Mr. Speaker, Sir, in supporting and congratulating the Minister for Finance on his Financial Statement, there are a few comments which I would like to make.

Mr. Speaker, Sir, there is one common point which I would like to point out and that is in regard to the composition of the population of this country. Mr. Speaker, Sir, we have in Kenya many different tribes. Some Members have tried to refer to the Government of the Europeans and the benefits which came through that Government. I would like to assure any hon. Member who has any ideas about that, that Nairobi was built up here purely by accident, through history and nobody should be proud just because he lives near Nairobi. We have, in this country accidental happenings such as the Arabs settling at the Coast, bringing their religion there, Islam. We have other areas like Meru, which is quite far from the City, but not accidentally so. We have the Masai and the Turkana who live in Kenya by a sheer accident in history.

Mr. Speaker, Sir, those people who have national schools in the Central Province should not be proud about this, but thankful to fate and providence. Mr. Speaker, Sir, I think it is the duty of the Government today to look around at the development of the whole country so that they can plan secondary schools, for example, in the Masai area, Machakos, Coast and all these other out-of-the-way places which did not get these things through the fate of history. That is the duty of our Government today. This also applies, Mr. Speaker, Sir, to roads, hospitals, education and every other service, and I would hate to hear of any Member being so proud of history to assume that any single tribe fought for the independence of this country.

Mr. Speaker, Sir, I believe that different people fought in different ways. I would like to say a good word for the Europeans. They brought education here, and civilization, hospitals and peace. So, Sir, we should not assume that because this was a British Colony before, nothing good came out of the British who came here. We should be thankful that we happened not to come under a rule like Portugal, or a country like Belgium. We should be lucky, and when one tribe claims here that it fought for our *Uhuru*, they are too late.

Mr. Speaker, Sir, we have, for example, people of the Kamba who went to places like Burma to fight, and other such places to defend the British Empire at that time, which made some advantages to the Commonwealth. Mr. Speaker, Sir, today we claim to be part of the Commonwealth. I do agree—and the Meru people are

[Mr. Mate]

very much behind me in this—that there was this struggle during the *Mau Mau* to try and do away with the colonial yoke, but, at the same time, there were so many tribes there, Kipsigis, Luos, Masai and many others who fought in one way or the other, and so, Sir, for us to be told here that So-and-so are to reap the benefits of Kenya's *Uhuru*, just because they happen to be near Nairobi, I think it is wrong.

Mr. Speaker, Sir, we achieved our *Uhuru* in many different ways. I do not, therefore, think that anybody should be very proud in this House today to try and bluff this House that they achieved independence, and they alone fought for our independence.

Mr. Speaker, Sir, I would now like to refer to an aspect of our country today which is to do with the racial composition and racial terminology in the country. Mr. Speaker, Sir, I hear Members here talking of areas known as African areas, with regard to agriculture, or with regard to schools. Now, Mr. Speaker, Sir, whose country is this today? It is an African country. Now, Sir, when we refer to an area where there is a settlement scheme for Africans, we would like to know who the other people are who are being left out of the whole programme. I presume the thinking at the back of the minds of the speakers is that there are European areas, Arab areas, Asian areas, Goan areas and African areas. Are we still thinking of ourselves as people who do not belong to this country, and that there are African areas and other areas? Mr. Speaker, Sir, I would like to ask the Government when they plan their policy in agriculture, schools and everything else to integrate and not to differentiate and call certain areas African areas and others something different. I do not know what these areas are. Mr. Speaker, Sir, I understood that the so-called White Highlands of the colonial days are part and parcel of this country. So, Sir, development should be looked into as one. What matters really is, whether a person is a Kenyan or not.

Mr. Speaker, Sir, I do feel that whenever a speaker speaks of an African area, we are running away from the problem, as if those Asians, Europeans and Arabs who will become Kenya citizens are not equal to citizens of this country. This is a question of inferiority complex.

Mr. Speaker, Sir, I do agree with my friend the hon. Member for Githunguri that we do now have pockets in business where one finds mostly Asian business men, for example, River Road, or Government Road. Most of the shopowners are Asians. I feel, Mr. Speaker, Sir, that the Government should do all it can to introduce integration.

In many other spheres, offices, there are very many Asian *karanis*. It is the fault of the Government to allow these pockets of communal groups to monopolize any particular department or level of employment without getting the people to work together. Mr. Speaker, Sir, I think this is a thing which the Government should think about because it makes a mockery of the whole idea of integration.

Mr. Speaker, Sir, I would now like to mention something about education. We have today, what I would like to term, in Kenya, luxury secondary schools, based on a communal background of, let us say, the Kenya High School. These schools used to be mainly Asian, European and Arab. Mr. Speaker, Sir, we have here in Nairobi primary schools where people speak their own communal languages, such as Gujarati or Hindustani, where not a single African child can go; and we call this an African country. We have secondary schools which are predominantly Asian and European, where not many African children can afford to go to and get education. These, Mr. Speaker, Sir, are luxury secondary schools. The fees are very high, and some of the activities in those luxury schools are luxury activities. It is time the Government made sure that a good secondary school, like the Machakos Secondary School in Ukambani, or the Alliance High School here, or the Meru School where children pass very well the Cambridge School Certificate, compares very well with the Duke of Gloucester and such schools which are very good schools.

Mr. Speaker, Sir, we have schools here like the Kenya High School which are luxury secondary schools, where you may have many other schools like the African Girls High School at Kikuyu which do very well also in the Cambridge School Certificate. Mr. Speaker, Sir, the Government should go into this particular question and make sure that the fees, and curriculum come up to what I call an average or sensible standard.

Mr. Speaker, Sir, I do agree that the question of food, dress and such things which one is used to must be provided for. Government should not just leave things as they are, like the Turkana not having a secondary school just because Government is ploughing money into one type of secondary school.

Mr. Speaker, I do feel that here again the trouble is wealth. Certain communities like the Europeans and the Asians have on the whole *per capita* more money than the Africans generally. Now, if we are going to allow this kind of thing to continue, and money being spent on these so-called luxury secondary schools which only aim at Cambridge School Certificate, and

[Mr. Mate]

the rest of the country is left without, then, Mr. Speaker, there is something wrong. I would appeal to the Minister for Education to go into this question and look into it carefully.

Mr. Speaker, there is another thing I would like to refer to with regard to towns and planning. In other countries, say, Britain, a street has numbers on each building. Let us take Government Road in Nairobi. In Nairobi nobody can find out where a building is, whatever name it may be, like Jumbo House, Government Road, Nairobi, P.O. Box so-and-so; so, instead, why do we not have numbers starting from one of the streets to the other, and say, 1, Government Road, or, 2, Kimathi Street, Nairobi or, 4, Nkrumah Street, Mombasa, or, 3, Odinga Street, Kisumu. In this way we will be able to find out exactly where the building is. That applies not only to Nairobi or Nakuru, but this should be done even in Meru South. Any town has been gazetted should have numbers. We have plots by numbers, like plot number so-and-so, Matungulu Market, or, plot number so-and-so Murang'a Market. I would suggest to the Minister—I do not know which Minister it is, whether town planning or whether the Minister for Works—to go into this very simple exercise and tell the people of the county councils and the city council to give numbers to buildings. This will save a lot of trouble when people go looking for buildings in towns.

There is one other point I would like to emphasize, Mr. Speaker, and that is with regard to development in the so-called areas of high potential. With your permission, Mr. Speaker, I will cite Meru as an example. Many a time we have been told that Meru is a very lovely piece of country, that it has good rainfall, a good climate for good crops, that it has good this and good that, but when it comes to ploughing money into that area for development—

QUORUM

Mr. Kiamba: On a point of order, Mr. Speaker, do we have a quorum in the House at the present time?

The Speaker (Mr. Slade): No, I am afraid we do not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. Please continue Mr. Mate.

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

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

Mr. Mate: Mr. Deputy Speaker, Sir, I was speaking on the areas of high potential and I was citing Meru as an example though I know there are other such areas. I say these areas should be given money for development. For example, road transport is so essential and primary to development anywhere that I would like to see, and the Meru people would like to see, better road development. We are grateful for the good work the Government have undertaken in Meru to improve road transport. We hope and trust that in the new financial year the projects which has been started will continue and be completed.

Sir, there is the question of agriculture. We need more concentrated effort in the field of agriculture in order to encourage the farmers to be able to grow more and better crops such as coffee, tea, cotton and maize which bring money to the people and also contribute to the general wealth of this country.

There is one problem causing delay in Meru and that is land consolidation. Some people have said that there is plenty of land in Meru. Mr. Deputy Speaker, I want to assure this House that that is not true. Land consolidation in Meru is very, very slow and people are still living where they used to live as families and clans, and as soon as we get land consolidation done, we are going to be faced with the problem of landlessness in that not everybody can have title deeds to a piece of land. In my own constituency of Meru Central, South Imenti, where land consolidation has been carried out, there are many people today without land because in a family, if a man has so many sons, and the land is consolidated and the title is given to one of them, what happens to the others? I would like Government to hurry up with land consolidation in Meru. At the same time we want an excision of that piece of the forest between Kanja in Embu and Oruko for further tea growing. I do trust and hope that the undertaking given, to a question I asked some time back, by the Minister for Natural Resources to look into the programme will be looked into. Mr. Deputy Speaker, this is very important. It will be an additional contribution to the tea growing of this country and, therefore, should be looked into.

We have another problem, and this is hospitals. In Meru we have mostly mission hospitals and only one Government hospital. There are a few county council health centres. What happens to the free medicine that we are supposed to be having? Government should do something to make sure that mission hospitals are supplied with grants to make the treatment they give equal to that of the Government hospitals, and when

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the free medicine comes, the mission hospitals should be given this free medicine to give to the people. It is very bad to differentiate between the citizens just because one is a mission hospital and the other is Government one. That is unfair.

Now, the other question is administration in Meru. We have a very old office for the district commissioner in Meru. It is so old that it is not worth the name of Meru District Office. Government should provide the money to build a first-class office in Meru for the district commissioner.

As I pointed out some time back, in a Motion, administration in Meru District is becoming cumbersome because of lack of the right staff on the ground. I do hope Government will have the time to look into this question again and give us more district commissioners in Meru, or senior district officers in Meru, so that administration can be made easier. I want to thank the Administration for having taken the trouble they took over the extra Meru children who could not get into secondary schools and I do hope that what they have shown to the Meru people will be reciprocated by the interest the Meru have in education. I do feel very thankful over this kind of thing, and I do feel that the Government have been good on this.

Mr. Deputy Speaker, the only thing is that I now have to congratulate the Minister for Finance who, I think, is a first-class Minister. I do feel that what he has put down in the way of the Financial Statement for Kenya is an excellent piece of work.

Sir, I beg to support.

Mr. ole Tialal: Mr. Deputy Speaker, Sir, I rise to make a few observations. I want to congratulate the Minister for Finance for the most able way in which he moved his Financial Statement.

The first point I would like to make is in connexion with land ownership. Now, I do not think it is right for any foreigner to own land in a country where he does not really belong. Now, whatever approach the Government may have to the way of settling our people—we have settlement schemes, and in some cases people buy land from those who are going away—yet I feel sincerely, as a person, that it is not the right thing for any Government, any sovereign State, to allow foreigners to own land in this country of ours.

QUORUM

Mr. Muliro: On a point of order, Mr. Deputy Speaker, I do not think the House has a quorum.

The Deputy Speaker (Dr. De Souza): No, I think you are right, Mr. Muliro, we do not have a quorum. Please ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We have a quorum now. Do continue Mr. ole Tialal.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I want to seek your guidance on this. Some Members rise on a point of order saying there is no quorum in the House and as soon as there is a quorum, then they wait for two minutes only before they leave the Chamber. What can we do, Mr. Deputy Speaker, Sir, to make Members stay here in the Chamber?

The Deputy Speaker (Dr. De Souza): Order! Order! I think it is perfectly right for Members to draw attention of the Speaker to a lack of quorum. I think it is quite improper really for a House of 130 Members to conduct business, pass laws and, in fact, here discuss the Budget of the country with only six or seven Members present. I think it is perfectly right, and I consider it to be a lack of courtesy for other hon. Members who sit in the lounge, having coffee, when they hear the quorum bell to refuse to come here.

I think it is perfectly right to draw the attention of the Speaker to the lack of quorum.

(Resumption of debate)

Mr. ole Tialal: Mr. Deputy Speaker, Sir, I was speaking on the question of land ownership. Now, as I said earlier, I think it is wrong, morally, for a sovereign State to have land owned by foreigners, and by that I mean people who are not citizens of this country.

Today, in most of the former White Highlands you have—I am sorry to mention this—the Asian community. The Asians in particular buy land today just because they have money but not because they want to farm, just for the sake of speculation. They probably know that in a few years' time the value of land will go up, and therefore they will be ready to sell it and get the money and go. The Government is alive to this problem. Wherever we go in this country, in the streets of this country, in towns, in the reserves, we are questioned, and strongly too, by our electors, "What are you doing about this sort of thing?" I do not claim to know more than the Government, but I take this opportunity to draw the attention of the Government to this very problem which is a big issue. I do not mind whoever owns land and where he wants to have it, but what I want to know is, why should foreigners own land in our country any more? Now, this is very important, and it is very unfortunate that there are no Ministers on the Government Front Bench.

[Mr. ole Tialal]

I do not want to waste much time on this. It is just about the Asians, who, because they have large sums of money, can afford to buy farms, not for the sake of farming, but just to make money. This is quite wrong in my opinion.

Mr. Deputy Speaker, Sir, another point is about the tourist industry, which, I think, largely contributes to our national economy. I feel the stress has been laid far too much on people from outside, because I do not think there is any effective machinery to arouse the interest of the people of Kenya themselves, the people who live here, to know places of interest like—

An hon. Member: Kajiado?

Mr. ole Tialal: Not Kajiado, I am talking about tourism—game sanctuaries. Therefore, I do not think there has been enough effort from the Ministry concerned—enough effort from the Ministry concerned, I repeat—to see that local interest is stimulated.

An hon. Member: Yes, Masai interest, you are right.

Mr. ole Tialal: Not necessarily.

I think, Mr. Deputy Speaker, Sir, it would look rather awkward if we depend on foreigners for the promotion of our tourist industry without generating the interest of our people, even including ourselves here in the House, to know these places, and I think—I am directing my criticism to the Ministry, I am drawing the attention of the Ministry to this point.

Mr. Deputy Speaker, I just wanted to make this point because it is obvious to everybody that most of the interesting places, lodges, are flooded by foreigners instead of by—

An hon. Member: What is wrong with that?

Mr. ole Tialal: This is the point, this is why you should consider it, you should consider the local man. Suppose, today, there was unrest in the country and, therefore, the foreigners were scared of coming, where would you get all this money from? Why do you not think about the local man who will always be here?

Mr. Deputy Speaker, Sir, turning to another point, I want to touch on the question of water. Today the areas that the Government claims to produce more and support the economy of the country are the former White Highlands. Before they were occupied—everybody knows—by the Masai, of course. When we were occupying that land we did not produce coffee, we did not have high-grade cattle to produce milk and butter; but what happened when these gentlemen came? They

were assisted by the then Colonial Government, provided with loans, and therefore they developed that part of the land, and that is why it is productive today.

Now, why should we not be accorded such facilities in the drier areas, by way of providing water? Even if we do not know how to hold a *jembe*, we know how to keep cattle, and for cattle to survive you need water. Why is the Government blind to this fact?

An hon. Member: But you keep cattle.

Mr. ole Tialal: Yes, but they are useless cattle. Mr. Deputy Speaker, the hon. Member just wants to provoke me for nothing, he knows the whole story.

The point is, Mr. Deputy Speaker, Sir, that I think the Government should be a little bit aware of this fact. In fact, in the Development Plan only a very narrow margin is allotted to improving these dry areas by providing water. For example, the Turkana are all the time being murdered by the Ethiopians, not because they like to be murdered but because the area where there is water is where the nearest enemy lives. Therefore, they just become easy prey. However, if the Government, for example, provided the Turkana with water by even boreholes in Lodwar, all around that area, they would not need to go near the Ethiopians, where they know they would be killed any moment. This is a fact. We want water. Where does all the money which the Government borrows go, Mr. Deputy Speaker? To Nairobi only?

Turning to another point, Mr. Deputy Speaker, Sir, I come to the question of education. I do not know what system the Government has in mind. So far it has done its best, but I think in the past, during the colonial rule, there was great imbalance. There were people who were quick to have new changes, and, therefore, they quickly understood. It may be that they had more schools because they saw that the changes were necessary; and some areas—through no fault of their own—did not take these things to be very important, and therefore, as a result, there arose, as we see today, a great imbalance in education, in whatever respect, among our own African society in Kenya here, because others resisted, they did not want to leave their customs just like that, they did not see the point of it. Others saw the point of it and they accepted the changes. In this respect, today some tribes in Kenya are better educated than others. I feel this is where the Government should at least think, in order to see how to bring up those who never thought that education was

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of any importance to them, and now that they have seen it, they do not have the means; and I do not think they should be victimized.

Mr. Deputy Speaker, Sir, I do not have the book here, but in the introductory address to the Development Plan by His Excellency the President, there was a remark that today the Government is finding it difficult to advance in other areas because of the attitude of the people living in those areas. I know exactly what he meant. I would like the Government which is in power today to introduce legislation to the effect that we will have compulsory education in those backward areas.

An hon. Member: Everywhere.

Mr. ole Tialal: Well, in other advanced African areas, people have the sense to send their children to school, but in certain areas of Kenya today there are some people who do not have that sense.

An hon. Member: Which areas are they?

Mr. ole Tialal: Well, let me name them: Masai, Turkana. Is that not a fact?

An hon. Member: But you represent them.

Mr. ole Tialal: That is why I am talking about it. The only way to help bring them up quickly is for Government to introduce some legislation, to force these ignorant parents—through no fault of their own—

An hon. Member: Would they pay more taxes?

Mr. ole Tialal: I think it is the duty of the Government to look after its own citizens properly. That is the point I wanted to make, Mr. Deputy Speaker, Sir, about education. I would like to see some sort of compulsory education introduced in the backward areas, so as to balance the advancement.

Mr. Deputy Speaker, turning to another point, in connexion with roads, I think I must at this juncture say that the colonialists did a better job by constructing new roads in remote areas. These days what do we see? I have never seen a new road constructed through a bush area by our present Government. All the time roads are being mended, spending tons of money on roads—

Hon. Members: Question.

Mr. ole Tialal: It is not. All right, you may say so. The point is: why do we not see more new roads constructed to open up land that was never known before. We know that these bushes of ours are full of riches. Why should our Government not pay attention at least to opening up areas, whether they are backward or whatever you may call it, but without roads—

Mr. Godia: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to suggest that Government is not opening up new roads in the country when new roads are being put up in settlement schemes?

The Deputy Speaker (Dr. De Souza): Order! Order! That is not a point of order, Mr. Godia. He is entitled to his opinion. He may be right, he may be wrong, but the Government can reply to him. But that is not a point of order.

Mr. ole Tialal: Thank you, Mr. Deputy Speaker.

The point is very simple indeed. All we want to see our Government do is not to concentrate only on the more developed areas by seeing that they have tarmac roads and all that sort of thing, but also to see that in the less fortunate areas new roads are opened up for those people also to see light. That is all I want to say, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): Your time is up, Mr. Tialal.

QUORUM

Mr. Muliro: On a point of order, Mr. Deputy Speaker, I think it is a complete abuse of this House if we continue with the debate now as there are so few people here.

The Deputy Speaker (Dr. De Souza): Yes, there is no quorum, if that is what you mean. Do ring the Division Bell, please.

(The Division Bell was rung)

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, how many times is it allowed for us to ring the Division Bell in order to get a quorum?

The Deputy Speaker (Dr. De Souza): Well, if we have no quorum within the requisite three minutes, or if the Speaker allows an extra two minutes making it five—

Mr. Shikuku: But, Mr. Deputy Speaker, how often in the course of the morning?

The Deputy Speaker (Dr. De Souza): As often as a quorum has to be obtained, unless, of course, any hon. Member moves the adjournment of the House.

Mr. Godia: On a point of order, Mr. Deputy Speaker, is it in order for this House to recommend to the Sessional Committee to pass legislation compelling each Member who absents himself to give reasons to the Whip?

The Deputy Speaker (Dr. De Souza): That is a separate question; it is not a point of order, I am afraid. You can consider it in the Parliamentary Group, whatever you want to do.

Mr. Godia: Mr. Speaker told us that a point of order could come in the form of a—

The Deputy Speaker (Dr. De Souza): Yes, you can move any Motion you want. If you want to move a Motion to that effect, you can certainly do so; there is nothing to stop you.

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

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

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, yesterday we tried to get your permission to raise a Motion for Adjournment under Standing Order No. 14, so that we get time to deplore the attitude of hon. Members who refuse to come in the Chamber with the result that the House is adjourned three times in a week. Would you, therefore, consider giving me an opportunity, on Tuesday, next week, to raise this particular point under Standing Order No. 14?

The Speaker (Mr. Slade). No, Mr. Kariuki. I explained twice or, possibly, three times yesterday why that procedure cannot be used for a case of this kind. If you read HANSARD, you will see the reasons. There are other measures hon. Members can take: for instance, a question, even by private notice, as to what steps Government is prepared to take to make it less comfortable for hon. Members to let the House adjourn for lack of quorum, or Notice of Motion expressing your views on this, but not by debate on an adjournment.

Mr. G. G. Kariuki: Thank you, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, we have only one short of a quorum, but we have waited more than five minutes and I do not think we can wait any longer.

The House is therefore adjourned until Tuesday, 28th June, at 2.30 p.m.

The House rose at ten minutes past Eleven o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 124

PRIMARY SCHOOLS IN MERU

Mr. Mate asked the Minister for Education how many full primary schools there were in the Meru County Council area:

(a) Could the Minister give the breakdown according to managements, namely: County, Catholic, P.C.E.A., Methodist etc.

(b) Could he also give the total number of boys and girls attending Standards 7 and 8 in 1966.

The Minister for Education (Mr. Nyagah): There are 352 full primary schools in Meru:

(a) Catholic management	.. .. .	145
Methodist management	.. . . .	94
P.C.E.A. management	.. .. .	67
County council management	.. . . .	45
Private	.. .. .	1
		Total .. 352

(b) There are 4,598 boys and 2,500 girls in Standard 7 in 1966. There are no Standard 8 classes in Meru this year.

Question No. 182

KENYA STUDENTS ABROAD: ASSISTANCE

Mr. Mbogoh asked the Minister for Education:

(a) How many Kenya students there were studying abroad who had not been sponsored by the Government and who had been awarded scholarships after passing the qualifying tests, and in what countries were they studying.

(b) How many of these students had registered themselves with the Kenya High Commission Offices but had not yet been assisted.

The Minister for Education (Mr. Nyagah): (a) While no qualifying test exists for Kenya Government scholarships the Government gives all possible assistance to needy students admitted to recognized foreign institutions, provided the courses of their study are relevant to Kenya manpower needs.

(b) At present, there are approximately 150 unsponsored students abroad and efforts are being made to place them on either Kenya Government bursaries or scholarships offered to Kenya by foreign Governments. The numbers known are: 107 in the United States of America, 10 in the United Kingdom, 6 in Greece, and an unconfirmed number of students who might have found their way to West Germany from the neighbouring socialist countries.

Tuesday, 28th June 1966

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

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

PRAYERS

ADMINISTRATION OF OATH

The Speaker (Mr. Slade): Hon. Members, since we shall have a number of Oaths to administer today and tomorrow, and it really represents the result of what has been called the "Little General Election", I think we shall dispense with the formality of sponsors and I think also we can excuse hon. Members and Strangers from standing on these occasions. But I would ask hon. Members to keep silence.

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

Bogo Mwangi Karungaru.

Taddeo Mwaura.

Hassan Wako Wario.

John Mamboleo Onsando.

Mark Waruiru Mwithaga.

Mr. Shikuku: On a point of order, Mr. Speaker, I wonder if all the new Members have been sworn in, because I still see one of them, a KPU. Is he not supposed to be sworn in?

The Speaker (Mr. Slade): I think hon. Members are aware that no hon. Member can be sworn in until the writ for his election has actually been returned, recording his election, to the Speaker, and we have actually only received, so far, writs of those five hon. Members who were sworn in just now.

PAPERS LAID

The Land and Agricultural Bank of Kenya, Annual Report, 1965.

(*By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie)*)

NOTICES OF MOTIONS

LEGISLATION FOR NON-CITIZENS:

EMPLOYMENT

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

THAT in view of the fact that certain classes of non-citizens of Kenya have deliberately refused to take up Kenya citizenship, in order to enable them to contribute constructively to the national building due to their past exploitation attitude against Kenya *wananchi*, and since such non-Kenya citizens tend to despise and undermine the sovereignty of our State, this

House calls upon the Government to introduce legislation which would prevent certain classes of non-citizens of Kenya from either being licensed to conduct business in Kenya or being given preference of appointment within the Republic of Kenya service.

TRAINING FOR FIREMEN

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

THAT in view of the important role played by the Fire Services in Kenya and in view of the said service being amongst the essential services in the Republic and in view of the absence of training facilities, this House calls upon the Government to establish a fire services training college, preferably at the Kenyatta College in Nairobi or at Mombasa, to cater for the training of firemen throughout the country.

ORAL ANSWERS TO QUESTIONS

Question No. 200

Madaraka DAY DECORATIONS IN MOMBASA

Mr. Omar asked the Minister of State, President's Office, if he was aware that the majority of businessmen in Mombasa had not decorated their commercial buildings on *Madaraka* Day in spite of the call to do so from the D.C., Mombasa, and P.C., Coast Province. What action would he take against those who had failed to respond to the administrators' call.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The response by the business community in Mombasa to appeals to decorate their business premises on *Madaraka* Day was, in the Government's view, satisfactory. The majority of the traders made a marked effort to beautify their buildings. Without the appeals by the provincial administration, the traders would not have taken the initiative to decorate their premises.

The Government is, however, getting concerned about the lack of co-operation amongst the business community in observing the country's national days and is watching the situation closely. If the businessmen display lack of respect for national days, appropriate action will be taken to enforce observance.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, that the response was good after the appeal from the provincial commissioner, does the Minister agree with me that it was only good because the provincial commissioner threatened the businessmen that if they were not going to decorate their shops, the Shop Hours Ordinance would have been applied?

The Speaker (Mr. Slade): That is quite clear, yes.

Mr. Nyamweya: Mr. Speaker, Sir, I have already indicated the Government concern on the apathy displayed by members of the business community in certain towns, and the Government is watching this situation very carefully, and if it becomes necessary, we shall try to devise ways and means by which we can make the decoration of shopping premises and other premises necessary on national days and public holidays.

Mr. Balala: Mr. Speaker, Sir, is the Minister aware that, on several occasions, there have been warnings by the Government which have not met with any response from the business community? In view of such a lack of response from those people, does the Minister agree with me that those warnings given by heads of Government departments have been merely empty and were not fulfilled?

Mr. Nyamweya: Mr. Speaker, Sir, I am afraid I cannot agree with the Specially Elected Member.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 200:
Madaraka DAY DECORATIONS IN MOMBASA

Mr. Omar: On a point of order, Mr. Speaker, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 208

TECHNICAL TRAINING ABROAD FOR KENYA STUDENTS

Mr. Barasa asked the Vice-President if he would tell the House how many Kenya students were undergoing technical training in foreign countries; also how many had come back, and how many had been employed by the Government.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, on behalf of the Vice-President, I beg to reply. According to the best information currently available, there are about 5,000 Kenya students studying in universities outside East Africa. In addition, there are approximately 1,000 students studying or undertaking training courses at non-university institutions outside East Africa. No breakdown of the fields of study is available for this group; many of them are in-service training students.

We have no record, so far, of the students who have returned from overseas training courses over the past few years. This is because, until now, they have not registered directly when they came back. Steps are being taken to remedy this deficiency.

Further, not all students who have returned to Kenya pass through the recruitment service of the Government as, hitherto, each Ministry has recruited personnel independently through the Public Service Commission. However, now that a central registry of students has been established, the Government is in the process of collecting and analysing data of students and will be able to furnish the required information about employment when the recruitment machinery is in full operation.

Mr. Nyaga: Mr. Speaker, Sir, since the Minister has answered that there are 5,000 students abroad, can he tell the House the breakdown, of the forty-one districts, of the students who have already gone abroad?

Dr. Mungai: Mr. Speaker, Sir, I will be very happy to know what kind of breakdown the hon. Member would like to have, but I can break them down in terms of what they are studying overseas.

In the field of study of public and business administration, 69; agriculture, 236; architecture, 17; arts and social sciences, 931; commerce, 187; divinity, 36; education, 293; engineering, 671; fisheries, 2; forestry, 17; lands, 53; law, 232; library services, 7; medicine and health and allied studies, 928; science, 391; social work, 27; veterinary sciences, 51; others, like vocational training, and so on, 114; and in fields not specified, 750; thus a total of 5,012 plus the 1,000 who are not at university level.

Mr. Ndile: Mr. Speaker, Sir, would the Minister tell us, of the 5,000 and 1,000 students who are undergoing technical training in foreign countries, how many are girls?

Dr. Mungai: Mr. Speaker, Sir, sex was not in the original question and hence I cannot answer that question now.

Mr. Shikuku: Arising from the Minister's reply, Sir, that sex was not in the original question, is the Minister aware that in nation building we require women and it should have been his business to inform this House how many women are to be trained to help build the nation?

Dr. Mungai: Mr. Speaker, Sir, I do not deny that we need women in Kenya; indeed, they are very much needed, particularly educated women, and this questioner's reply could be available later, but I do not have that particular data right now, because it was not in the original question.

Question No. 215

BANK OVERDRAFTS FOR AFRICANS

Mr. Godia asked the Minister for Finance if he would request His Excellency the President to make a regulation instructing Kenya banks to offer overdrafts to Africans in Kenya who were able to repay such overdrafts if they were recommended by heads of the departments.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I will reply, but can I do it later?

The Speaker (Mr. Slade): You will reply later today.

Question No. 216

PROMOTION OF BEEKEEPING

Mr. Mwalwa, on behalf of Mr. Mbai, asked the Minister for Agriculture and Animal Husbandry if he could tell the House what plans, if any, he had to promote the beekeeping industry in Kenya and especially in the Kitui District.

The Minister for Natural Resources (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, Sir, could the hon. Member wait, because it is not the time to ask a question on behalf of his hon. friend, in the middle of question time?

The Speaker (Mr. Slade): That is quite right. I thought it was Mr. Mbai who was asking, actually. No, it will have to wait until the end.

Question No. 223

ALDEV PREMISES AND PROPERTIES IN KENYA

Mr. arap Biy asked the Minister for Agriculture and Animal Husbandry if he could tell the House who inherited houses and other properties formerly belonging to ALDEV in this country. Who was the legal owner of the Chebangang premises which were built and owned by the ALDEV between 1946 and 1960.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. On the winding up of the ALDEV, the houses and other property were taken over by the county councils or the Central Agriculture Board of the Ministry of Agriculture and Animal Husbandry or the Ministry of Works, depending on the nature and purpose of the particular property.

With regard to the second part of the question, under the arrangements in (a) above, the present owner of the Chebangang premises is the Department of Agriculture.

The Kenya Tea Development Authority are now negotiating to buy out the site for a tea nursery.

Mr. arap Biy: Mr. Speaker, Sir, will the Ministry consider giving these premises, particularly the Chebangang premises, to the people of the area so that they could convert these buildings into an *Harambee* dispensary, health centre or school?

Mr. Khasakhala: No, Sir.

Mr. arap Soi: Mr. Speaker, Sir, would the Assistant Minister tell the House how many such buildings exist in Bomet Town?

Mr. Khasakhala: Mr. Speaker, Sir, that is a completely different question.

Mr. Ngala-Abok: Mr. Speaker, Sir, for the information of those Members who may not know what these buildings are, will the Assistant Minister tell this House what his Ministry is using the buildings for at the moment, which prevents him from admitting why they should not be transferred to the local people?

Mr. Khasakhala: Mr. Speaker, Sir, these are properties of the Government and the Government will negotiate in order to use them for Government purposes, not for *Harambee* purposes.

Mr. arap Biy: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister that the Government is going to see they get whatever use they can out of these premises, would he consider Chebangang being given as a priority to the people concerned in order that they may use it for health centre projects?

Mr. Khasakhala: Mr. Speaker, Sir, the Government has a plan for this particular area.

Mr. arap Soi: On a point of order, Mr. Speaker, Sir, would I be in order to ask the Assistant Minister to give us the meaning of ALDEV? Perhaps he could explain it to us, so that we know the meaning?

The Speaker (Mr. Slade): That is not a point of order, Mr. Soi.

Question No. 224

FINANCIAL ADVISOR TO KIPSIGIS COUNTY COUNCIL

Mr. arap Biy asked the Minister for Local Government if he could tell the House whether he was aware that the Kipsigis County Council had employed a very expensive financial advisor. Would he give the reasons, if any, which had led to the employment of such a highly paid officer, whose salary and other emoluments amounted to over Sh. 80,000 per annum. Was it due to the inefficiency of the county council's treasurer.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. I am aware that Kipsigis County Council has appointed an expensive financial advisor. Kipsigis is one of the large councils whose budget exceeds £500,000 annually and it is most important that such finances be looked after by a person who is both experienced in local government financial administration and who is also professionally qualified. The financial advisor, who is employed on a two-year contract, was engaged because it was considered that the county treasurer was neither qualified nor sufficiently experienced to look after the finances of the council. It is hoped that the county treasurer will have obtained the necessary qualifications and the necessary experience to take over all the duties of the financial officer when this officer's contract expires.

It is not correct, however, to state that the total emoluments of this officer exceed Sh. 80,000 per year. For the information of hon. Members, the Commission of Inquiry into Local Government is looking into the problem of local authority staff and I think the commission will solve the problem of local authority staff salary scales. At present, we do not have unified salary scales for local authority staff and a local authority may offer to an officer a salary commensurate with the officer's responsibility, taking into account his academic qualifications and practical experience. Very often, when our young people get qualified in financial matters, they get attracted to jobs which are more highly paid. This is the problem with the Ministry of Local Government. I hope, in future, our people will be patriotic enough to agree to serve in local government, when they have obtained the financial qualifications which equip them with knowledge for local government service.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Minister's long reply that the present county treasurer of the Kipsigis County Council is inexperienced and that, furthermore, he is inefficient, would he tell this House whether his Ministry and himself approved the appointment of this gentleman to take up these duties as the county treasurer?

Mr. Sagini: Mr. Speaker, Sir, in the first place, I would like to correct the hon. Member. I did not say that the county treasurer was inefficient; I said that he lacked the experience.

Mr. Mbogoh: Mr. Speaker, Sir, arising from the Minister's reply that the hon. Member was wrong in alleging that the salary and the allowances amounted to about Sh. 80,000, would he then tell the House what the salary is and what the

amount will be which will be expected to be given to this person when the commission finishes its work?

Mr. Sagini: Mr. Speaker, Sir, this officer is employed on a two-year contract, at an annual salary of £2,900 in the first year, and £3,000 in the second year. He will get a gratuity equal to 22½ per cent of the total salary which is payable to him at the end of the contract.

Now, Sir, let me explain something to the hon. Members. Such officers are what we call financial experts, they have the financial know-how, and we are very short of them. Very often, they can get bigger salaries elsewhere in industry. This council's budget, as I have said, exceeds £500,000 per year, and if we left this council to this intelligent African man; this citizen of Kenya, until he has attained the knowledge which is required as a prerequisite before he is confirmed, a lot of money would be lost.

Mr. Gatuguta: Mr. Speaker, Sir, could the Minister tell the House what qualifications these financial wizards are supposed to have, and also could he tell the House whether these jobs are advertised before these contracts are given to the individuals?

Mr. Sagini: Mr. Speaker, Sir, when I was at university, I never studied matters concerning money, but I know economics because I studied general economics, and therefore do not know money as such. Mr. Speaker, Sir, these are people who study very advanced book-keeping and it gets very abstruse.

Mr. arap Soi: Mr. Speaker, Sir, could the Minister tell the House whether it is true that this particular advisor was formerly employed in his own Ministry and that the county council was forced by his Ministry to employ this same person?

Mr. Sagini: Mr. Speaker, Sir, this is a question of detail.

Mr. arap Biy: Mr. Speaker, Sir, could the Minister assure this House that it is true that the Kipsigis County Council was, in one way or another, forced, through advice given by the Ministry of the Minister concerned, to employ this gentleman to work as a financial adviser?

Mr. Sagini: Mr. Speaker, Sir, I am not aware, and if the hon. Member is aware and he has the facts to prove it, then why not come to me and we will examine that tomorrow, because this is very serious? I cannot be aware and then leave things wrong.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 224:
FINANCIAL ADVISOR TO KIPSIGIS COUNTY COUNCIL

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, due to the fact that we have received a very unsatisfactory answer, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 205

SURVEY OF KISII-MANGA-IKONGE ROAD

Mr. Nyaberi asked the Minister for Works if he could tell the House why the surveyors had delayed marking the Kisii-Manga-Ikonge Road at Gekendo Mission.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. I think that the hon. Member may be under a misapprehension as to the work being carried out by the surveyors. These surveyors are, in fact, putting in ground control for an aerial survey and any points marked by them will, therefore, not necessarily have any reference to the eventual position of the road. The question of surveyors having delayed in marking the road at Gekendo Mission, does not, therefore, arise.

Mr. Nyaberi: Mr. Speaker, Sir, would the Minister tell the House what the meaning of the marks are, and why they are marking the road? What is the purpose of this and what are they doing?

Mr. Mwanyumba: Mr. Speaker, Sir, I have just said that this is a general survey of the area. I do not know whether my friend wants me to tell him what the word "survey" means, but it is a general survey of the area so that later on, if the Minister for Works wanted to develop this part of the road, we can use these marks which have been placed by the surveyors.

Question No. 211

RAILWAY CATERING STAFF: TRAVELLING FACILITIES

Mr. Mwatsama asked the Minister for Power and Communications if he could tell the House why the East African Railways and Harbours catering staff attendants, travelling on duty, were not being provided with either sleeping accommodation or a caboose.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. The rest arrangements applicable to the dining-car stewards and bedding attendants of the East African Railways and Harbours vary with

the nature and intensity of the work to be done and the length of the journey involved. The majority of the main passenger trains run overnight and it is imperative that a proportion of the staff must always be on call to see to the needs of the passengers. Many of the Catering Department men are, in fact, classed as night workers and, as such, they have to take their main rest during the day.

Catering staff attendants who are not immediately on call are allowed to rest *en route* between their duty periods and ample second-class accommodation is provided for this purpose. Ample seating is also available in the restaurant cars when they are not open to passengers.

Mr. Omar: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, does not he agree with me that, during the colonial days, the catering staff attendants used to get accommodation for sleeping, and that this arrangement was taken away after the East African countries had attained independence?

Mr. Masinde: Mr. Speaker, Sir, I think the hon. Member is aware that when he is travelling, from time to time he needs these attendants to serve him. On account of that, they work during the night and do not work during the day. Those who are on night call are paid extra allowances.

Mr. Shikuku: Arising from the last reply by the Assistant Minister who knows very well that I have used the train time and time again, is he aware that after 10 o'clock or 10.30 p.m. there are no services at all? People are supposed to be sleeping and, therefore, these attendants should also be given a place to rest? There are no services after midnight. Do they go on serving until morning?

Mr. Masinde: Mr. Speaker, Sir, I am quite glad that the hon. Member is very ignorant that from the time the train leaves Mombasa until it arrives at Nairobi takes the whole night, and that at various stations people board the train, even after midnight.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 211:
RAILWAY CATERING STAFF: TRAVELLING
FACILITIES

Mr. Shikuku: On a point of order, Mr. Speaker, I know that the hon. Assistant Minister has quite misled the House and, therefore, I wish to raise this matter on an adjournment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, should the hon. Member not declare an interest in this, because I understand that he has full knowledge, having been, I think, either a guard or a station master?

Mr. Shikuku: On a point of order, Mr. Speaker, was the point of order raised by the hon. Minister for Agriculture really in order?

The Speaker (Mr. Slade): A very dubious point!

ORAL ANSWERS TO QUESTIONS

Question No. 204

LOANS TO SOTIK SETTLEMENT FARMERS

Mr. Nyaberi asked the Minister for Lands and Settlement if he could tell the House why his Ministry could not allow farmers on the Sotik Settlement Scheme to utilize the balance of their loans for buying cattle and for other farming needs, such as the planting of tea and pyrethrum.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Each settlement scheme has an approved budget, which, in the case of the Sotik Settlement Scheme, includes dairy cattle. Each settler must abide by the scheme budget and apply that portion of his development loan on purchasing cattle as provided for in the budget. If, after purchasing the required number of cows, heifers or calves, there is a balance left over, then this balance may be utilized for developing other crops, but not tea. Where tea forms a part of a budget, then a special development loan for the establishment of tea is provided. This loan is issued to fit in with a tea programme, in agreement with the Kenya Tea Development Authority. The programme cannot be increased or decreased without mutual agreement between the Settlement Fund Trustees and the Kenya Tea Development Authority.

Mr. Nyaberi: Arising from the Assistant Minister's reply, can he tell the House what arrangements there are for these outstanding balances of loans to farmers, because what the Assistant Minister said was in connexion with arrangements which are not offered to the Sotik Settlement Scheme?

Mr. Gachago: Well, Mr. Speaker, Sir, I said that only in the case of tea this applies, but in the case of other crops, these arrangements can always be made. These arrangements are not special, the farmer is allowed to utilize, as I have said in my reply earlier on, his balance of

loan for other purposes and for other crops, except tea, which must be developed in full consultation with the Kenya Tea Development Authority.

Mr. Makone: Mr. Speaker, Sir, the question is will the Assistant Minister agree with the House that if a farmer, for example, is given a loan of Sh. 2,200 to spend on cattle, and he then has an outstanding balance of Sh. 200, will the Assistant Minister assure the House that the balance outstanding of Sh. 200 will be given in cash to the farmer for his own purpose of developing his plot?

Mr. Gachago: No, Sir. Mr. Speaker, when a budget is formulated for developing a farm or a plot, it is the duty of my Ministry to ensure that this money is used for that purpose and no other purpose whatsoever. Experience has shown that when cash is given to farmers, they do other things, including buying more wives, and the Ministry—

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the hon. Assistant Minister to imply that we buy our women when we do not buy human beings?

The Speaker (Mr. Slade): The Assistant Minister was not making any insinuation against anybody in particular. He was suggesting that some people sometimes misuse this money for that purpose. It is not out of order.

Mr. Gachago: Thank you, Mr. Speaker. I think the hon. Member is aware of this.

What I was going to say is that the Government does not have any funds for this purpose, like getting men more wives, and other purposes apart from farming. The budget is for developing plots and for that purpose only.

Question No. 212

SECOND FORM I STREAM FOR ITIERIO SCHOOL

Mr. Omweri asked the Minister for Education if he would tell the House why Itierio Secondary School had not been given a second Form I stream this year. Would he assure the House that a second stream would be opened next year, as there were so many pupils at this school.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Itierio was considered for development like all other institutions in Kenya, but could not be included in the final programme which has now been accepted by the International Development Agency which we expect will finance our programme.

[The Assistant Minister for Education]

It is not possible, therefore, to give any assurance that the school will receive a second stream in 1967, as it is not in the present programme. It will, however, be considered with all the other educational institutions for development in the future.

Mr. Omweri: Arising from that reply, Sir, is the Assistant Minister aware that his provincial education officer went to the school and while negotiating for land promised that a second stream would be offered?

Mr. Mutiso: Mr. Speaker, Sir, I am not aware of this, but I would like to add to that question that the question of negotiating for the land has taken longer than was expected, and, maybe, this was perhaps the time when the officer may have made this promise.

Mr. Omweri: Arising from the Assistant Minister's reply, Mr. Speaker, Sir, that there in an international agency to give some finance, is he now prepared to give Itierio priority, having lagged behind in the previous year when it was promised?

Mr. Mutiso: Mr. Speaker, Sir, I cannot give any special consideration to this particular school as the educational programme is under constant review. However, this particular school will be considered along with other schools during the planning period, between 1968/1970. This case will be considered then.

*Question No. 213***KISII TEACHERS' TRAINING COLLEGE:
ACCOMMODATION**

Mr. Omweri asked the Minister for Education if he would tell the House how many students had joined the Kisii Teachers' Training College for the 1966/67 course and when had they started their course.

Also, was the Minister aware of the slow progress being made by his Ministry in constructing the required buildings and of the resultant hardships being borne through lack of adequate accommodation.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. (a) 100 first-year students joined Kisii College this year and started their course on 2nd June 1966.

(b) I am aware that the new buildings for Kisii College were not completed in time for occupation in 1966. This was due to a number of technical difficulties which could not be avoided. The buildings under construction are now making good progress.

In order to avoid a long delay in the 1966 intake of students starting their course, alternative accommodation was made available at Kabianga School as a temporary measure. This accommodation needed some renovation, equipment and furniture and this was provided with the greatest possible speed. Nevertheless, all these preparations and revised plans delayed the entry of the first-year students by a few weeks. This will be made good by a rearrangement of the college terms to enable the students to complete their training in 1967.

The temporary accommodation is not as good as the fine new buildings now going up at Kisii, but it is perfectly adequate and I cannot agree that the students are suffering any hardship.

Mr. Omweri: Mr. Speaker, Sir, what other professional arrangements is the Ministry making to ensure that such disturbances, moving students from Kisii to Kabianga and back again to Kisii, will not deter the progress of their training at these places during their courses?

Mr. Mutiso: Mr. Speaker, Sir, I would like to explain to the hon. Member and the House that this is not a new case. Normally, when students complete their K.P.E. examination or school certificate, whatever level it may be, it takes them a few weeks to decide whether or not to join a college. This particular case of Kisii is not a new case. Therefore, when students are admitted into training colleges, special consideration is given to the second term whereby a term may be extended so that the term wasted during the time the students made up their minds can be recovered during the second or third terms.

Mr. arap Biy: Mr. Speaker, Sir, can the Assistant Minister assure this House whether it is true that the Kisii Teachers' Training College has taken the advantage of recruiting only students from Nyanza Province, and not other provinces? If so, can he consider paying something towards Kabianga School that the students are now using?

The Speaker (Mr. Slade): That is a different question.

Mr. Shikuku: Arising from the last reply by the Assistant Minister, to the effect that students take time to decide whether they should go to training schools or not, I was wondering whether the Assistant Minister would tell the House who delays? Is it not the Government training schools and not the students, because the students decide whether they want to go to Form I, or whether they should do this or the other training. Is it not the Government which delays?

Mr. Mutiso: Mr. Speaker, it is not the Government which delays the students, but it is the students themselves who delay the administration. As a matter of fact, Sir, when the students are coming to the end of an examination, forms are sent to the principal education officer concerned to get the students to complete. In most cases you find that the students do not fill in these forms until they receive their examination results.

The Speaker (Mr. Slade): We will go back to Mr. Godia's question.

Question No. 215

BANK OVERDRAFTS FOR AFRICANS

Mr. Godia asked the Minister for Finance whether he would request His Excellency the President to make a regulation to instruct Kenya banks to offer overdrafts to Africans in Kenya who were able to repay such overdrafts if they were recommended by heads of the departments.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Godia: Mr. Speaker, Sir, arising out of the Minister's reply, where he says it is impossible for the President to give that instruction, is there any other way in which he considers Kenya Africans, mostly businessmen, could be advised to get this assistance?

Mr. Gichuru: Mr. Speaker, I would like to remind the hon. Member that banking is a commercial operation, and one should not forget that the money that the banks have is that which you and I save and put in there; and they have to be very, very particular, very careful, that they do not lend it anyhow because they have to ensure that their clients' money is well taken care of. Therefore, we cannot force the banks to lend money anyhow. There are people who are lent money, if they can provide enough securities.

Question No. 216

PROMOTION OF BEEKEEPING

Mr. Mwalwa, on behalf of Mr. Mbai, asked the Minister for Agriculture and Animal Husbandry whether he could tell the House what plans, if any, he had to promote the beekeeping industry in Kenya and especially in Kitui District.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The revised Development Plan envisages the expenditure of up to £14,000 in the promotion of the beekeeping industry in the

country, including the Kitui District, The Oxfam granted us a sum of £11,000 for this purpose but, Mr. Speaker, I must submit here that I am in considerable difficulty with the lack of suitably qualified personnel in this line.

Nevertheless, my Ministry and Oxfam are making relentless efforts to secure the services of a suitable officer to draw out a comprehensive programme and I sincerely hope that we shall soon get one.

Mr. Mwalwa: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell this House what he means, what plans, what specific plans he has for expansion of this beekeeping? What does he intend to do when he seeks the services of an expert?

Mr. Murgor: Mr. Speaker, Sir, for further information of the hon. Members, there are two assistant instructors in Kitui presently engaged in advising farmers on beekeeping. One of them is in the district headquarters, while the other one is in the southern division, the questioner's constituency.

The prospective bee officer is likely to be available early next year, after he has completed his studies in Canada.

Mr. Somo: Mr. Speaker, Sir, as the Assistant Minister has said that he has no suitable officers for this beekeeping industry, what is his Ministry doing at present to get more of these qualified officers to develop the beekeeping industry?

Mr. Murgor: Mr. Speaker, Sir, I have given information that there is a person who is undergoing training in Canada, and as soon as he comes back he will run it.

Mr. Ndile: Mr. Speaker, Sir, would the Assistant Minister tell the House at the moment where one could actually market or one could sell honey, in the case of locally produced honey which is available in the bush?

Mr. Murgor: Mr. Speaker, Sir, the question of prices and selling does not come under this question; I think this is a different question.

The Speaker (Mr. Slade): I think marketing would be part of the promotion of an industry; but you may not be in a position to answer that today.

Mr. Murgor: Mr. Speaker, Sir, as I said, we will be spending about £14,000 within this year. Most of what the hon. Member has asked is covered.

Question No. 217

WATER SUPPLIES AT KITUI

Mr. Mwalwa, on behalf of Mr. Mbai, asked the Minister for Natural Resources to tell the House what he had done in 1965 and what he was going to do in 1966 to alleviate water problems in Kitui District, especially in Kitui South.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. In 1965, the Water Development Department of my Ministry, with the co-operation of the County Council of Kitui, constructed the Mutune-Ithookwe Piping Scheme at a cost of £10,000. This scheme is situated not far from Kitui Township and supplies the following: the Mutune Girls' School, the Mutune Teacher-Training School, the county council schools at Ithookwe, the proposed new school at Ithookwe, the Syongila Trading Centre, the Matinyani Trading Centre, the jaggery factory, and, not least, fifty individual farms. The total daily output is 25,000 gallons.

In this current year 1966, work has begun on the proposed Kisasi to Mbitini Pipeline, which will draw water from the Nzeo River from which water will be pumped as far as Mbitini, a distance of over twelve miles. It is proposed that there will be a number of watering points along this line to serve the surrounding farms and schools. The Government has provided £3,000 for this scheme.

In South Kitui, there are already four pipelines: at Mutomo, at Mutha, at Ikanga and at Zombe, as well as a considerable number of dams and rock catchment storages such as the one at Mutomo and near Kanziko. There are also two boreholes.

Mr. Mwalwa: Mr. Speaker, Sir, arising from the Minister's reply, can he tell this House the specific plans that he has for 1966/67 for water development in the district?

Mr. Argwings-Kodhek: It appears, Mr. Speaker, Sir, that the hon. Member was not listening to what I was saying for the current year, 1966, and I do not want to repeat that.

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

Mr. G. Kariuki: On a point of order, Mr. Speaker, if the hon. questioner did not understand the Minister correctly, is it not in order for the Minister to repeat what he said so as to help the hon. Member?

The Speaker (Mr. Slade): There is no obligation on the Minister to repeat what he has said already.

QUESTION BY PRIVATE NOTICE

VANGA PEOPLE'S PAYMENT OF GRADUATED PERSONAL TAX: TIME

The Speaker (Mr. Slade): Mr. Mwamzandi, you have a question by private notice?

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to ask the following question by private notice:—

In view of the fact that the Vanga people in Kwale District are mainly peasants and have no other form of employment whatsoever except the rice they grow from their small *shambas* which they sell and pay their Graduated Personal Tax; and in view of the fact that they will have harvested and sold by the end of July, will the Minister, in consideration of all these circumstances, extend the penalty period to the end or early in August this year?

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. I do not intend to extend the penalty date in respect of persons who have failed to pay their Graduated Personal Tax in Kwale. For the information of hon. Members, although the Graduated Personal Tax Act, 1963, provided that the last date for payment of the Graduated Personal Tax without penalty is 31st March, I have exercised my powers under section 10 of the Act and extended the date to 30th June in all local authority areas, including Kwale. Imposition of penalty on 1st July applies only to those taxpayers who have not paid the first instalment of their tax. The penalty in respect of those taxpayers who have paid their first instalment, is not due until 1st October. The extension of the date of penalty to 1st July was done to enable the taxpayers to meet other financial commitments, like school fees, various forms of licences, and so on.

Members will, however, appreciate that local authorities are expected to continue providing services throughout the year. It is not possible for these services to be provided unless the local authorities receive revenue in the form of Graduated Personal Tax from the taxpayers.

Mr. Mwamzandi: Mr. Speaker, Sir, will the Minister tell this House, if there is not any other area where he has extended the period, that he would find it odd to extend for Vanga people.

Mr. Sagini: Mr. Speaker, I have answered this question quite clearly.

Mr. Somo: Mr. Speaker, Sir, is the hon. Minister aware that most of these people of Vanga who paid their Graduated Personal Tax before July borrow the money from the people to whom they sell their rice, with interest, in order to pay the tax?

Mr. Sagini: Mr. Speaker, Sir, what the hon. Member has said is immaterial. Hon. Members must know that local authorities must keep their services going, otherwise people suffer.

NOTICE OF MOTION FOR THE ADJOURNMENT

LICENSING OF *Harambee* SECONDARY SCHOOLS

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today Mr. Ngala-Abok is to raise the matter noted on the Order Paper.

COMMUNICATION FROM THE CHAIR

CORRECTION TO THE ORDER PAPER: FOURTH DAY OF BUDGET DEBATE

The Speaker (Mr. Slade): Before we commence business, I have to make an important correction in the Order Paper. Order No. 6, Committee of Ways and Means, is marked as being the third day of the general debate on the Financial Statement. That is not correct. Friday, 24th June, was the third day of the debate. The Clerk of the House was under the impression that, because that debate did not continue for as much as two hours on Friday, it did not count as a day, but there was, in fact, an ample period of well over two hours on Friday, 24th June, for the debate to continue, and the fact that hon. Members did not choose to make use of the full time available does not extend the period available for this debate. Today is, therefore, the fourth day in this debate, tomorrow will be the last day and the Minister for Finance will be due to reply on Thursday, 30th June.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE
CHAIR

(Minister for Finance on 15th June 1966)

(Resumption of debate interrupted on 24th June 1966)

(Fourth day of Budget Debate)

The Speaker (Mr. Slade): Mr. Mutiso, I think you had just started to speak, had you not?

The Assistant Minister for Education (Mr. Mutiso): In fact, Mr. Speaker, I had not spoken; I intended to.

The Speaker (Mr. Slade): Speak now then.

The Assistant Minister for Education (Mr. Mutiso): Thank you, Mr. Speaker.

Mr. Speaker, I also rise to congratulate the Minister for Finance on the way he presented his Budget. Although we have had a lot of criticism from the KPU and other people that this Budget hits the ordinary man hard, this is not quite true. Personally, I would like to point out a few things which the Government has done for the benefit of the ordinary man.

Mr. Shikuku: Question.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, although the hon. Member may question, I think it is very fair for us in this House not only to criticize the Government for what it has failed to do but also, equally important, for us to be fair-minded people and criticize when it is necessary.

Mr. Speaker, although this Government is being blamed for having failed to do this and that, it is very true and it is common knowledge that the Government has only been in power for less than three years. This period, Mr. Speaker, is almost the same time that a farmer may plant his coffee or his tea tree, and before the end of three years he cannot expect any harvest out of that labour. It is in the same time that the Government is being criticized for having failed to fulfil the promises of the Kanu Manifesto or having failed to do some of the big things which might even need a ten- or fifteen-year plan.

Mr. Speaker, if, for instance, we come to the issue of free education, most of the members of the public and also Members of this House do not seem to understand what the Government has done on this. Before this Government came into power, if I may take as an example the people who completed the K.P.E. and were eligible to enter Form I, in 1963, it is very evident that there were less than 50,000 children who were eligible to sit for K.P.E. and be able to obtain Form I places during that time. It was less than 450,000 children who were in primary school. But, Mr. Speaker, last year, 1965—this is a very clear indication of what the Government has been able to do—we had well over 150,000 children who sat for K.P.E. In a period of less than two years, Mr. Speaker, you can see—

QUORUM

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, I wonder if we have a quorum?

The Speaker (Mr. Slade): No, no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I was saying that in 1963 the children who could sit for K.P.E. were less than 50,000, and last year, 1965, we had more than 150,000. In less than two years, Mr. Speaker, it can be seen that the Government, in improving educational facilities, has moved even faster than people could foresee.

Also, Mr. Speaker, on primary school facilities, today we have more than a million children who have places in primary education, which was not the case before this Government came into power.

Mr. Speaker, Sir, we have also moved further to show that the Government intends to fulfil the Kanu Manifesto of providing free education, and to that effect the Government has already indicated this by giving free education to Form V and Form VI. Although some of the Government critics may question it, and say that this is only for the rich people, we know that this, Mr. Speaker, Sir, is not the case.

Mr. Speaker, Sir, another thing is this, and I would like to draw the attention of the hon. Members in this House to this fact, and that is with regard to the speed of Africanization in various Government departments. Mr. Speaker, Sir, it is very true, and has been clearly indicated, that before this Government came into power, and, if I may take as an example the police force or the Kenya Army, there were no African officers in the rank of Lieutenant or Assistant Superintendent of Police. However, Sir, today we have people occupying the rank of Lieutenant-Colonel and Commissioner of Police and all these are Africans. Also, Mr. Speaker, Sir—

An hon. Member: They are all Akamba.

The Assistant Minister for Education (Mr. Mutiso): One hon. Member is shouting that they are all Akamba, but, Sir, I can tell the hon. Member that the Akamba are part and parcel of Kenya, Kenya citizens and good soldiers who defend all these people when they are sleeping.

Now, Sir, these people who have served in the Colonial Government for years and years were not even promoted to a rank higher than that of Sergeant-Major, but today they walk very proudly wearing the beautiful colours of our nation as the fruits of the Government.

Now, Mr. Speaker, Sir, there are so many other factors which can be attributed to this. I think, Mr. Speaker, Sir, the Government must be given credit for what it has been able to do in such a very short space of time. Mr. Speaker, Sir, this Government intends, before 1970, to provide so many facilities in the line of the Kanu Manifesto,

and I am quite certain that before 1968, before the next General Election, a lot of things will have been done by this Government. It is only a question of patience which the country and the hon. Members must have so that the Government can have a peaceful atmosphere in which it will be able to fulfil its promises. Mr. Speaker, Sir, one thing which I would like to touch upon personally, and that is with regard to what the Government has been able to do, particularly in my own constituency of Yatta. Mr. Speaker, Sir, before I was elected in this particular constituency this area was very much neglected by the Colonial Administration. We have, Mr. Speaker, Sir, what we call the Yatta Furrow which has been flowing for years and years, but yet nothing good had been made out of it by the Colonial Administration. However, Sir, today Government is spending a lot of money to establish irrigation schemes in this particular area so that the Kenya citizens of that part of the country may benefit and make use of the fruits of this Government. This is a credit to the Government, and, Sir, as Member for that area, I am very proud of what the Government has done for my people.

Mr. Speaker, Sir, the other thing I would like to touch upon is also the settlement scheme, which the Government has also established in Yatta—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, is it in order for the Assistant Minister to dwell on his own constituency while the Budget concerns the whole country?

The Speaker (Mr. Slade): We come back to what I said at the start of this debate, that purely parochial matters are not relevant to a debate on the general financial and economic situation of the country, but they may be relevant by way of example of a more general issue. Now the hon. Member is trying, I think, to give one or two examples, admittedly from his own constituency, of the good things the Government is doing for the country as a whole, and within reason he can do that.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I think the hon. Member may be jealous of what my constituency has been able to achieve, because I have only given two examples. However, Sir, leaving that apart, I would now like to touch upon one of the major points which affects the whole nation and which the Government has been able to accomplish in this very short time.

Mr. Speaker, Sir, the country is well aware of the giant scheme which is being carried out in Tana River which is the Kindaruma Hydro-Electric Power Project Scheme.

[The Assistant Minister for Education]

Mr. Speaker, Sir, this scheme has come about through the efforts of the Kenya Government, and the hon. Members may not be aware of the fact, but this scheme has been on paper for over thirty years. The Colonial Administration has been thinking up many ways of how to start this scheme but could not effect it, and it was only effected when this Government came into power. I would like to issue a personal invitation to the hon. Members of this House and also members of the public to visit Kindaruma Hydro-electric Power Project and see for themselves what the Government is really accomplishing by establishing this giant scheme.

Mr. Speaker, Sir, today in that part of the country a lot of our citizens are provided with jobs. This is in Yatta Constituency. Mr. Speaker, Sir, when this scheme is completed this country will have one of the world's biggest power schemes, and through this the country will be in a position to irrigate some of the dry areas, particularly in Lamu and some other parts of the country. Also, Sir, the country will be completely independent on its power and it will be able to establish a lot of other schemes and industries in various parts of the country as a result of this giant power project. So, Mr. Speaker, Sir, this is a credit to the Government. I cannot therefore agree with those people who criticize the Government for the sake of criticizing so that their names will appear in the papers and so forth.

Mr. Speaker, Sir, I will not listen to those unnecessary interjections from the hon. Members.

QUORUM

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, there is no quorum in the House.

The Speaker (Mr. Slade): No, there is not a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. You may continue, Mr. Mutiso.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I can see that my time is running out, but I would like to mention a few things—

Several Hon. Members: Sit down!

The Speaker (Mr. Slade): Order! Hon. Members will not say, "Sit down." That is the privilege of the Speaker.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I would like to point out one thing which I think the Government should also take into consideration, particularly

during this Financial Year, and that is this. We have had too many accidents on this Mombasa-Nairobi-Machakos Road Bridge, and I would like, particularly the Minister for Works, to take a note of that bridge which is just near Stoney Athi. This bridge, Mr. Speaker, Sir, has caused us to lose so many lives and I think it is very important, at this particular time, since that road is used a lot by heavy traffic and since it is the main road between Nairobi and Mombasa, that we have a very new and modern bridge so that we will have less accidents on this road.

The other thing which I would like to mention something about is with regard to the Machakos General Hospital. Mr. Speaker, Sir, this hospital is supposed to be the provincial general hospital for the Eastern Province, but there is a lack of facilities in that hospital and I would like the Minister for Health to visit the hospital himself so that he can acquaint himself with the position of that particular hospital. There is a lack of all the facilities which are necessary for a hospital of its status and I think even the medical staff, who are supposed to be serving a very large area, are not sufficient in number. I would like the Minister for Health to visit this hospital so that he can acquaint himself with the conditions of that hospital, particularly, Sir, during this Financial Year, because we expect to see some improvements in that hospital so the citizens who live in that part of the country will also feel that they are well catered for, and well served by the Government.

Mr. Speaker, Sir, I do not want to take much more time of the House, but I would like to say that I only wish the hon. Members of this House would give the Government time in which to plan and also implement its policies as contained in the Kanu Manifesto, as I have already mentioned that the Government intends—and there are some quite clear indications—and is prepared and determined to fulfil its promises stated during the last General Election.

Mr. Balala: Mr. Speaker, Sir, I do not want, at this stage, to congratulate the Minister on his Budget. I would, of course, like to congratulate him on his capability and on his financial ability, but there are one or two things which I would like to criticize in the Budget as presented by the Minister.

Mr. Speaker, Sir, several Members have spoken on the Budget and said that the Budget this year is mild, reasonable and does not affect the ordinary man. I want to say, although the hon. Member has said that only the KPU think it is bad, that I believe there are certain items which

[Mr. Balala]

were taxed and which directly affect the ordinary man. The Minister has increased the tax on the purchase of matches and soft drinks and soap. These items, Mr. Speaker, Sir, are items which are used daily by the ordinary man, by the poor men of this country. Mr. Speaker, Sir, there are more items which the Minister could have increased the tax on which are really used only as luxuries by the rich man. Mr. Speaker, Sir, I expected the Minister to have increased the tax on alcoholic drinks. These are the kind of things which the rich man uses as a luxury.

Mr. Speaker, Sir, the tax on matchboxes is two cents according to the Minister, but we know that the one cent piece is not in circulation, and therefore with the tax of two cents on the businessman or the wholesaler, the ordinary man is effected by having to pay a tax of five cents, because the one cent piece is not in circulation.

Mr. Shikuku: On a point of order, Mr. Speaker, since the hon. Member speaking has raised a very valuable point, where legally we do not have a one cent piece, or two cents, would it be in order for us to debate and discuss something which does not exist, such as one cent or two cents, in this Parliament?

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

Mr. Balala: Mr. Speaker, Sir, as I have said, these things have directly affected the ordinary man and the poor man. It has made the ordinary man have a high standard of living while his earning is very low at present.

Mr. Speaker, Sir the wages structure needs immediate revision. The ordinary man has been taxed from time to time and yet we do not hear of any increase in the wages of the ordinary man in the different industries.

The hon. Members on the front bench are questioning me, but I would like to tell them that the evidence of this, that the ordinary man earns very low wages in this country, is that we have cases of increase of wages every day in the industrial courts. This is an evidence that the ordinary worker is getting low pay and he is demanding for an increase of pay. It is a long time since the wages structure was revised. The ordinary man expected that after independence, with *Uhuru*, there would be an increase in pay; he expected better facilities, better terms of employment after independence. However, the Government has not as yet revised the old wages structure.

On the other hand, Sir, the business man is, on his side, trying to exploit the ordinary man in his own way. From one side the ordinary man

is being heavily taxed by the Government while on the other side he is being exploited by the businessman. All this time he is not getting higher pay, he is not getting better working facilities, he is not getting better or improved terms of service.

So, Mr. Speaker, Sir, there is a necessity to protect the ordinary man; there is a necessity for the Government to produce control on produce in this country, because the ordinary man is getting low pay and at the same time he is being charged exorbitant prices on produce, to the extent that he cannot afford to send his child to school.

There are so many things of which the hon. Member who is interjecting is ignorant although he was the Chairman of the Produce Marketing Board.

During the colonial days Government was very strict on the control of produce prices in the retail shops, but at the moment our Government is lenient. Because of all this the ordinary man is being exploited, and yet the Assistant Minister opposite me is saying that is imperialism.

Hon. Members: Give us examples.

Mr. Balala: Leaving this subject, Mr. Speaker, Sir, I wish to go to another item, and this also has some connexion with exploitation of the ordinary man and with the extravagance of public money. This is by the additional portfolios in this Government. At present, we have twenty-three Ministers and thirty-two Assistant Ministers. This brings the percentage of portfolios, compared with the number of Members in this House, to 42 per cent. Mr. Speaker, Sir, I am told to do my arithmetic but I must tell the hon. Member that I have done my arithmetic and have found that it is 42 per cent. The total of Ministers and Assistant Ministers is 42 per cent compared with the total number of Members in this House. This is complete robbery, Mr. Speaker. It is daylight robbery of the ordinary man's money.

POINT OF ORDER

APPLAUSE BY STRANGERS NOT ALLOWED

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the people in the Public Gallery to applaud?

The Speaker (Mr. Slade): It is certainly not. Any stranger who is making such noises in the gallery is removed by the Serjeant-at-Arms. If it becomes too much for dealing with individual cases, it is always open to hon. Members to move that strangers be required to withdraw.

I do not think it has quite reached that point.

(Resumption of debate)

Mr. Balala: Mr. Speaker, I wish to appeal to the Government and to the President to reconsider these appointments of Ministers and Assistant Ministers.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, is it in order for the speaker to impute that the appointment of Ministers and Assistant Ministers is causing daylight robbery of the ordinary man's money?

The Speaker (Mr. Slade): He is expressing an opinion. He may be using rather extravagant language in doing so, but it is not out of order.

Mr. Balala: Therefore, Mr. Speaker, Sir, I am of the opinion that all these twenty-three plus thirty-two—making fifty-five—portfolios should be revised. There is no necessity for all these in this young country of ours. It is only two-and-a-half years, Sir, since we became independent, we are looking ahead for development, we are not looking ahead for developing individuals in this House. We want to develop the nation, we want to build a nation, and we do want the ordinary man to feel that he is independent and that he is being looked after properly.

The other point which I want to raise in this House is the use of Swahili in this Chamber. The Government and, in fact, the President, has expressed the wish that Swahili will be introduced in this House. It is a long time since the Government has explained—

The Speaker (Mr. Slade): Order, Mr. Balala! There are very few things which are not relevant to this debate, but I cannot see how that has any bearing on the economic or financial situation of the country.

Mr. Balala: Mr. Speaker, Sir, the point I want to bring out with regard to the introduction of Swahili is that the Financial Statement by the Minister for Finance and speeches by the President, from this House, should be conveyed to the ordinary man who does not understand English so that he is acquainted with our Development Plan, he is acquainted with Government policy, he is acquainted with the Government machinery as it is put by either the President or the Minister for Finance on Budget Day. This is my point, Mr. Speaker.

Therefore, Mr. Speaker, I wish that when the Minister for Finance next year presents his Financial Statement, that a live relay of his speech is conveyed to the nation from this House

so that the people are well acquainted and conversant with what our Government is doing or what it is planning to do. I say this because the vast majority in this country do not understand English and they want to know what our Government is doing. Why should this Government neglect the ordinary man? They should be acquainted with the plans of this Government.

Mr. Seroney: On a point of order, Mr. Speaker, in view of the fact the hon. Member is virtually suggesting a constitutional amendment, is it in order to propose a constitutional amendment in a general debate of this kind? The Constitutional amendment is the language of the National Assembly.

The Speaker (Mr. Slade): Oh, yes, I think so. The hon. Member is referring to a Resolution that was passed by this same Parliament a little time ago, that Swahili should be introduced as an official language of this House by a suitable constitutional amendment. He is entitled to refer to that again, and to say that it has not yet been followed up.

Mr. Balala: Mr. Speaker, thanks to the hon. Member who drew my attention to this. I would call upon the Government immediately to introduce a Bill to this effect.

POINT OF ORDER

RELAYING OF PROCEEDINGS OF THE HOUSE

Mr. Ochwada: On a point of order, Mr. Speaker, please excuse my ignorance, but under our Standing Orders can speeches by hon. Members in this Chamber be relayed to the public through the national radio system?

The Speaker (Mr. Slade): No. We have never allowed any mechanical reproduction of what goes on in this House, oral or visual, of any of our ordinary proceedings, except only on ceremonial occasions. Of course, while it is an important day, the Financial Statement is part of our ordinary proceedings.

(Resumption of debate)

Mr. Balala: Mr. Speaker, it is only a suggestion I am putting and perhaps it may be considered.

I would like to suggest one or two things that may alleviate unemployment in this country. We very much appreciate the initiative of the Government in introducing what was known as the Tripartite Agreement. We were told that during the Tripartite Agreement, 14,000 people were being absorbed in different departments in the country. This relieved unemployment in the country. However, I would like the Government to consider also other ways and means by which unemployment can be relieved in this country.

[Mr. Balala]

One way, Mr. Speaker, which I want to suggest to the Government is by way of the President's call of, return to the land. I wish that the Government takes very drastic action to see that forceful means are employed to see that people who roam about in towns and cities like Nairobi, Nakuru, Mombasa and elsewhere are removed and sent to till the land. We have millions of acres of land in this country which are not being used and if the Government will think of ways and means of putting that call of, return to the land, into practice, I am sure that thousands of people will be absorbed on the land.

There is yet another point, Mr. Speaker, which I would like to suggest, and it is this: there are many firms and employers in this country who have a lot of work to be done but they only employ a small number of people in their firms. The Government should, through its Ministry of Labour, appoint inspectors to go round all these firms, shops and even to go round the homes in order to see how many workers are being employed, and what is the quantity of work being done by these workers. If the Government sees that a certain employer has a lot of work to be done and he only employs two people to do this job, and makes them work like donkeys, then the Government should take steps to see that extra employees are being employed by that employer. This is another way of alleviating unemployment in the country.

My last point, Sir, is on the question of Southern Rhodesia. In the last few months the Members of this House have been expressing very deep concern about the situation in Southern Rhodesia. The Assistant Minister is asking me what this has to do with our Financial Statement. I think the people of this country are anxiously waiting to see what our Government is doing to give a hand to assist those people who are being harassed by the Smith régime in Southern Rhodesia. Our Government, every now and again says we are prepared to spend money, and when it says this, then it has some connexion with our Financial Statement. This is why I am bringing this matter up, because the question of Southern Rhodesia has been mishandled and it was mishandled by the British—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, could the hon. Member speaking substantiate the allegation he has just made with regard to the Southern Rhodesia issue?

The Speaker (Mr. Slade): Oh, no. You cannot be asked to substantiate an expression of opinion of that kind.

I cannot yet see the relevance of this debate to that particular issue, Mr. Balala. You must leave it and get on.

Mr. Balala: Mr. Speaker, what I wanted to say on this question—

The Speaker (Mr. Slade): I do not think you ought to say anything on it, Mr. Balala.

Mr. Balala: If our Government says, Mr. Speaker, that it is prepared to assist morally and financially in the struggle of Southern Rhodesia, I have to say this, if our Government is really determined to help financially and morally, then, before such help is extended, the blame must be placed on the shoulders of the British—

The Speaker (Mr. Slade): Order, order, Mr. Balala! You are getting right away from the subject. It is the end of your time anyhow.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I am also very pleased to speak in connexion with the Financial Statement.

I would like to start with the question of foreign affairs. I feel that there is a need for this assembly and the country at large to know what our ambassadors in foreign countries are doing. The reason why I am pointing this out is because I feel that it is very, very important for the country to know what has been going on in various countries where we have our ambassadors, whether these ambassadors are doing their work efficiently in those countries, or whether they are in those countries to foster their political ideologies and philosophies of the particular countries concerned.

I would like the Minister for Foreign Affairs and the President to have, if possible, regular contact with those ambassadors in foreign countries so as to ensure that the work they are doing there is efficient and that they are representing this country according to our policy of non-alignment.

The other point I would like to mention is that I have noticed, during my recent tour of foreign countries, that our students abroad do have a lot of problems as far as libraries are concerned. This is because they are studying various subjects in foreign countries. Take for example, our students in the Soviet Union. There are all sorts of books which they need to read while carrying out their professional studies and I think we should maintain a library in our foreign embassy there. For instance, the students who are studying medicine and engineering need to refer to a lot of reference books; those who are studying medicine need to know more about tropical diseases which affect this part of the world rather than the type of diseases which are found in that

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particular country or in other foreign countries. Therefore, I feel it would be very important for the Ministry of Education, together with the Ministry of Foreign Affairs, to help those students by maintaining some libraries for the students there. I am not only talking about the students in the Soviet Union but other students as well who are in other foreign countries. I only singled out the students in the Soviet Union as an example. I wish to include the students in the United States and many other countries.

I would now like to turn to the Ministry of Agriculture. I would like to say that the Ministry appears to be doing very well indeed, but there are quite a few bad things which I feel should be rectified in the Ministry.

First of all, Sir, I feel that the minimum financial return given to the farmers is not adequate, and in that respect I would like to single out one particular crop. There was a point raised by the Minister for Agriculture that people who are in areas where they grow pyrethrum should be given a minimum financial return. Very recently we have heard that the Ministry of Agriculture has turned that offer down saying that pyrethrum is not on the schedule and has never been a scheduled crop to qualify for a minimum financial return. If that is true I would like it to be included because there are areas, Sir, where people are growing pyrethrum, and they cannot grow any other type of crops. For example, places like the Kinangop, Kisii and other areas, and I feel that there should be, at least, a minimum financial return, that is a guaranteed financial return, to enable them to plant more and more pyrethrum in order to pay their loans. I do not see any other way in which the Settlement Fund Trustees can get their loans back from those settlers who have already been settled, if they are not given the quota which has already been given to the previous owners, in order to start repaying their loans.

The Pyrethrum Marketing Board accepted, Sir, to act as an agent of the Ministry of Agriculture, and I was very surprised recently at a Pyrethrum Marketing Board meeting to hear that the Ministry has turned down this request from the Pyrethrum Marketing Board. I would like this to be reconsidered, otherwise there is no use many of us being on those boards only to sit there, and whenever we make recommendations the Ministry turns them down without any reasonable explanation. I have heard that the Ministry did not have the money in the Agricultural Finance Corporation, and I am wondering why we should be asked as the African farmers—and the public have to

urge—to apply to the Agricultural Finance Corporation for a loan if the Government cannot keep money ready there for the farmers to apply. I feel that the Treasury should try to find more money to advance to the farmers, otherwise the Minister for Agriculture, the Minister for Lands and Settlement and the Minister for Finance will find a lot of problems in raising the money which they have already collected or which we have already been granted by the United Kingdom Government, and since they are the three Settlement Fund Trustees, I feel the only way they can receive the money is to encourage more and more farmers, who can plant pyrethrum, to have a higher quota, and at the same time have an advance to enable them to plant more pyrethrum.

Another point I would like to mention, Sir, is that in the past two years there has been a very, very bad disease of coffee: coffee berry disease. That is a type of disease which has, in fact, eliminated quite a lot of our coffee crop in this country, and the economy of the country is going down as a result. I would, therefore, appeal to the Ministry to bring in experts, even if it means taxing the coffee farmers a little bit, in order to pay for those experts who will come and find out—

QUORUM

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Sir, is there a quorum in the House?

The Speaker (Mr. Slade): No, we have no quorum, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. Continue, Mr. Kariuki.

Mr. J. M. Kariuki: I am sorry, Mr. Speaker, that a lot of my time has been wasted.

The Speaker (Mr. Slade): It will not count against you, Mr. Kariuki.

Mr. J. M. Kariuki: Yes, Sir, it is all right.

I would like to turn now to the Ministry of Commerce and Industry, and say that very recently, Sir, there were established in this country quite a lot of joint loan boards, and many of the Members in this House were made a chairman of those joint loan boards. When we go to the districts where those joint loan boards are established we find that they have no finance to give to the people who are applying for loans, and I feel that it is very bad for the hon. Members who are appointed to these joint loan boards to sit and expect to give people nothing. If the Minister would like these joint loan boards to be more

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efficient then money must be provided, otherwise people in the district will believe that the Members who have been appointed chairmen are refusing to give these people loans. That is something which I feel that the Ministry of Commerce and Industry should look into, and at least finance those joint loan boards.

The other point I would like to mention, Sir, is about the I.C.D.C. It is true that the I.C.D.C. is there, but when a group of Africans go to apply for loans to develop their own commercial firms they are told that there is no finance, so it is very important to note that the Government has done quite a lot, but, at the same time, there is more talk than material goods. I feel that the Ministry of Commerce and Industry should see to it that the I.C.D.C., which is there to assist the African businessmen, should be financed in order to finance the businessmen. It is only in that way that I feel people will feel that the Government is actually doing something for them. When a person from South Nyanza, or another area, comes to Nairobi, or he applies for a loan to develop his own business, in the end he is told that he cannot have the loan, then he feels that there is very little that the Government is doing. It is those people who have small businesses who should be assisted most, so I feel that the Government must do something to that effect, in order to assist the Africans who are coming into businesses.

The other point I would like to mention, Sir, is in connexion with the graduated personal tax. I would like the Treasury to tell me in their reply, why do we pay income tax on the money we are paying for graduated personal tax? This means that the Sh. 600 we pay is also included in income tax when one is assessed. I would like to know why it is that the Government is taxing money which is going to the Government. That is already Government money, and why should it be taxed? That is a point I would like the Government to explain to us. Why should the Government continue taxing the money which is already in the Treasury? Why should we be taxed on money which is already in the Treasury? This money goes to the Government, and then we are made to pay income tax on this. This is a very serious point, Mr. Speaker, and I would like the Government to look into this very seriously, because it is something which most of us have never realized, that we pay income tax on the graduated personal tax money which we pay to the Government. Why is this being taxed? I would like the Government as a whole to go into that point, because I feel that there are quite

a lot of people who are suffering as a result of this. This is a very important point that money already in the Treasury, or the money already with the Government, should not be taxed twice. That is a very serious point indeed. I hope that the Government, before the Minister replies, will find an answer to that and tell the House why this has been happening, and what method is going to be employed by the Government to see that the graduated personal tax money is not taxed again in the income tax.

I would also like to mention something else in connexion with loans which we receive from foreign countries, Sir. We are, of course, receiving loans from the United Kingdom. What I would like to know is if it is true that we are receiving this money in cash, or is it money in a United Kingdom bank and we are told that the money is ours. What is happening is this. A Mr. Smith or a Mr. Swan will sell his farm here, and then he says that he wants his money paid into his bank at Bishopsgate in London. This money is in the United Kingdom so he receives his money there. Why can they not transfer this money to our own bank? Transfer this money to our bank here. If we have to pay these people then we pay them from here and not from the United Kingdom. This is something I would like the Government to look into. This is what is happening now. I would like the Treasury to argue on this point. I can substantiate this, Sir. This is what has been happening in the past, and I would like the Government to look into it, because it is very serious indeed. Here, we have introduced the foreign currency regulations and so forth, so where is the money if it is still in the United Kingdom? I feel that this is very bad indeed. Let this money come here. Let this money earn interest in this country, and let us charge interest here, not in the United Kingdom. Let these people receive their money here if they sell their land, and then we can tax them. Also, this money can be subjected to foreign exchange. This is what should happen. Therefore, Mr. Speaker, I feel that this is a very, very serious point, and I would like the Government to look into this, because it is something which can run this country bankrupt without knowing. Therefore, I feel that this money, which comes by British Overseas Airways Corporation VC10 to this country, can fly in with East African Airways. I feel this is very, very serious indeed.

Another point I would like to mention, Sir, is about the building of offices for Government use. I moved a Motion here, in the past, Mr. Speaker, but I felt that it was unnecessary for me to move it again in the new Session, because I was told

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by the then Minister for Works and Communications that the Government is intending to build one block of offices instead of renting the offices from different firms. Mr. Speaker, I feel that we must try to do the things that we decide on. It is no use waiting for today and tomorrow. It is no use our saying that we will do this and that. We agree that we have been in power for three years, nobody is opposing that, but are we going to the elections—

The Minister for Works (Mr. Mwanyumba): On a point of Information, Mr. Speaker, may I just remind the hon. Member that if he goes to the Common Services' offices, he will see a block being erected.

Mr. J. M. Kariuki: Mr. Speaker, what I was trying to say is this. It is true that we have rented quite a lot of offices from various companies. Who is the owner of Silopark House? Who is the owner of Mombasa House? Who are the owners of all the offices which the Government is renting today? We are paying a lot of money to some individuals. What is the use of wasting all this money? Why cannot we use this money in the building of our own offices, permanent offices? How long are we going to wait? I agree that we have been in power for a few years, nobody opposes that, but, at the same time, are we going to enter the elections in 1968 saying that we are only three years old, four years old, six years old? What do you expect the Government to say? When are we going to be mature? My point is this, that we should decide to do something and then do it, and then the public will see that we are doing something.

Therefore, Mr. Speaker, I feel that this is a very important point. I hope, as the Minister is saying, that this will continue and that by the end of the coming financial year we will not have to pay colossal amounts of money to individuals.

The other thing I would like to point out, Mr. Speaker, is in connexion with the call, return to the land. I quite agree, return to the land, but we must also be very careful.

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

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

So long as we concentrate on building big industries in big towns, when we tell people to go back to the land, they will never go there. They will always be glad to come back to the towns where there is employment, where the industries are concentrated.

I would like to appeal to the Government and say that electricity and industry should be directed from the big towns to the county areas where the people can go and find employment. So long as you continue putting big industries in the big towns—Mombasa, Nakuru, Thika, Nairobi—you will still find people coming from all those areas to Nairobi and those towns, because that is the only place, Mr. Deputy Speaker, where they can get employment. I feel that the Government should establish a programme whereby when the hydro-electric scheme is completed—I am happy to say that the Government has saved quite a lot of money—over £400,000—as a result of the roads which the National Youth Service has constructed. Now is the time to direct this electricity to the people in the upper land but not in big towns. In the big towns we are only serving the Europeans and the Asian community. There is no doubt about that because they are the only people with big industries in those areas. It is very important that we direct the industries to the country in order to tell people, "Now you can go to those areas and get employment, and also get employment in the factories." That is what I feel.

Now, Mr. Deputy Speaker, the last point I would like to make is this. It is always very important that there should be co-operation between civil servants and politicians, but I hope that these two are separate lines. Civil servants should not enter the political field. Now we have seen one of the provincial commissioners leaving the Civil Service to join politics. What a shame. I feel it is very ridiculous. It is not a very simple game to play, and I feel that the most important thing is to leave politics to the politicians and, with all due respect, then we in the political field will also work together with the civil servants. This co-operation must be there.

I would also like to mention something which most of the Ministers in our Government are not even aware of. According to the present system, anybody—the Chief Agriculturalist, the Chief Education Officer, the Director of Settlement, or whatever he is—is in many cases much stronger than the Minister in that Ministry. You may try to refute that. There are quite a lot of things that he can say, "I am the accounting officer, and this cannot be done, Sir; I am answerable to the chief accountant; I am this and that." They may try to ignore this, but I know it is a fact. We may try to argue this in this House, but I know it is a true fact, and unless the Government introduces a Bill which will make you Ministers of our Government come to a decision, and a final one, without interference from any

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civil servant, whatever you tell us we will accept, just because it is what our Government says, but we know that the people handling the matter are the real power in their offices. This is very ridiculous indeed and something you must look into.

We must have co-operation between civil servants and politicians, but, at the same time, this is a political Government and they must listen to the advice and direction of that popularly elected Government. If they do not do so, I am sorry, there cannot be very good co-operation between the politicians who are in power and the civil servants themselves. In the end, if they decide to enter the political field and political posts, they will find a lot of problems.

Now, Sir, I hope that the Treasury have noted my points, especially the point on Graduated Personal Tax, because we are made to pay income tax on Graduated Personal Tax, on the money you put in the Treasury; and also the point that you, yourselves, as Ministers, although you consider that you have some powers in certain clauses, still you do not have them. I hope you will introduce a Bill in this House and will be able to support it.

With these remarks, Mr. Deputy Speaker, my points are over.

The Deputy Speaker (Dr. De Souza): Is there no other speaker, because if there is not, I am afraid I will have to call upon the Mover—

POINT OF ORDER**NO MEMBER MAY SPEAK TWICE IN A DEBATE**

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, as it appears that there are no other Members who wish to speak, and some of us had a lot of points to make, which we could not do within the twenty minutes which were allotted to us, and in view of the fact that the Speaker ruled that the hon. Mover will be called upon to reply on Thursday, will it not be in order for us to carry on, so that those who have spoken may raise new points?

The Deputy Speaker (Dr. De Souza): No, I am afraid Standing Orders are quite strict. If there is no speaker, I will call upon the Mover to reply.

Mr. Omar: On a point of order, Mr. Deputy Speaker, I rise to seek your guidance on this question put by hon. Shikuku, requesting that those Members who have already spoken and who have more points to make should be allowed to contribute—

The Deputy Speaker (Dr. De Souza): I have already ruled this out, Mr. Omar. I am afraid this is not possible because the Standing Orders say that you can speak only once; you can, in fact, speak only once. One has to amend Standing Orders to be able to speak twice, and I have already called upon the Mover to reply. I gave the House adequate opportunity, if there was any other speaker.

Now that the Mover is not here, I am afraid I will have to put the question.

POINT OF ORDER**CLOSURE OF DEBATE**

Mr. Khaoya: On a point of order, Mr. Deputy Speaker, I wonder whether you noticed there was one hon. Member who wanted to speak and you did not see him?

The Deputy Speaker (Dr. De Souza): He stood up a few minutes after I had called upon the Mover to reply. In fact, I gave hon. Members an opportunity to stand up, and the House is aware that, in fact, there was no other speaker. I certainly do not want to close the debate, but once I have already stated that I have called on the Mover to reply I cannot then, if somebody else decides to speak, call upon him. I am very sorry, I would have liked to call upon him but he should have, in fact, stood up when I asked, "Is there no other speaker?"

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Deputy Speaker, in view of the fact that most hon. Members will be interested to listen to the Mover's reply, would it be in order for us to ask you kindly to allow this one, so that hon. Members speak when the Mover comes in?

The Deputy Speaker (Dr. De Souza): I am very sorry. I would like to do so, but, after all, there are Standing Orders. One cannot just let us all sit here doing nothing, hoping that the Mover will come back. Even to me, it seemed a little obvious that this debate might collapse and, in fact, I asked Mr. Speaker, before he left, what I should do in case the debate collapsed, and he said, "Put the question," which, I am afraid, I have to do; there is no alternative. I would also like to hear Mr. Gichuru reply, but there is no alternative I have. The Assistant Minister is in the Chamber and I thought he would probably speak, but he went out when I said that I would like to call upon the Mover to reply, there is nothing I can do. Therefore, there is nothing I can do.

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Deputy Speaker, would I be in order to move that the House do now adjourn, to allow the debate to continue the next day?

The Deputy Speaker (Dr. De Souza): You would be; I will accept that.

MOTION

ADJOURNMENT OF THE HOUSE: BUDGET DEBATE

The Assistant Minister for Economic Planning and Development (Mr. Kase): I beg to move that the House do now adjourn to allow the debate to continue tomorrow, which will be the fifth day of the Budget Debate.

I beg to move.

The Assistant Minister for Local Government (Mr. Njiri) seconded.

(Question proposed)

The Deputy Speaker (Dr. De Souza): I would like to make it quite clear that when the House does adjourn, you cannot have a further debate on the Budget. What Mr. Speaker might allow is the Mover to reply, because, in fact, I was going to put it. He is not here, but that I leave to Mr. Speaker to decide. The question is, therefore, that the House do now adjourn.

Mr. Kamau: On a point of order, Mr. Deputy Speaker, in view of the fact that when you called upon the Mover to reply, the hon. Minister was not in the House, does it mean that the question has been put, or what will happen?

The Deputy Speaker (Dr. De Souza): Normally, the question is put and if the Mover is not there to reply, he loses his chance to reply and one has then to put the question.

Now, in view of the Motion before the House—which I will put in a short while without allowing very much debate—I will be willing to adjourn this Motion as soon as we have had a debate on it.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I stand to oppose the adjournment of the House for two reasons.

First of all, the hon. Mover has shown, as usual, his low opinion of this House by absenting himself instead of noting valuable points which are being raised by the hon. Members. For example, Mr. Deputy Speaker, the hon. Member who spoke last—the hon. Member for Nyandarua—has raised some of the most important points which the Minister for Finance or the Assistant Minister in the Ministry of Finance should have been noting.

Unfortunately, Mr. Deputy Speaker, the Minister for Finance, the Assistant Minister for Finance and other Ministers were not in the House and, as such, I feel very strongly that I must oppose the adjournment of the debate on the Budget Speech, because Ministers have always had this practice of absenting themselves from this House and not noting what the Members say here. As a matter of fact, Mr. Deputy Speaker, the Members speak to the benches.

Secondly, Mr. Deputy Speaker, the question of hon. Members not speaking in this House is one of the most important points also. Members in this Parliament are supposed to be contributing. Unfortunately, today, Mr. Deputy Speaker, when you asked if there was any Member to speak, there was none to speak and then you proposed to put the question. You are quite justified. This also, on the part of the Members, Mr. Deputy Speaker—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I am seeking your guidance on this because as regards the Member who is speaking now we can hardly know where he is heading. Is he really opposing the Motion or supporting it, because we do not know where he is? He is quite irrelevant.

The Deputy Speaker (Dr. De Souza): I am afraid that is not a point of order. He made it clear that he was opposing the Motion, but I think, Mr. Shikuku, as this is merely a Procedural Motion, I would like you to be brief.

Mr. Shikuku: Yes, Mr. Deputy Speaker. The hon. Member for, I do not know where, who has just spoken, does not know what he is talking about. I said right from the beginning that I oppose the Motion for adjournment, in order to debate—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, am I in order to tell him I am the Member for Laikipia?

The Deputy Speaker (Dr. De Souza): Quite in order.

Mr. Shikuku: Mr. Deputy Speaker, he has made things even worse because the people in Laikipia will know how—

The Deputy Speaker (Dr. De Souza): I think you must confine yourself to the adjournment Motion.

Mr. Shikuku: Mr. Deputy Speaker, I will continue my point.

I oppose this question of adjournment for two reasons, as I have said: one, the Ministers have not been keen in noting down what the Members

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say and have left Members talking to the benches; two, hon. Members have not been keen in their debate and, as a result, out of a House of 129 Members—I may not be quite correct as to how many we are, but we are over 100—only a few have spoken. Most of them have not contributed at all, not even Ministers themselves, Mr. Deputy Speaker. This is a shame on the Members, a shame on the Ministers themselves, and we cannot hide this shame from the public by adjourning the House.

Therefore, Mr. Deputy Speaker, I beg in the strongest possible terms to oppose the Motion because it will be encouraging laziness and a sort of corruption, stealing public money, by the Ministers and the Members of this Parliament who contribute nothing always.

With these few remarks, Mr. Deputy Speaker, I beg to oppose very strongly.

Mr. Khaoya: Mr. Deputy Speaker, Sir, I wish to support the Motion, and the reason for doing so is very simple.

We have put forward so many points here that it would be a great pity if we were to go without the Government answering them. I know when we started this Budget, the Speaker, I think, very clearly outlined how many days the debate would take. So it is quite fair for us to expect that the Minister who is going to reply to this must have worked out and known that the fifth day will probably be on Thursday. So probably, the Minister is keeping his points up to that day. Just because we failed to speak and just because some of you are probably not taking into consideration that we are not yet 130, as the Member for the poor people of Butere has said—we had the by-election yesterday and nineteen new Members are being returned and I am sure, if we could allow this adjournment to take effect, we would then give the Government Minister the opportunity of answering our points, which I consider are very vital indeed to us and also to the country at large.

For that reason, Mr. Deputy Speaker, I would like to plead with my hon. friend here, so that he withdraws and we adjourn, and allow the Minister to reply to our points.

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, I rise to support the Motion.

My reason for supporting this Motion, Mr. Deputy Speaker, is that the hon. Members have raised very important points in the last few days, and we need the Minister for Finance to come and reply to these points. I was wondering why

the Member for Butere and the self-styled president of the poor people was trying to say that there is no point in adjourning this debate. He, himself, has made some points which I consider to be important and which really need a reply from the Minister. But I have now gathered from his information that he was not really interested in knowing what the Government reply was.

POINT OF ORDER**ADJOURNMENT OF THE HOUSE**

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I thought you had ruled that the Speaker will have the power to ask the Mover to move, but now any Member cannot speak to the Budget. During the course of my speech, I did not say that I did not want to have a reply from the Mover. Is he in order to imply that I am opposing the reply of the Mover, when you had given the ruling that the Minister would be asked to reply?

The Deputy Speaker (Dr. De Souza): I think I might make this quite clear, Mr. Shikuku. If we adjourn the House now, the Minister for Finance will have an opportunity to reply tomorrow. If we do not adjourn the House now and this Motion for adjournment is lost, it will be my duty to put the Question: namely, that Mr. Speaker do now leave the Chair. After that, we will then proceed to the adjournment Motion, which will take another half-an-hour, and we will then adjourn. If this Motion is now carried—namely, to adjourn the House—which was moved by Mr. Kase, there will be no adjournment Motion this afternoon, but Mr. Gichuru can then reply tomorrow afternoon.

Mr. G. G. Kariuki: Mr. Deputy Speaker, I am glad that you told the hon. Member what you said before because he did not know exactly what your ruling was, because he thought that when the debate was adjourned, there was not going to be any reply or anything; he thought we were going to debate it again. This is what I am saying.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to interpret what I thought, when I knew what I was talking about?

The Deputy Speaker (Dr. De Souza): Mr. Shikuku, these are endless points of order. Everybody is entitled to interpret what he thinks your speech is. I do not think it amounted to any real misrepresentation; I think you should let him go on.

(Resumption of debate)

Mr. G. G. Kariuki: Mr. Deputy Speaker, because we know exactly what we want and most Members are supporting the adjournment of the debate, so as to allow the Minister for Finance to reply tomorrow, I wish to support the Motion.

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

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

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, this is a very important debate in the year—I hope hon. Members will agree with me—and we want to give Members an opportunity to hear what the Government is doing or is planning to do for next year, 1966/67. If we agree that the Motion is not adjourned, then we will not have an answer from the Minister for Finance, who has to consult other Ministers on the various points which have been raised by Members here, in the House tomorrow.

Although Members have blamed Ministers for not being in the House, I think they should also look around and see how many ordinary Members are here. I am sure a number of them will need to have an answer to certain points which have been raised during the Budget Debate. A number of them have also not spoken, as the hon. Member for Butere has correctly said. Mr. Speaker, on several occasions the House has been adjourned on very trivial matters, compared with this one, and I would have thought that Members would agree that this debate be adjourned until tomorrow, when Mr. Gichuru would be here to reply because the replies are already being compiled in the different Ministries and they are not ready today.

Therefore, I would appeal to hon. Members to see that they give other people a chance to hear what Government has to say. We have heard, for example, the last speaker who has mentioned banking money and many other things, and we have to go and advise the Finance Minister on what Government policy is. I therefore suggest, Mr. Speaker, that Members approve the Motion that the House be adjourned until tomorrow, when the Minister will have time to come and give them answers to the points which they have raised, which they will take to their constituencies.

Having said this, Mr. Speaker, I propose that the question be now put.

CONSIDERED RULING

MOTION TO ADJOURN THE HOUSE TO BE
CHANGED TO MOTION TO ADJOURN DEBATE

The Speaker (Mr. Slade): I understand that the question before the House is that the House be now adjourned. Perhaps the hon. Mover would

agree that it should be taken as a Motion for the debate to be adjourned, which would have the same effect, except that, in the event of it being carried, it would not exclude the debate on the adjournment afterwards. May I take it that the Mover and the House agree that the question is that the debate be now adjourned?

Mr. Wariithi: On a point of order, Mr. Speaker, is it not possible to adjourn the debate on the Financial Statement only and continue with the Motion for adjournment after we adjourn the debate?

The Speaker (Mr. Slade): That is exactly what I am suggesting, that if we adjourn the debate, we can still have the matter raised on the adjournment of the House. If we adjourn the House, the House is adjourned and there is no matter to be raised on it.

Mr. Mwanyumba did suggest the closure of this debate, but I do not think I can take that from an hon. Member who has just had his speech.

(Resumption of debate)

Mr. Komora: Mr. Speaker, Sir, I stand to oppose the Motion as moved by my colleague, the Member for Tana River, for one reason.

When the last speaker, the Member for Nyandarua, Mr. Kariuki, finished his speech, the Deputy Speaker, who was in the Chair, asked if there was any other Member who wanted to speak. There was none and, therefore, he said, "I shall call upon the Mover to reply." There were some Members who raised some points of order, as to whether a certain Member who then wanted to speak could be allowed to do so. The ruling from the Chair was, "No, I have already called upon the Mover to reply; I shall not allow any other Member to speak." Then he called upon the Mover to reply, but the Mover was not there. Therefore, the last thing to be done was to put the question as already moved, because there was no other person to reply.

When we came to this point, Sir, my colleague rose on a point of order, seeking guidance from the Speaker, as to whether he could allow the adjournment of the House, so that the Mover could be given a chance to reply tomorrow. Mr. Speaker, Sir, in my view, if the first Member wanted to speak and the Speaker refused him the chance to speak, and the Mover was called upon to reply but was not there, calling him again tomorrow to reply on the Motion is like contradicting Standing Orders.

On this ground, Mr. Speaker, I beg to oppose the Motion.

CONSIDERED RULING

MOTION TO ADJOURN DEBATE IN ORDER

The Speaker (Mr. Slade): Order! I think there is a little confusion in what Mr. Komora is saying, in that he is opposing the Motion as a matter of order. He is, in fact, suggesting that the adjournment of the debate at this point, in the circumstances which he has quite rightly described would not be in order, but I do not agree with him on that. The Deputy Speaker was quite right, in my view, in saying that there only remains one thing now, that is for the Mover to reply, but before he took the last step of putting the question, someone moved the adjournment of the debate—it was in time—but only with the result that the Mover will reply when the debate is resumed. So, as a matter of order, the Motion is in order. You can oppose it on other grounds, but not as being out of order.

(Resumption of debate)

Mr. Kibuga: Mr. Speaker, Sir, while appreciating that it is necessary for the Minister for Finance to be in, so that he will be ready to reply at any time when he is called upon to do so, I think unless we adjourn the debate Mr. Speaker, there is the danger that all the points which have been raised by many Members here will be left unanswered.

So, while objecting to the absence of the Minister for Finance, I would request and appeal to hon. Members to allow us to have the answers from the Minister because if we merely say that the Mover should be called upon to reply and, probably, the Assistant Minister replies in a few words and then we adjourn, we shall not have obtained what we wanted.

So, Mr. Speaker, Sir, merely because the Minister is not in, merely because the Minister has made a mistake in being absent, I do not think we should also make a mistake in refusing to demand that our answers be given by the Minister.

Therefore, Mr. Speaker, Sir, I support the Motion that we adjourn the debate until tomorrow when the Minister can reply and we insist on the reply.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, I think it is now time for the Mover to be called upon to reply.

The Speaker (Mr. Slade): Yes. I do not think the Mover has any right of reply on this Procedural Motion, but I agree that the closure can be considered by the House.

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

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

LICENSING OF *Harambee* SECONDARY SCHOOLS

The Speaker (Mr. Slade): That concludes the business on the Order Paper today. There is no other business, but there is a matter to be raised on the adjournment, so I will call on a Minister to move that the House do now adjourn.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, when I raised this question the other day—I think it was the 9th of this month—I did not get a satisfactory reply, and this question had been with the Ministry of Education for over six months. This was the question of Sh. 40,000 required by all those self-help groups that wish to start *Harambee* secondary schools.

The reason why I was not satisfied, Mr. Speaker, is that, as far as the Education Act is concerned, to which the Assistant Minister replying referred me, I find that section 16 only says that the Minister will have to approve an application before a private secondary school is started, and that the Chief Education Officer will have to use his discretion either to refuse such an application or to accept it. The other section—section 59—is, of course, more or less the same. But the question—and I think Mr. Speaker also approved of this particular question, which was a supplementary question, and which, of course, made me decide to raise this matter on adjournment—was: why is it that, if a person declares that he wants to start a private secondary school, he is only required to apply for a licence to start teaching or to start work in his secondary school?

However, Sir, if it is an *Harambee* secondary school, then he is required, or that group is required, to deposit Sh. 40,000 or show that he has Sh. 40,000, or that the group has Sh. 40,000. Why is there a difference? Why should there be any difference? Mr. Speaker, Sir, if we are talking about the Education Act, at the time when this spirit of *Harambee* schools was started, then why did we not bring that Act into Parliament and change it, so that there is no discrimination? Mr. Speaker, Sir, the discrimination I am complaining about is this. Somebody sent out a circular and somebody starting announcing, without bringing any amendment Bill here to Parliament changing

[Mr. Ngala-Abok]

that Act, that all those who wanted to start *Harambee* secondary schools must show, after they have built the school—put up the buildings, classrooms, lavatories and libraries and all these requirements—must produce Sh. 40,000 in order that they may be able to start recruiting pupils and then start teaching. Why, Sir, is this so? This was the question I asked. The Minister, however, referred me to a very obsolete piece of legislation which is not helping this particular discriminatory situation whatsoever.

Mr. Speaker, Sir, I do not see what difference it will make for me to go to Homa Bay, then write a letter to the Ministry saying that I am starting a private secondary school, because as far as the Act is concerned—in practice—I can just start recruiting and asking school fees and so on. What will happen, though, if I call it an *Harambee* secondary school? The Ministry will tell me, “All right, because you are going to call it an *Harambee* secondary school, or because the group put it up, we want Sh. 40,000.” This is the argument I have and this is the crux of the matter. Mr. Speaker, Sir, we want the Government to do these things when they have checked their laws and Acts and legislations. We do not want the Government to send out circulars, and moreover, Mr. Speaker, Sir, if today I started running an *Harambee* secondary school, I do not want them to send me to any court of law merely through a Minister making a Press statement that if one wanted to start an *Harambee* secondary school, then Sh. 40,000 must be produced. The law does not say that. The law merely controls the situation when somebody wants to start a school. He must, first of all, apply, and then his application will be approved.

Mr. Speaker, Sir, it is stated in the law that, even in practice, the school is started and runs for about six months, but when it comes to registration it is found that the school has been going on for some years, just like a political party, you start it, after applying for registration, you collect fees and carry on recruiting members and so on. This, Sir, is the same situation. Why should there be these difficulties? Is it because *Harambee* secondary schools were started by Africans? This is why the time came when we had to penalize all these people. Mr. Speaker, Sir, in some areas like Turkana and Masai where the people have not come to the point of donating or where the people are poor if they put up some buildings, yet they have the teachers and want to start an *Harambee* secondary school, will they still be required to raise another Sh. 40,000? From where

will they get the money? It is very difficult to raise money. It is very difficult to campaign for money. Why should one be required to pay this amount when one already has the buildings there?

Mr. Speaker, Sir, we would like to suggest to the Ministry that these are the things which should be required in order to justify this. They could ask only to see the quality of the teachers and the standard of the buildings; the tuition blocks, and only that. Then, Sir, you should be allowed to run your school for about six months, then an inspector should come, check on the school, then it should be registered if he is satisfied. Mr. Speaker, Sir, it is as simple as that. People have worked to put up these buildings, and then you find an African Government demanding that they get Sh. 40,000, but what is this for? Mr. Speaker, Sir, there are so many private schools in this country which are run by Asians, Africans and Europeans but to whom this condition does not apply. Why should the present condition apply? Why do we need Sh. 40,000 from this group of people?

Mr. Speaker, Sir, there are some private schools also which are run on this basis, and this is why I brought this question into the House. There are some schools which are run in this country, which were started and are now graded as private secondary schools, but the fact remains that nobody bothers whether they have Sh. 40,000 or not, whether the buildings are poor, whether there are any lavatories and what have you. The Ministry does not care about all these things, but, Sir, when they hear that we are organizing an *Harambee* secondary school, then they will say, “Oh, no, no, we want Sh. 40,000 from you.” Yet, Sir, we are constantly crying that we want our people educated, and that we want secondary and other schools. How, Sir, can we speak this double language from time to time?

So, Mr. Speaker, Sir, when the Minister comes here and replies, he should tell me that he is going to bring an Act here so that the Sh. 40,000, if the Members accept it, will be enshrined in that particular section of the Act. If that section remains that way, then all the *Harambee* secondary schools in my constituency will start without this business of a deposit, because I do not see it anywhere in the Act, and it is not required by the law. Why should we respect a circular concerning a matter of national importance—the question of education—which we are always talking about? Mr. Speaker, Sir, at the present moment, it has been shown that the Ministry of Education is going to get £2 million so that they

[Mr. Ngala-Abok]

can run our education services. I think this particular amount of money should be used to take over many of these *Harambee* secondary schools that have been put up by our people.

So, Mr. Speaker, Sir, this is a case which, I think, is very, very important and I am sure the Minister is not going to refer me to that Act which I have read so well but which does not help us in this situation at all. It is discriminatory, old, and I am sure it was devised for us in those days when the need for an abundance in education was not very much required. It was devised for those special times where private schools were just being started, but now, Sir, if we want to educate our people for the future leadership of this country, we must only require that these *Harambee* secondary schools produce the right kind of teachers and also the best standard they can get out of the schools they have built themselves. Mr. Speaker, Sir, I think the question of Sh. 40,000 should not apply, because as soon as the pupils start learning, the fees will be coming in, the teachers will be getting their salaries because this money will be budgeted, and the schools will run smoothly.

Mr. Speaker, Sir, the Ministry, of course, should be supervising these schools, because if they just leave these schools to continue on their own, then how do we know that this money will be used correctly? Mr. Speaker, Sir, the fact that we see money means nothing. We must see the standard of the school which has been built and also the teachers that are going to teach there. However, Sir, to adopt the attitude of "Oh, there is money there, you see the money, therefore, you carry on," is nonsensical. We want the Government to get this Act changed, so that we do not have discrimination. If it is a question of this school being a private secondary school and the Government has decided to disregard the question of Sh. 40,000, then let it also apply to the *Harambee* secondary schools as well. We should not have a situation where one is required to pay a deposit of Sh. 40,000 when a *Harambee* secondary school is being set up, and the other private schools get away with it. They do not have the standard of the school examined, they do not have to pay the Sh. 40,000, and some of them, as I have seen in some of these places, do not have any lavatories.

So, Mr. Speaker, Sir, I wish to move.

Mr. Shikuku: Mr. Speaker, Sir, I stand to contribute on this Motion, because I feel it is very important. Mr. Speaker, Sir, I agree with the hon. Member who has quoted the Act, that there

is nothing shown in it with regard to this sum of Sh. 40,000 which is asked for from the poor people.

Mr. Speaker, Sir, I think that this Government should think nationally and differently and take into account the perspective of the ordinary man on the ground. It is nonsense to talk in terms of Sh. 40,000 being produced before a school can be opened. Mr. Speaker, Sir, on one side we are talking of *Harambee*, but nothing seems to be helping us. I do not see where the *Harambee* spirit is leading us. I become so completely confused at times, Mr. Speaker, Sir, because if the *Harambee* spirit is to be encouraged then it should be so in every part of this country. I know, Mr. Speaker, Sir, in my area, we have *Harambee* secondary schools which we were asked to start. Now, Sir, this condition of having to produce Sh. 40,000 is harassing some of the people in that area. We have not legislated in this Parliament that this condition of having to pay Sh. 40,000 should be there. In other words, Mr. Speaker, Sir, the circulars and the statements made in the Press are illegal statements and the time has come when this Government has to stop acting illegally, because we have not legalized this question of charging people Sh. 40,000. Therefore, Sir, those statements in the Press and that circular are illegal and should be discounted completely from today onwards, because the Act does not say so. The Government must therefore apologize to the poor people.

Mr. Speaker, Sir, the other point which I would like to mention is this. Mr. Speaker, Sir, I feel that if we have to insist on this question of having to produce Sh. 40,000, this is, in itself, an indirect way of stopping the less-developed areas from getting the same facilities in terms of secondary education, as they will not be able to afford them as will the areas which are more advanced and better off financially. Mr. Speaker, Sir, as the hon. Member rightly said, he quoted the Turkana and the Masai—and may I also add, Mr. Speaker, Sir, that in Butere it is very difficult to raise even Sh. 5. When one talks of this Sh. 40,000 it is an indirect way of telling the Butere people to forget all about this spirit of *Harambee*. Mr. Speaker, Sir, today in my own area, we have rebuilt schools with our own efforts and also built houses for the teachers, and dormitories for the children, and after all that we are being asked, "Where is your Sh. 40,000?". Mr. Speaker, Sir, how can we raise this money?

Mr. Speaker, Sir, my *Harambee* secondary schools have very good teachers. They get their salaries from the present fees, yet they are being confronted with this illegal condition in the form of a circular from the Ministry of Education.

[Mr. Shikuku]

Mr. Speaker, Sir, I feel that the Government has a responsibility and that it should explain to the people—

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I was wondering whether it was in order for the hon. Member now speaking to suggest that the circulars sent out by a Ministry of the Government are illegal?

The Speaker (Mr. Slade): It is not out of order for him to suggest that they have no legal authority behind them.

Mr. Shikuku: Thank you, Mr. Speaker, Sir, for your ruling. Mr. Speaker, Sir, the hon. Member should know that anything done in this country must be enacted and there is no Act stating that the condition of Sh. 40,000 will be a condition concerning these *Harambee* schools. Therefore, Sir, I repeat that the circular sent out by the Ministry of Education is illegal and they are acting illegally and therefore, Sir, the Minister must apologize to the people of Kenya.

Mr. Speaker, Sir, there is another issue which I would like to touch upon. If we are going to encourage education, then we should also take into account the feelings of the people. There are some very poor areas where the people cannot even raise Sh. 1,000, therefore, Sir, if they can get their own teachers and erect their own buildings, I think it should be the responsibility of the Government to aid them so as to enable them to come up, rather than depress them with this ambiguous circular which is illegal. Mr. Speaker, Sir, I think that if we are not going to do away with this, but I am sure the Government will apologize to the people today, then the Government is actually discouraging the *Harambee* spirit itself, because if they do not, it is in this way that the less developed areas will remain backward because they will not be able to meet the conditions which are put upon them.

With these few remarks, Mr. Speaker, Sir, I beg to support because I know many other Members would like to speak on this question of the *Harambee* secondary schools. Mr. Speaker, Sir, I feel that the Government will tell us today in no uncertain terms that they have acted illegally and from henceforth anybody can start a *Harambee* secondary school, providing he has the teachers and the building. He should be allowed to go ahead, in the true spirit of *Harambee*, without this silly and uncalled for condition which is illegal.

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

The Speaker (Mr. Slade): I would like to point out that there is only a quarter an hour left. I do not know whether the Minister for Education would like to speak now, or whether some other hon. Member wishes to take only five minutes.

Mr. arap Moi I see that there is one hon. Member wanting to make his maiden speech. Would you like to give Mr. Mwithaga the Floor for five minutes?

The Member for Nakuru Town (Mr. Mwithaga): Mr. Speaker, Sir, I feel it is actually unfair for a Member of Parliament, like the Member for Butere, to come and speak about the *Harambee* secondary schools when he himself has not started one.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, would the hon. Member who has started his maiden speech in the wrong way substantiate that the hon. Member for Butere has not started any *Harambee* secondary schools when I have four in my area?

The Speaker (Mr. Slade): As I have said on other occasions, it is too difficult to substantiate a negative. Therefore, when an hon. Member complains of a negative allegation of that kind we give him the opportunity of correcting it, if he can. So, perhaps Mr. Shikuku, you will correct this.

Mr. Shikuku: May I correct the new hon. Member and tell him that I have four *Harambee* schools, which I started, in my constituency. There are two in Kisa and two in Marama.

The Speaker (Mr. Slade): Mr. Mwithaga, I am sure you will withdraw your statement in the light of that information.

The Member for Nakuru Town (Mr. Mwithaga): In withdrawing, Mr. Speaker, I would like to point out that unless a Member is campaigning, he should not start telling us how many *Harambee* schools he has started himself, when these *Harambee* secondary schools are the peoples' schools.

Mr. Shikuku: On a point of order, Mr. Speaker, you have asked the hon. Member to withdraw and he is trying to qualify his withdrawal. Could he withdraw and stop qualifying?

The Speaker (Mr. Slade): Yes, I think, Mr. Mwithaga, you would be very well advised to leave the hon. Member alone. Having made a statement that you had to withdraw, you should not then complain of the fact being contrary to what you have said. You have withdrawn and you should now leave the hon. Member alone. Talk to the point.

The Member for Nakuru Town (Mr. Mwithaga): Mr. Speaker, the point is that *Harambee* secondary schools as I know them—and I am secretary of one which is running properly—are private schools. They are not actually schools in the sense the Member is taking them whereby they would seek exemption from registration.

Now, Mr. Speaker, our school, like the school we are running, is being managed by a parents' association. Now, when this school was started, Sir, I remember we had to register it. In registering it we had to fill in forms and register it as a private school because it is not a Government school and it is not also a school by virtue of any other (Inaudible.) It was not demanded of us to produce the Sh. 40,000 because, as the Member who has been talking about Sh. 40,000 being demanded will understand that a lot of people have been trying to make money out of these schools, and they have taken them for commercial purposes rather than in the interests of the nation. In fact, Mr. Speaker, I know this case has happened in my place where I am also a municipal councillor. We had to close some schools because of extravagance. The name "*Harambee*" is being misused when such schools are started.

So, Mr. Speaker, I think it would be right to establish a system whereby all these schools, before they are allowed to start, some central control should be organized so that a school is started where it is necessary and at a time when it is necessary, and it is known who is going to run it. In this way, those people who are trying to misuse the people being referred to as "poor" by the Member for Butere are protected.

Sir, a private school is normally commercial in a sense, because the starters have a commercial interest, to make money, and some of these which have been going on now—I feel this because I have a knowledge of the matter—if they were gone into would, in fact, have to be closed down.

Now, a lot of other schools have been started, these *Harambee* secondary schools, in some areas. When they have started, people are not ready with money to employ teachers, they have no money by then to meet other recurrent expenditure for running the school, the buildings are left without anybody, and it all becomes a waste.

The Speaker (Mr. Slade): I am afraid I have to ask you to give way now, Mr. Mwithaga, in order to give the Assistant Minister time to reply.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, in reply to this Motion I would like to inform the House of the facts as they stand.

The Education Act, Sir, which the two previous hon. Members have spoken about, does state that the Act does lay it down in section 16 that, "No person shall, without the prior written approval of the Minister, manage or assist in the management of any school or group of schools . . ." and in section 56 it says that, "Any person desirous of establishing a school shall first make application for the registration thereof in accordance with regulations made under the Act."

Now, Mr. Speaker, the question of Sh. 40,000 comes in in this way. As Members know, already this country is composed of some well-to-do areas and there are others which are very poor. If the Government, especially the Minister for Education, were not wise enough to place some limitation, or to apply some brakes in certain districts or divisions, the result would have been that you would find a lot of *Harambee* secondary schools in some areas which, in the long run, would become a burden to the Government. This is because the spirit of starting *Harambee* secondary schools is that, eventually, these schools should be taken over by the Government.

The main purpose of laying down this figure of Sh. 40,000 is to ensure that this particular section of the people who wish to start *Harambee* secondary schools will be in a position to run these schools, at least for a period of one year, giving the children who will be enrolled in those schools sufficient educational facilities which are necessary. If this was not so, what would happen is that, in many areas, a lot of schools would spring up and eventually you would find that after two or three months the schools would not be in a position to continue. In this case, the children who had enrolled at these schools would be left without educational facilities. This is the idea, Mr. Speaker, which the Government has introduced in order to protect the children as well as the taxpayers who will be involved in running these schools.

Now, Mr. Speaker, the question of whether this Sh. 40,000 should be legalized or not does not arise, because there are a lot of things which the Government adopts as policy, and it is not necessary that it must be stipulated in the law. In fact, Sir, this is a policy which the Ministry has adopted so as to act as a guide. So, it is not necessary that this must be stipulated in the law. We take this as a guiding policy so that we, as a Ministry, can ensure that whoever wants to establish a *Harambee* secondary school, will have to comply with this condition. If this condition is not fulfilled, then there will be no *Harambee* secondary school.

[The Assistant Minister for Education]

One point which I would like to clarify, on which some hon. Members have touched, is the difference between the *Harambee* secondary schools and the private schools. There is a lot of difference. *Harambee* secondary schools, as I have said, have started very recently in the spirit of self-help. The private schools which the hon. Ngala-Abok mentioned—he said he could go to Kisumu or some other place and start writing letters to start school. This is very different, because this would not be an *Harambee* secondary school but would be a commercial, private school. This is something which is completely different from the *Harambee* secondary schools because the affairs of that school are purely private, and these schools are commercial in the sense that if whoever is running that school finds it impossible to carry on with the running of the school, the Government will have to intervene and close down the school. However, with *Harambee* secondary schools it is different, because they are opened with a view that eventually, when resources allow, the Government will take over these schools. Private schools will carry on for any length of time, according to the ability of the managers of those schools. It benefits these people in that these schools are purely commercial schools.

Mr. Speaker, there are also community schools which we classify as private schools. These are run purely on donations from certain sections of communities who would like to run their own schools on a private basis. The Ministry does not like to interfere in such schools, so long as they fulfil the health regulations and so long as they do not exploit the people who send their children there.

Therefore, Sir, the reply to this Motion, as was stated when the main question was raised, is that the Ministry did say very clearly that it is in the interest of the self-help secondary schools themselves, that is, of the teachers, parents and pupils, that practical measures, such as require the

sponsors to collect substantial sums of money in advance, should be taken. If, as the hon. Members have stated, that this sum of Sh. 40,000 should not be used—one hon. Member said this was almost illegal—I think I would say here that this is purely a matter of policy which the Ministry has adopted. It is not illegal because, as I said earlier, we take it that this will act as a brake so that, before a group of people can establish an *Harambee* secondary school, they will, after putting up the buildings and looking around and getting the teachers, have a sum of Sh. 40,000—

Mr. Makone: On a point of order, Mr. Speaker, the original question of this Motion was about the 10 per cent deposit which the Assistant Minister has laboured to explain to the House. Now, Sir, is he not repeating himself and avoiding to tell us how his Ministry can control exploitation of these private schools?

The Speaker (Mr. Slade): I cannot understand your point, Mr. Makone.

Mr. Makone: Mr. Speaker, I am asking the Chair if the hon. Assistant Minister is not repeating himself and avoiding the original aim of the Motion, which is exploitation of the public by these private schools?

The Speaker (Mr. Slade): Oh, no. It seems to me from what I remember of the original question and supplementary questions, and the points made by Mr. Ngala-Abok today, that the Minister is facing fairly and squarely all the points that have been thrown at him. He is, consequently, far from being irrelevant.

ADJOURNMENT

The Speaker (Mr. Slade): The Assistant Minister has now actually reached the end of his time. The House is therefore adjourned until tomorrow, Wednesday, the 29th June, at 2.30 p.m.

The House rose at thirty-five minutes past Five o'clock.

Wednesday, 29th June 1966

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

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

PRAYERS

ADMINISTRATION OF OATH

The Speaker (Mr. Slade): Hon. Members, as we did yesterday, we will dispense with the formality of sponsors and hon. Members and strangers may remain seated during this administration, but I would ask for silence.

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

Abdi Noor Ali.
Charles Asiba.
Okuto Bala.
Eric Kibet Koras Bomett.
John Kipruto arap Cheruiyot.
Bernard Gathanga.
Philip Kurungu.
James Lorimo Lonyangaphoi.
Luke Rarieny Obok.
George Fred Oprong Oduya.
Thomas Okelo-Odongo.
Ajuma Oginga-Odinga.

POINT OF ORDER

SWEARING OF OATH AND AFFIRMATION

The Member for Nyando (Mr. Bala): On a point of order, Mr. Speaker, Mr. Kioko, one of the Members—

Hon. Members: Speak up, speak up.

The Member for Nyando (Mr. Bala): I am speaking to one person and that is Mr. Speaker.

The Speaker (Mr. Slade): Order! No, Mr. Okuto Bala, when you speak to the Speaker, you speak also to the whole House.

The Member for Nyando (Mr. Bala): Mr. Speaker, my point was that we have Mr. Kioko who has not been sworn in and, according to your ruling yesterday, the swearing-in can be yesterday and today only.

The Speaker (Mr. Slade): No, you misunderstood me. I had hoped that we would get through all the swearing-in yesterday and today, on the assumption that we would have received all writs duly endorsed by this afternoon. Unfortunately, there is one writ still outstanding, to be returned, and that is Mr. Kioko's. I hope we shall have it before we sit tomorrow.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, I do not know whether I am correct, but I would like to have your guidance. During the time of swearing-in, some Members did not say, "And so help me God". I want to know whether this is a complete swearing-in; is it the correct procedure?

The Speaker (Mr. Slade): Hon. Members have the choice not only of the book by which they swear but also of not taking any oath before God, but making a solemn and sincere affirmation, and it was the affirmation as opposed to the oath which you heard one or two hon. Members make.

POINT OF ORDER

SEATING FOR THE OPPOSITION

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, recently we discussed a Motion by the present Leader of Government Business, the Minister of State in the President's Office, and we agreed that we were going to reserve some seats for the Opposition. Today, we see that the leader of the KPU and also the leader of the Opposition in this Parliament is sitting in one of the Front Benches alone. Is it in order for him to sit alone without having appointed a shadow Cabinet, a sort of Opposition Cabinet? Can he let us know the other senior Members of the Opposition to sit in front and occupy the seats reserved for them?

The Speaker (Mr. Slade): It is quite in order. It will be for Mr. Odinga to say whom he wishes to sit by him there in due course.

The Member for Bondo (Mr. Odinga): Mr. Speaker, Sir, all the Members of my Opposition have not come in, and so the swearing-in is still going on.

NOTICE OF MOTION

PUBLICATION OF THE REVISED DEVELOPMENT PLAN

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, on behalf of my colleague, the Minister for Economic Planning and Development, Sir, I beg to give notice of the following Motion:—

THAT this House notes with satisfaction the Government's determined efforts in the field of development and in this regard welcomes the publication of the Revised Development Plan 1966-1970.

The Speaker (Mr. Slade): I do not think that that Notice of Motion was submitted to me before it was given. Therefore, it is not strictly

[The Speaker]

in order today. I shall, of course, approve it as being in order if it affects the conduct of parliamentary business so much as to delay the debate by a day, I would not mind accepting it as notice duly given today, but it is not strictly in order.

ORAL ANSWERS TO QUESTIONS

Question No. 233

VACANCY ON KITUI PROVINCIAL COUNCIL

Mr. Mati asked the Minister of State, President's Office, if he was aware that the provincial council seat for the Migwani Constituency (in Kitui District) had been vacant since July 1965.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Since December 1964, when the major functions of provincial councils were reduced, the Government has not considered that it would be in the public interest to encourage filling of any vacant seats. The hon. Members know that the future of provincial councils is in doubt and their continued existence will depend on whether or not they are serving a useful purpose, when a review is carried out. Meantime, Government has made every effort to find useful jobs in other capacities for the former members of provincial councils.

Mr. Speaker, I may end by saying that, at the moment, these councils are fulfilling an advisory role in matters of development in the provinces. With the formation of development committees, both executive and advisory, the need for an additional body to advise may not be there. At present, provincial councils are a heavy burden to the Government, financially, as we are paying nearly £70,000 for their salaries and allowances for doing practically nothing. They do not even have an agenda to justify the quarterly meetings of the councils as allowed by the Government. Perhaps the House, in fact, would recommend to the Government that these bodies be abolished with immediate effect.

Mr. Mati: Mr. Speaker, Sir, arising from the reply by the Minister, since the Constitution of Kenya still recognizes the existence of these provincial advisory councils and since the constituencies are still represented in these councils, is it not a fact that this is a clear denial of constitutional rights to the people of Migwani Constituency?

Mr. Nyamweya: Mr. Speaker, a right can be denied only when it exists as a right, but it cannot be denied when it is no longer a right.

The Member for Elgon West (Mr. Oduya): Mr. Speaker, Sir, can the Minister tell the House why the Government finds it necessary to keep some of these seats only in the Central Province and not in other provinces? For example Mr. Speaker, Sir, last year, there was a vacant seat in the Provincial Council of Kiambu which was filled and yet other seats in other provinces were not filled?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member for Teso has come up with his usual humorous questions and I would like to say that the procedure for filling vacancies, as all hon. Members know, is really a responsibility of the provincial chairman. It is known, Mr. Speaker, Sir, that if a seat falls vacant in this House, it is the Speaker who issues the writ. With regard to the provincial councils, the matter really falls within the duties of the provincial chairman. If this has not been done in any province, it is the fault of the provincial chairman of that province, but, Sir, as a Government, we do not encourage filling these vacancies now.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this. Here, Sir, the Minister has categorically—and I think it is also the policy of the Government—told the House that it is no longer a right for anybody to be elected to a provincial council, but, so far as we know, we have not done away with the provincial councils. Therefore, Sir, are we to pursue this question any more when he has declared that the existing provincial councils are illegal or do not exist?

The Speaker (Mr. Slade): There is nothing to stop further questions. In fact, it might be a very good reason for making further questions.

Mr. Makone: Mr. Speaker, Sir, will the Leader of Government Business, the hon. Member for Nyaribari, tell the House why the vacant seat in Kitutu East—including the Nyaribari Constituency—cannot be filled when the one in the Central Province was filled?

The Speaker (Mr. Slade): No, I do not think today. That is another question, that one.

Mr. Shikuku: Arising from the Minister's reply to the effect that, as far as the Government was concerned, provincial councils do not exist, or should not be recognized, is he aware that this very Government is paying in other provinces a salary of about Sh. 400 to every councillor, and that it is completely unfair for him to try and mislead the House when the provincial councils still exist?

Mr. Nyamweya: Mr. Speaker, Sir, I did not say what the hon. Member for Butere is now alleging. I always weigh my words carefully and if the hon. Member for Butere would look at HANSARD he will find that I did not deny that they still existed.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Minister's reply to the effect that the filling of such vacancies is a matter for the provincial chairman, can he now ask the chairman of this particular provincial council, and, in fact, all others, that such vacancies should be filled?

Mr. Nyamweya: Mr. Speaker, Sir, to the contrary; I think the Attorney-General will agree with me that he is going to ask this House to do away with the provincial councils.

Mr. Omar: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance on this question. The Minister said that the by-election of the provincial council is a matter for the chairman of the provincial council to decide. Mr. Speaker, Sir, I remember, last year, I asked the same question with regard to the Coast Province. The Provincial Council of the Coast Province passed a resolution at one of their meetings that there should be a by-election, yet the election was never carried out. Now, Sir, is the Minister in order to say that if the provincial chairman agrees that there should be a by-election it should be held, because up to now, no election has taken place?

The Speaker (Mr. Slade): Yes, he is in order to say it. You may prove him incorrect; that is a different matter.

Mr. G. G. Kariuki: Mr. Speaker, Sir, would the Minister consider, as a matter of urgency, introducing legislation which would force these councillors of the provincial councils to resign immediately, because they are wasting Government money?

Mr. Nyamweya: Mr. Speaker, Sir, I am sorry, but I did not hear the question. Would you repeat your question, please?

Mr. G. G. Kariuki: Mr. Speaker, Sir, would the Minister consider, as a matter of urgency, introducing legislation into this House which will force the councillors of the provincial councils to resign immediately, because they are wasting Government money?

Mr. Nyamweya: Mr. Speaker, Sir, there is no need for that type of resolution or legislation, because this will be embodied in some other changes which the Government intends to bring about.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 233 : VACANCY ON KITUI PROVINCIAL COUNCIL

Mr. Mati: On a point of order, Mr. Speaker, Sir, I would like to raise this matter on adjournment.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I agree with the hon. Member's feelings, and so I was wondering whether you would permit us, since we have received very contradictory replies from the Minister at one stage it is right, for us to refer to the chairman and at another stage it is not right—I want to raise this matter under Standing Order 14?

The Speaker (Mr. Slade): No, Mr. Shikuku.

ORAL ANSWERS TO QUESTIONS

Question No. 218

ANNUAL LEAVE FOR CHIEFS AND SUB-CHIEFS

Mr. Mbai asked the Vice-President if he could tell this House why chiefs and subchiefs were not given annual leave like other civil servants.

The Speaker (Mr. Slade): Is there anyone to reply to this question? We will leave that question until the end.

Next question.

Question No. 209

SEPARATE CURRENCIES FOR THE EAST AFRICAN TERRITORIES

Mr. Barasa asked the Minister for Finance whether he could tell the House the reasons why the East African countries had found it necessary to break up the East African currency. Was there now any likelihood of the breaking-up of the East African Common Services Organization.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. In my Budget Speech on the 10th June 1965, I explained that on the 12th February 1965, at a meeting in Dar es Salaam, the Tanzania Government indicated their intention of establishing their own Central Bank and issuing their own currency. This decision left this Government with no alternative but to set up our own Central Bank and issue our own currency.

The East African Common Services Organization is one of the matters which has been examined by the Philip Commission, which has now

[The Minister for Finance]

completed its work and submitted its report to the three Governments. It is not possible for me, at this stage, to reveal the contents of this confidential report, but it has always been the desire of this Government to maintain and strengthen the common market and the Common Services Organization.

POINT OF ORDER*Sub Judice* MATTERS

Mr. Jahazi: On a point of order, Mr. Speaker, Sir, in view of the fact that the entire common market is under discussion by the three Governments, can we not treat this matter as *sub judice* so that it does not in any way endanger the talks that are going on?

The Speaker (Mr. Slade): No, it cannot, as a matter of order, be treated as *sub judice*. The Standing Orders which prohibit discussion of matters *sub judice* are, as I have said on other occasions, limited strictly to matters which are pending in a court of law. If, as a matter of policy, Government likes to answer questions of this kind, saying that it would be much better not to discuss it until discussions have proceeded further elsewhere, it is in order for them to do so; but I cannot rule, as a matter of order, that there cannot be discussion on the ground of *sub judice*.

(Resumption of discussion on question)

Mr. Shikuku: Arising from the Minister's reply, with the establishing of three different banks in different territories, does he believe that the question of the East African Federation is completely ruled out?

Mr. Gichuru: Mr. Speaker, Sir, I consider that to be another question. At the moment we are discussing the currency problem.

Mr. Godia: Mr. Speaker, Sir, would the Minister tell the House whether it would be possible for someone with a Tanzania shilling to buy something with it in Kenya?

Mr. Gichuru: Mr. Speaker, Sir, already, Tanzanian money is circulating in Kenya. It is legal tender.

Mr. Bala: Mr. Speaker, Sir, would the Minister assure this House that the value of a Tanzania £1 and a Kenya £1 is the same, and, as such, the circulation of Tanzania money will not have any effect on Kenya?

Mr. Gichuru: Mr. Speaker, Sir, this is one of the things which one cannot prophesy about. This is the hope; that our money, Uganda money and Tanzanian money will all be at par. We are negotiating to find out as to whether, when we

have enough Tanzanian money here and it has to be transferred back to Tanzania, or they have our money and they have to bring it back to us, we can do this without charging a commission. There are all sorts of little things like that which are being discussed at the moment. It is our great hope that our currencies will remain at par. So long as they remain at par, there is no problem, but once one currency starts to depreciate, then the problems start.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister, as a matter of educating those people like myself, who do not understand why we should have separate currencies when the value will be exactly the same, tell us and tell the country today the reasons why we should have separate currencies, but yet the values remain the same with the Tanzanian money, Ugandan money and the Kenyan money? Why should we have the different currencies when Uganda money, Tanzania money and Kenya money can still be used throughout the three East African territories? What is the reason for this?

Mr. Gichuru: Mr. Speaker, Sir, as I said in my reply, if the hon. Member had been listening. I did say that it was at a meeting of the Ministers for Finance, on the 12th February 1965, at Dar es Salaam, of the three territories when we were told, not consulted or asked, but told, that Tanzania were determined to have their own currency. As I said in my original reply, we were left with no alternative but also to have our own currency as well.

Mr. Odinga: Mr. Speaker, Sir, arising from the last reply of the Minister, I take it that the Minister wants to give the House the impression that it was Tanzania who actually decided to break the East African Federation which, I think—

The Speaker (Mr. Slade): Order! Mr. Odinga, you must make it a question.

Mr. Odinga: Mr. Speaker, Sir, I am going to ask one. I consider this is not a fair accusation—

The Speaker (Mr. Slade): Mr. Odinga, you must ask a question.

Mr. Odinga: Mr. Speaker, Sir, I would like the Minister to clarify to the House what the factors were which led to this decision which the Tanzanian Government took or which the Kenya Government took.

Mr. Gichuru: Mr. Speaker, Sir, I am not here speaking for Tanzania, I am giving the definite stand that the Kenya Government took on this matter once we were confronted with a decision; we had no alternative.

The Speaker (Mr. Slade): Next question.

Mr. Odinga: I have a question to ask, Sir.

The Speaker (Mr. Slade): Not unless you want to raise it on an adjournment.

Mr. Odinga: Mr. Speaker, I would like to ask a supplementary question.

The Speaker (Mr. Slade): No, we must go on now, Mr. Odinga. We have had long enough on this particular question.

There is one very objectionable noise I am hearing from certain Members down there, and I hope it will not be repeated. It is extremely offensive and completely out of keeping with the dignity of this House. If it is the Member who is laughing who is responsible, then he had better stop laughing.

Question No. 207

TEA PLANTING: NYAMAIYA AND NYAMIRA

Mr. Nyaberi asked the Minister for Agriculture and Animal Husbandry to tell the House why the farmers near Nyamaiya Chief's Camp were not being allowed to plant tea, whereas those of Nyamira Sub-station, which was only one mile away and had the same climatic conditions, were being allowed to plant tea.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. Even in the best tea-growing areas, we cannot always rule out the possibilities of the existence of pockets which do not possess the climatic and edaphic conditions required for tea growing.

But the hon. Member will be pleased to hear that investigations now indicate that tea could do well in the Nyamaiya area and that planting is likely to start in the next year's planting season.

Mr. Nyaberi: Mr. Speaker, Sir, will the Assistant Minister tell the House whether he has some experimental plots to prove that this area will do well for tea?

Mr. Murgor: Mr. Speaker, Sir, conditions required for tea growing are as follows: acid soil; about 50 inches of rain each year; altitude, between 4,000 ft. and 6,500 ft. above sea level.

Tea planting in Kisii started in April of each year. It will be remembered that Mr. Leslie Brown undertook a country-wide survey last year to ascertain the suitability of districts for tea-growing purposes. The Ministry of Agriculture is still studying the report, while also waiting for comments from the World Bank.

Question No. 225

MUNICIPAL STATUS FOR KERICHO TOWNSHIP

Mr. arap Biy asked the Minister for Local Government:—

- (a) If he would consider raising the status of Kericho Town to that of a municipality.
- (b) Would he consider giving grants to the Kericho Urban Council to enable it to build offices and a Chamber for its use.

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

(a) The status of Kericho is that of an urban council. I have, however, received no representations from the urban or county council for the upgrading of Kericho Urban Council to municipality status, but if I receive any such representation I would be legally required to cause an inquiry to be held, provided that I was satisfied that there was a sound case for consideration.

(b) Government does not make grants of money to any local authority for provision of council offices or Chamber. It is the responsibility of the local authorities to provide their own accommodation, usually by raising a loan if they do not have available funds.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell this House what factors lead to the raising of an urban town to the status of a municipality?

Mr. Njiiri: Mr. Speaker, Sir, I mentioned to hon. Members that we have not received any representation. If we do receive this, the conditions required can be investigated by the commission of inquiry with regard to such factors as population, the area and financial responsibility.

Question No. 237

NAIROBI CITY COUNCIL RETENTION OF GRADUATED PERSONAL TAX

Mr. Shikuku asked the Minister for Local Government if he would tell the House why half of the tax paid by hon. Senators, M.P.s, chiefs, sub-chiefs and teachers who did not work in Nairobi should be retained by the Nairobi City Council.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. No portion of the tax paid by chiefs, sub-chiefs or teachers, who do not work in Nairobi, remains with the Nairobi City Council. Every year, the city council asks all departments of the Government to provide details of the residence of each

[The Assistant Minister for Local Government]

Government employee, so that the tax may be properly allocated. In the case of a Government employee who does not work in Nairobi, the whole of the tax paid by him is sent to the local authority in whose area of jurisdiction he lives. The case of hon. Senators and M.P.s is different, since some of them live in Nairobi. In the case of those who live in the city, half of their tax is sent to their home councils, and the other half is left with the Nairobi City Council.

I am grateful to the hon. Member for Butere for his question. We have already investigated the matter and I can assure the hon. Members that those people, especially in 1965, who were in Nairobi City, will find that their cases have already been dealt with.

Mr. Shikuku: Mr. Speaker, Sir, arising from that almost confusing reply by the Assistant Minister, is he aware that Members elected to this House are employees of the electors in places where they came from, and as such we are just like tourists who come to Nairobi and, therefore, there is no justification whatsoever for half of our taxes to remain in Nairobi?

Mr. Njiiri: Mr. Speaker, Sir, I told the hon. Members that if you are staying in Nairobi, although you are employed by the taxpayers, half of your graduated personal tax is sent back to your county council and half, for public services, is kept here.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, will the Assistant Minister now categorically tell the House what he understands by "staying" and what he understands by the fact that a Member sleeps in Nairobi? Is he staying here? If he knows that there are Members in this House who stay here and are elected by their constituencies, and that they are never seen there—they only stay in Nairobi—could he give us a list of such people?

Mr. Njiiri: Mr. Speaker, Sir, my friend would like to know the meaning of "staying" Some hon. Members stay here for one week before they return to their constituencies. While they are staying here they have to use public services and, therefore, my friend, that is the meaning of staying.

Mr. Bala: Mr. Speaker, arising from the Assistant Minister's reply, is he aware that somebody staying in the hotels in Nairobi is just like somebody from the United Kingdom or America,

and as such should not be taxed for staying in the hotels?

Mr. Njiiri: Mr. Speaker, Sir, the hon. Member should know that if a person is staying in an hotel, he is also receiving public services. In short, my friend—

The Speaker (Mr. Slade): Order! Order! I think it is quite nice to be addressed as a friend, but it is not the ordinary way of addressing the Speaker.

Mr. Njiiri: Mr. Speaker, Sir, I was telling the questioner that public services are also received by those people who are staying in hotels.

Mr. Wariithi: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, where he stated that for those Members who stay in Nairobi, half their Graduated Personal Tax is kept here, and for those who do not stay in Nairobi, it is all sent to the places where they come from. Can the Assistant Minister tell us the number, out of the total number of Members of the Lower House and the number of Members from the Senate, the number of those whose entire Graduated Personal Tax is sent to the areas where they come from on the basis that they do not stay in Nairobi?

Mr. Njiiri: Mr. Speaker, Sir, at present, I do not have the figures with me, but I will be very happy to give the hon. Member the whole list later on.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he elaborate on what he means by "public services", and whether by mentioning "public services" he thinks that we do not, in fact, pay for them in cash?

Mr. Njiiri: Mr. Speaker, Sir, when I refer to "public services", I would like to say that it is a very simple thing for hon. Members to understand. If they go around the streets, they will realize that the streets are clean; there are lights and there are social halls where people can go and enjoy themselves.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 237:
NAIROBI CITY COUNCIL RETENTION OF GRADUATED
PERSONAL TAX

Mr. Shikuku: On a point of order, Mr. Speaker, in view of this daylight robbery of Members' Graduated Personal Tax, I wish to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 206

STOCK THEFT IN KERICHO AND KISII

Mr. Nyaberi asked the Attorney-General whether he would explain to the House why the courts of law in Kisii and Kericho were finding it difficult to get evidence to justify conviction and fourteen years' imprisonment under the Stock Theft Offenders Act.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. It is very difficult to obtain convictions for stock thefts. First a stock theft is not usually discovered until the morning after it was committed. By that time, the stock has been removed many miles away and the tracks cannot always be found. Secondly, the stolen stock may have passed into other hands, and it is then difficult to obtain acceptable evidence as to who actually stole the stock. Thirdly, witnesses are sometimes reluctant to report to the police the presence of strangers seen in their district with cattle. Fourthly, it is sometimes difficult to identify stolen cattle.

The average sentence for stock theft at Kericho and Kisii is between three and four years' imprisonment and eight strokes of the cane. If I consider that a sentence is manifestly inadequate, having regard to all the circumstances, I apply to the High Court for enhancement of the sentence.

Hon. Members will remember that last week, or two weeks ago, I introduced an amendment in this House which will now enable the police, if they find people with some doubtful cattle, to ask them how they came by those cattle. In other words, the onus will now be on the person who is found with cattle to prove whether they do or do not belong to him.

The other point which I would like to mention is that the maximum sentence is fourteen years with corporal punishment which is mandatory on the court. In other words, even if the court only imposes a two-year sentence, that person must also be given corporal punishment. If I receive any information that people have been convicted without receiving any corporal punishment, then I will apply to the High Court.

Mr. Nyaberi: Mr. Speaker, Sir, as things stand, it seems as if stock theft is going up and getting evidence to prosecute these people is going down. What assurance will the Attorney-General give the House? Is he going to employ more Criminal Investigation Department personnel or what is he going to do, because the people are suffering on this issue?

Mr. Njonjo: Mr. Speaker, as the hon. Member is aware, the Government is very concerned about stock theft. That is why, not a very long time ago, we introduced a mobile squad, specifically to deal with this problem of stock theft; but as I have said, the public must also help us in solving this problem. As I said, in a number of cases, in fact, the people of the area know who the culprits are but they do not give the information to the police. If the public will give the information to the police, this terrible menace that we have in this country, of stock theft, will be eradicated.

Mr. Gatuguta: Mr. Speaker, Sir, I quite agree that the rate of cattle theft has increased rapidly during the last few years. Could the Attorney-General consider the possibility of accepting Kanu youth pioneers to help the police in tracing the cattle thieves?

Mr. Njonjo: Mr. Speaker, all I can say about that is that I believe the police of Kenya are quite capable of handling this work, and I fear what the Kanu youth might do if they are also engaged in this work.

Mr. Muruli: Mr. Speaker, Sir, is the Attorney-General aware that most of these cases go to what we call the African courts and these courts have no power to impose the maximum sentence?

Mr. Njonjo: Cases of stock theft should not come before African courts. They should go to the Resident Magistrate Courts who have power, as I said, under the Penal Code, to impose the maximum sentence of fourteen years and also fourteen or twenty-eight strokes of the cane.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Attorney-General's reply, where he said that stock tracks could not always be seen as evidence, could he tell the House whether the Government is taking steps to see that some dogs are trained for special cases, such as following stock tracks?

Mr. Njonjo: Mr. Speaker, we already have a dog section in the Kenya Police and that is a point which I can take into consideration in the investigation of this sort of crime.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that 385 cases of stock theft have been experienced in this area, and in view of the fact that 115 people have been convicted arising from these stock theft cases is it not a justified case for the Government to experiment with maximum punishment for this particular area?

Mr. Njonjo: Mr. Speaker, I do not know where the hon. Member obtained the figures. In fact, I did not give the figures myself, but I can give you the figures now.

[Mr. Njonjo]

In Kericho, 99 people were charged with stock theft and 50 were convicted in the year ending 31st December 1965; and in Kisii, in the same period, 174 people were brought to the court and only 65 were convicted. However, of course, I agree that this is a serious problem. The Government is very concerned about the stock theft, but I personally believe that the only way to eradicate this sort of offence is for the public to inform the police immediately the cattle are stolen, and to tell them immediately they see somebody who did not have cattle yesterday and today happens to have ten.

Question No. 226

COMMUNITY DEVELOPMENT OFFICER AND AMENITIES FOR KERICHO

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

- (a) What the Ministry was doing to assist Kericho Urban Council to put up a social hall and establish a library.
- (b) Whether the Ministry could consider employing a full-time community development officer for the town area alone.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. With regard to the first part, the initiative for a project such as a social hall and a library, must start from the people of the area themselves and so far, I regret to say, neither the urban council nor the people, have shown any such initiative. In the event that substantial interest does arise, application may be made through the community development officer to the district development committee for a grant from the self-help funds and I am sure such an application would be sympathetically considered.

As regards the second part, there is a Government community development officer responsible for the area, and he is assisted by a community development assistant whose salary and expenses are paid by the Kericho County Council. It must be appreciated that community development is a combined operation and, for the Government to do its work properly, it must receive full support and help from the local authority in that area.

The Government cannot, at the moment, provide a community development officer for Kericho Town alone, but my Ministry is now considering general expansion of staff to cover the whole country more effectively.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the first part of the Minister's reply, that the people of Kericho have not shown any initiative in raising any funds for that purpose, could he tell us whether his Ministry had done anything to encourage these people to collect or contribute an amount of money towards putting up a social hall?

Mr. Ngala: Mr. Speaker, Sir, my Ministry has granted to Kericho District Sh. 30,000 towards self-help projects this year, and my officers working in the district are constantly reminding the people of the need of helping themselves, not by cash contribution alone, but that they must do the labour, which is even more important than the cash.

Question No. 234

CASTOR SEED FACTORY IN KITUI

Mr. Mbai asked the Minister for Commerce and Industry—

- (a) whether he could tell the House what had caused the delay in starting the proposed castor seed factory in Ukambani; and
- (b) if he could confirm to the House whether this factory was going to be put up in Kitui where 90 per cent of the castor seeds were produced.

POINT OF ORDER

REPETITION OF QUESTION FROM PREVIOUS SESSION

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, before I reply, could I raise a little matter as a point of order?

The second part of this question, Mr. Speaker, has been replied to twice in recent months and a definite answer given as to where the factory would be sited. I am inquiring whether, therefore, part two of this question is in order?

The Speaker (Mr. Slade): It is in order, unless the same question was asked and answered during the current Session. As you are aware, we only recently began a new Session, and we are getting in this new Session repetition of one or two questions that were asked and answered in the previous Session. Being in a new Session such questions are in order; but, likewise, it is quite in order for Government simply in its answer to refer to the answer already given in the previous Session.

(Resumption of reply to question)

Mr. Kibaki: In that case, Mr. Speaker, I beg to reply. There has been no undue delay in establishing this factory. The apparent delay in the establishment of the proposed castor seed factory in Ukambani was due to the fact that it was necessary, as usual, to carry out a proper feasibility survey to help determine the viability of the project. This survey now has been completed and it is in the hands of the potential investors and our own Industrial Development Corporation. The factory, Mr. Speaker, as was stated in the last Session of Parliament, will be situated in Kibwezi for reasons which were given at that time.

Mr. Mbai: Mr. Speaker, Sir, if the then Minister for Commerce and Industry—now the Minister for Labour—knew that there was no intention of Government building this factory in Kitui, why did he early last year promise the people of Kitui that the factory would be established there?

Mr. Kibaki: Mr. Speaker, Sir, I am unaware that any such concrete promise was given as to the siting of the factory. What I know, Mr. Speaker, is that there was a promise that we would process the 100,000 bags of castor oil beans being produced in this country, so that we would export, not the raw material, but the processed product.

Question No. 229

CLOSURE OF CLASSES AND SCHOOLS BY GUSII COUNTY COUNCIL

Mr. Omweri asked the Minister for Education if he would tell the House how many classes or schools had been closed that year by Gusii County Council, and the causes which had led to these closures and what precautionary measures were being taken to prevent recurrence.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply. Gusii County Council has found it necessary to combine some classes this year, as the enrolments in the classes were too low to justify their existence. In this exercise, sixty-one classes have been absorbed, but no schools have been closed down.

The only precaution against the closure of classes in the middle of the year is the achievement of an accurate estimate of the children likely to attend such classes, but since the willingness and ability of parents to send their children to school cannot be accurately predicted, there is necessarily a small margin of error.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister agree with me that the mistake is with his Ministry when they gave a contrary direction from head office to the advice of his local officers who were there last year, according to the school fees collection?

Mr. Mutiso: Mr. Speaker, I am not aware of this allegation that the Member is making.

Mr. Omweri: Mr. Speaker, Sir, is the Assistant Minister not aware that last year the Education Officer advised the head office that fees in the lower classes—Standards I and II—should be lower than the fees collected in Standards III and IV, and his Ministry, from Gill House, ruled out that advice?

Mr. Mutiso: No, Sir, I am not aware of this.

Mr. Omweri: Mr. Speaker, Sir, is the Assistant Minister not aware that even in this House this matter was raised about the fees being collected in the middle of the year, when actually the fees announced earlier were changed to fifty from thirty shillings?

Mr. Mutiso: Mr. Speaker, I am aware of the subject being raised in this House, but I am not aware of the allegation the Member is making about the Minister giving this instruction or direction.

Question No. 230

SECOND AND THIRD STREAMS FOR KISII SCHOOL FORM V

Mr. Omweri asked the Minister for Education if he would tell the House when Kisii School was going to have two and three streams in Form V.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. A second Form V stream has been opened at Kisii School in 1966, but there is no plan to open a third stream there for the time being, as the Ministry plans to develop intermediate colleges with Forms V and VI only in the future, rather than to attach these two forms to existing secondary schools.

Mr. Omweri: Mr. Speaker, Sir, is the plan the Assistant Minister is speaking about going to take into consideration that this year the secondary schools which feed Kisii High School are going to increase: that is, the candidates who are going to sit for School Certificate from the surrounding schools have increased and, therefore, more expansion should be accorded to Kisii Secondary?

Mr. Mutiso: Mr. Speaker, that is not actually the excuse. If there will be more students in Kisii Secondary School, obviously they will be catered for in the national schools which we have throughout the country.

Question No. 236

MINISTER OF HEALTH'S VISIT TO BUTERE
CONSTITUENCY

Mr. Shikuku asked the Minister for Education if he would tell the House:—

- (a) Whether his Ministry had been informed of the visit by the Minister for Health to Khwisero *Harambee* Secondary School and his laying of the foundation stone at the said school in May 1966.
- (b) Should the answer be in the affirmative, would the Minister tell the House why he had failed to inform the Member for Butere.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to give the following reply. Yes, Sir.

(a) The Minister for Health, naturally, and as a gesture of courtesy, informed the Minister for Education that he was visiting Khwisero *Harambee* Secondary School to lay the foundation stone of a self-help classroom block there, in May 1966.

(b) It is the function of the managing committee or board of governors of the particular institution to invite whoever they want, but, quite apart from this fact, I assume that the Member for Butere should have been at the helm in the management of this *Harambee* school and, therefore, there was no need for me or anybody else to invite the hon. Member to his own constituency or to a function of an *Harambee* secondary school in his own constituency.

Mr. Shikuku: Mr. Speaker, arising from the first reply, "Yes," did the Minister inform the Member for Butere that he was visiting the area; and if so, what letter did he write? Is he aware that the former Minister, when he was visiting Butere, informed the Member for Butere, and why was this not followed?

Mr. Nyagah: Mr. Speaker, Sir, could the hon. Member repeat his question and describe the Minister? He has used too many Ministers without describing which Minister he means.

Mr. Shikuku: Mr. Speaker, is he aware that it was even passed in the Kanu Parliamentary Group, under the chairmanship of the President of this Republic, that any Minister or anybody visiting any other constituency should do so after informing the Member for courtesy's sake? Is he

aware that the hon. Mr. Koinange, the former Minister for Education, when he visited Butere *Harambee* secondary schools, informed the Member for Butere? Are you now aware of the Minister I am talking about?

Mr. Nyagah: Mr. Speaker, Sir, I have answered the question as asked, about the Minister for Health laying the foundation stone to Khwisero *Harambee* Secondary School block. Having replied to that one, Mr. Speaker, I can go a little further and say I am informed from very reliable sources that another hon. Member of the National Assembly, by the name of Senator Tsalwa, who comes from the same constituency as the hon. Member asking this question, was also present because he keeps in touch with his constituency.

Mr. Shikuku: Mr. Speaker, Sir, is the Minister for Education trying to insinuate that the Member for Butere does not keep in touch with his constituency, by so saying, and is he aware that this—

The Speaker (Mr. Slade): One question at a time. You have asked one question.

Mr. Nyagah: Mr. Speaker, Sir, I would be the last person to make any insinuation of that nature about the hon. Member for Butere.

Mr. Shikuku: Mr. Speaker, is the Minister aware that this visit took place in my absence, when I was away in Zambia, and the people who were concerned were so cowardly and almost irresponsible as to wait until the Member for Butere was away, and if he wants to know how popular the Member for Butere is—

The Speaker (Mr. Slade): Order! You have asked your question.

Mr. Nyagah: Mr. Speaker, Sir, I am not aware of that, but, in all fairness, the people of Butere, in the absence of their Member in a far-off country, must receive the necessary services which Government can give. My hon. colleague, the Minister for Health, as a matter of courtesy, told the Minister for Education, my predecessor, that he was going to do this national service, and he did it.

The Speaker (Mr. Slade): We must go back now to Mr. Mbai's question.

NOTICE OF MOTION FOR THE
ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 236:
MINISTER FOR HEALTH'S VISIT TO BUTERE
CONSTITUENCY

Mr. Shikuku: On a point of order, Mr. Speaker, since this is a violation of the very principle we established in the Kanu Parliamentary Group, where Ministers can—

The Speaker (Mr. Slade): Order! Are you making a point of order?

Mr. Shikuku: Yes, Sir.

The Speaker (Mr. Slade): Well, what is your point of order?

Mr. Shikuku: I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): All right.

I would just discourage the growing habit of making a long speech as a preliminary to saying that a matter is to be raised on adjournment; it is an abuse of a point of order.

ORAL ANSWERS TO QUESTIONS

Question No. 218

ANNUAL LEAVE FOR CHIEFS AND SUB-CHIEFS

Mr. Mbai asked the Minister of State, President's Office, why chiefs and sub-chiefs were not given annual leave like other civil servants.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Chiefs and sub-chiefs are entitled to leave like any other civil servant, in accordance with service regulations.

Mr. Mbai: Mr. Speaker, Sir, arising from the Minister's reply, is he telling the House that the chiefs and sub-chiefs are now getting their annual leave like other civil servants, because I know that they do not?

Mr. Nyamweya: Mr. Speaker, Sir, would the hon. Member please repeat his question?

Mr. Mbai: Mr. Speaker, Sir, arising out of the Minister's reply, is he telling the House that the chiefs and sub-chiefs are now getting annual leave like any other civil servant, because they are not getting their leave?

Mr. Nyamweya: Mr. Speaker, Sir, I really did not hear what the hon. Member was asking in his supplementary question, but in answer to his question, I have said that chiefs and sub-chiefs are entitled to leave just like any other civil servant. I would like to add, though, that prior to 1964, or prior to the recommendations of the Pratt Commission on the conditions of service for the Civil Service, chiefs and sub-chiefs were not entitled to leave, but as from 17th March 1964, the Pratt recommendations become effective and, from that time, the chiefs and sub-chiefs have been entitled to leave. This is one of the anomalies which the Pratt Commission recommended should be abolished.

Mr. Omar: Mr. Speaker, Sir, arising from that reply given by the Minister, can he tell the House the number of days the chiefs and sub-chiefs are entitled to get as annual leave each year?

Mr. Nyamweya: Mr. Speaker, Sir, chiefs and sub-chiefs are entitled to annual leave, or what is commonly called "local leave", as laid down in the Code of Regulations.

The Speaker (Mr. Slade): We will go on now.

Mr. Nyamweya, you have a Ministerial Statement to make, I think, as the Leader of Government Business.

MINISTERIAL STATEMENT

WELCOME TO THE OPPOSITION

The Minister of State, President's Office (Mr. Nyamweya): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, on behalf of the Members who have been in this House, I wish to congratulate the new hon. Members who have just joined us. To those hon. Members who are joining and sitting in the Government benches let it be understood that they have joined a group of people who are devoted to the rapid development of our country under the wise leadership of our President, Mzee Jomo Kenyatta, bound together by certain principles embodied in the Kanu Manifesto and Sessional Paper No. 10 and as decided by the Kanu Party from time to time.

To that band of the hon. Members of the Opposition who have a duty to the nation by being co-operative, whenever it is necessary to do so for national interests, to be constructive in their criticisms whenever their criticisms can be useful.

To all of us hon. Members falls the duty to demonstrate to the nation and the world that we intend to maintain and preserve democracy within our national frontiers; that we can be tolerant friends and yet differ, lose and remain cheerful, win and show magnanimity.

The House will no doubt be enriched by the contribution of the new hon. Members but no doubt some hon. Members will agree with me that some cheerful faces and humorous speeches, remarks, interjections and, of course, not forgetting frivolous points of order, will be missed from the former Members of Kandara, Majoge-Bassi, Elgon South-West and Gichugu to mention just a few.

Finally, Mr. Speaker, Sir, I am quite sure the House would like to wish all the new hon. Members a long, happy and very successful parliamentary life. We all say this with the sincere and

[**The Minister of State, President's Office**] honest hope that those who have misled themselves into the Opposition will see light and join the fold of the true nationalist movement.

The Member for Kisumu Rural (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, Sir, would he not agree with me that that statement is more or less a Kanu Statement rather than a Government Ministerial Statement?

The Speaker (Mr. Slade): No. I have the responsibility of seeing every Ministerial Statement before it is made, and I do always watch them very carefully, from that point of view among others, that they must not be an abuse of the privilege of Ministerial Statements. It did seem to me that that statement, though showing naturally a humorous bias towards the Leader of Government Business' own party, was in a very proper spirit of parliamentary give and take, with, I think, due recognition of the status of the Opposition.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, can I have the right to reply?

The Speaker (Mr. Slade): Not normally, but I think on this occasion, Mr. Odinga, you can.

Mr. Odinga: Mr. Speaker, Sir, and the hon. Member of this House, I must say that, although there might have been, I think, at the end, some statements which were unnecessary; on the whole, I considered that the statement given by the Leader of Government Business in this House was rather a compliment to both the Opposition and the Members who have joined the Government side. I should say here that I also, equally, thank him and thank the Government for recognizing the Opposition. I feel that now I am in a position where I will be able to put forward the points of view of the majority of people of this country in this House. I must also say, Sir, that our criticisms will be constructive and nothing else.

Mr. Speaker, Sir, we admit that there must be an Opposition and I feel that Kenya needs an Opposition at this stage of our development. The Opposition should not be looked upon as an enemy of the Government, but that is the impression which has so far been conveyed from the Government Benches. Instead, Sir, I hope that the Opposition will be taken, in normal circumstances, as friends of the Ministers to ginger them up and make them do their duty in the right manner and at the right pace.

Mr. Speaker, Sir, as I am going to speak more, I would only like to thank those who have seen fit to vote for those who have joined me and I hope that very soon many more will join me in the Opposition.

The Speaker (Mr. Slade): Mr. Balala, I think you have a Personal Statement to make.

PERSONAL STATEMENT

WITHDRAWAL OF REMARKS

Mr. Balala: Mr. Speaker, Sir, I wish to make a Personal Statement.

Mr. Speaker, Sir, during yesterday's debate on the Financial Statement, I described the appointment of the excessive numbers of Ministers and Assistants Ministers as "daylight robbery on the part of the Government". On reflection, Mr. Speaker, Sir, I feel that I was not justified in using such an extravagant phrase and I wish to withdraw it.

Mr. Speaker, Sir, while withdrawing that remark, I would still like to maintain that the appointment of this excessive number of Ministers and Assistant Ministers is more than this country can really afford at this stage of nation building.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, since the hon. Specially Elected Member, hon. Mr. Balala, has now come to this House, after having made a statement here on a previous day, to try and correct it, I am seeking your guidance, as to whether a Member should, in the course of his speech, lose his head, feed the Members in this House with something he does not believe in, only to come again the next day and tell us the opposite? Is that going to be the order of the day?

The Speaker (Mr. Slade): Very much so. There is always the right of any hon. Member, with permission of the Speaker, to make a Personal Statement either explaining his conduct in a particular matter or apologizing for his conduct. I think it is very important that if the hon. Members feel that they have said things that they should not say, they should have the opportunity of coming to the House and acknowledging that and withdrawing. That is what this hon. Member has done, and it is open to any hon. Member after consultation with the Speaker.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, I would like to get your ruling on this. According to what the hon. Member actually said, it seems that he has been intimidated. Are we going to allow the Members, after making statements in this House, to be intimidated and then come back and withdraw?

The Speaker (Mr. Slade): I do not know on what ground Mr. Odinga suggests that there has been intimidation in this case. Certainly, the way

[The Speaker]

Mr. Balala approached me with regard to making this statement bore no suggestion, whatsoever, of intimidation anywhere.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, Sir, in this case, would it be in order for us to be told by the hon. Odinga on what grounds he says that this hon. Member has been intimidated by the Government? What evidence has he to produce?

The Speaker (Mr. Slade): Order! No, we will close this now.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, can we not then take it that cases like that are justified in the face of an Opposition in this House?

The Speaker (Mr. Slade): That would be a matter of opinion.

NOTICE OF MOTION FOR THE ADJOURNMENT

SUSPENSION OF TEACHERS AND STUDENTS FROM KISII SCHOOLS

The Speaker (Mr. Slade): Before proceeding to the next Order, I would remind hon. Members that on the adjournment today, which might possibly be before 6.30 p.m., Mr. Makone is to raise the matter noted on the Order Paper.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE
CHAIR

(Minister for Finance on 15th June 1966)

(Resumption of debate interrupted on 28th June 1966)

(Fifth day of Budget Debate)

The Speaker (Mr. Slade): In this debate, we had reached the time for calling upon the Mover to reply.

POINT OF ORDER

NO OPPORTUNITY FOR NEW MEMBERS TO DEBATE BUDGET

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, in view of the fact that we, the Members of the Opposition, never had the chance to discuss this important statement, through no fault of our own, I wonder whether you would guide the Opposition and tell us at what stage we will get the chance to express ourselves.

The Speaker (Mr. Slade): It is very unfortunate that, by slight delay in the return of writs, some hon. Members who have just been elected have arrived in this House too late to take part in this debate. I cannot do anything about that now. We would actually have concluded this debate yesterday if the Mover had been here to reply. He cannot be blamed for not having been here and, because he could not be blamed, the House resolved to adjourn the debate for him to reply today, but I cannot reopen this particular debate. Nevertheless, it was merely a general debate on the Financial Statement which will still, as it were, come before the House section by section. As hon. Members can see on the Order Paper today, there are three Motions specifically referring to proposals contained in the Financial Statement for raising taxation, and hon. Members have a chance of speaking on each of those. Again, when we come to discussing the Estimates, there are going to be fifteen allotted days and the hon. Members can debate the proposed expenditure. I think you will have to rest content with that.

(Resumption of debate)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I am most grateful for the generally friendly reception given to my Budget, and I will do my best to reply to the general and particular financial points made in the debate.

Mr. Speaker, Sir, one of my unkindest critics was the hon. Mr. Khaoya, who said, and I quote, "One would have thought that it would have been reasonable to expect the Minister to put forward suggestions as to how we are to combat drought." One of the things I fear I cannot do is guarantee, every year, that there will be adequate rainfall at the right time all over the country. If the hon. Member can suggest how this could be done, he will earn the thanks of all the farmers in the country. What the Government can and will do in the years of drought, is to ensure that adequate supplies of food are made available and this may involve the building up of reserve stocks, which is one of the matters on which we have the benefit of the advice of the report of the Maize Commission of Inquiry.

I do not want to trespass on the field of my hon. friends, the Minister for Agriculture, who should, perhaps, comment briefly on the point made by the hon. Member, Mr. Muliuro, and hon. Member, Mr. Shikuku, both of whom, as did other Members, urge that farmers should be paid more for what they produce.

I must make it clear that it would be quite wrong for us to subsidize, as taxpayers, prices paid to farmers. Some farmers are producing for

[The Minister for Finance]

the export market. The Government will do its best, through marketing arrangements and where appropriate, through participation in international agreements, to see that we do secure the best possible prices on the world markets, and the Government will also do its best, through agricultural expansion services, to assist farmers to maintain and improve the quality of their produce.

Similarly, with regard to what the farmer produces for the local market, we will do our best to see that he gets a fair price, bearing in mind the interest of the consumer. Here again, we must have the money to subsidize the consumer, and once we start on this policy it would mean either an intolerable additional burden on the taxpayer or a reduction on the Government's own expenditure on such things as social services, in order to find money to pay subsidies.

A number of interesting general points were made by the hon. Member, Mr. Ochwada, who questioned the advisability of expending limited development money on the road to Ethiopia. I would agree with him that our capital expenditure on roads must be on those which are of the greatest importance to our economy, and, in general, these should be the main roads which carry a high density of traffic, and the agricultural roads which are necessary for farming development. I would, however, assure him that we have no intention of building a vastly expensive tarmac highway to Ethiopia, but that we do feel that we need an all-weather road constructed as cheaply as possible, over which trade can develop and which will also be a useful road from the point of view of tourism, administration and the development of the area.

The same hon. Member noted correctly the importance of the economy of inter-territorial trade which carries with it the implication that we must do our best to maintain the East African Common Market, and to develop other markets for our exports. He also commented on the increase in the public debt to which I have referred in my Budget Speech, and asked what the money had been spent on, and complained that he had been recently unable to buy Government stock on the local market. With regard to the first point, I can assure him that the proceeds of all local loans are used either to repay existing debts incurred as a result of development expenditure, or to finance expenditure approved by the House in the annual or supplementary development estimates. If he was recently unable to buy stock locally, I can assure him that he will, very shortly, be able to do so, and that I intend to

make a further stock issue in July towards the target of raising £7 million for the 1966/67 Development Plan.

I now propose to turn to criticisms made on the taxation charges announced in the Budget. A number of hon. Members, including Mr. Omweri, said that the increased tax on petrol was unfair on the poor man. The hon. Member, Mr. Mbogoh, said that bus owners would put the fares up. This, of course, is not correct, as I have not increased the tax on diesel fuel which is used by buses. I do not think that the ordinary motorist can really be regarded in our context as a poor man, and he will, I hope, regard the small additional duty as a reasonable price to pay in a year in which we are proposing to spend over £5 million on road construction and improvements, by far the biggest road programme in any year so far.

A number of hon. Members complained that the duty on such things as mineral waters, soap and matches involved taxing the poor man, and it was suggested, for example, that I might have obtained additional money by further taxing such things as beer and cigarettes. I will try to explain the reason for our new excise duties. I do not think that these should be regarded as imposing additional taxation so much as recovering the loss which has resulted from the local manufacture of commodities which were formerly imported. We always had import duty on such articles as soap, matches and biscuits, and we are levying on these commodities a tax which is less than the import duty. If we do not continue this process, we will steadily lose import revenue and we cannot afford to do this.

The hon. Member, Mr. Pandya, suggested that the effect of the excise duty on soap was more severe on cheaper varieties of soap. This, I must admit, is correct, but from the administrative point of view it was necessary to impose a flat rate of duty per 100 lb. of soap instead of different rates of duty on different varieties of soap. However, on the basis of the figures which I have, I do not think that the hon. Member is correct in saying that the duty on the cheaper varieties is as much as 50 per cent. My figures suggest that even on the cheapest varieties, the duty is not more than 30 per cent, which is the general rate of import duty on all imports.

With regard to mineral waters and beer, I would like to put the matter in perspective. After the increased duty on mineral water, we will be getting about £2 million from beer and about £200,000 from mineral waters. The beer drinkers will be contributing about ten times as much to the revenue as people who buy mineral waters,

[The Minister for Finance]

and the rate of duty on beer is related to what, I believe, the industry can bear at the present stage of its development. I did point out in relation to cigarettes that the increase in duty last year led to a fall in consumption which is only now beginning to be made up, and I do not believe that I would have received any more money if I had increased the rate of duty again this year.

I do not think any hon. Member mentioned whisky or cigars, but just to establish that those of us who like an occasional whisky or cigar are really being taxed to the greatest possible extent, I will give the figures for 1965. In 1965 the value of imported whisky was £146,000 and the amount paid in duty—listen carefully—was £515,000, or over three times the value of imports. The value of cigars and cheroots imported was £15,000 and the amount of duty paid was over £23,000. So, whisky-drinkers are paying a duty of over 300 per cent, and cigar-smokers, like myself, a duty of over 150 per cent.

One hon. Member referred to income tax and suggested that I was reducing income tax by nearly £1 million, but should have increased it. I think he must have misunderstood what I said in my Budget Speech, mainly, only owing to the drought, profits in 1965 are believed to have been about 12 per cent less than in 1964. It is on these profits that companies will pay tax in the 1966/67 financial year. It is for this reason that I expected that we will not get quite so much in income tax next year as we have this year. The actual rates of tax are those approved by the House earlier this year in the Income Tax (Allowances, Reliefs and Rates) Act, 1966. Hon. Members will recollect that companies will have to pay a corporation tax of Sh. 7/50 in the pound without any offset on dividends paid, and that our new rates of personal income tax and surtax are quite sufficiently onerous. For example, a man with a chargeable income of over £1,000 will begin paying Sh. 5/50 in the pound or over a quarter on the top slice of his income.

The man with a chargeable income of over £2,000 will begin paying Sh. 7/50 in the £, or over a third of his income. The very rich man has to pay Sh. 14/50 on his top slice of income. I sometimes wonder whether these very high rates are not inclined to discourage initiative and enterprise. They certainly do encourage a tendency to tax avoidance.

The hon. Mr. Kariuki said that Graduated Personal Tax should be allowed as an offset against income tax. I fear that I cannot agree to

this. Graduated Personal Tax is a local authority tax and the whole proceeds go to local authorities. Personal tax is charged on total income; income tax is charged only after personal allowances have been taken into consideration. For example, a married man with four children does not begin paying income tax until his income rises to more than £1,080. If he was allowed to offset his Graduated Personal Tax of £30 against income tax, he would not be paying income tax until his income rose above £1,320. The personal allowances in income tax take into account personal tax liabilities that are now probably rather too high. They may well have to be reduced at some time in the future.

The same hon. Member suggested that European farmers whose land was bought by the Government should be paid locally so that they could be taxed. European farmers and all other persons leaving the country have to settle their tax liabilities under the Tax Clearance Certificate Procedure, and it makes no difference to the tax liability whether the payment is made in London or not.

The hon. Member also seemed worried that the Government was allowing breaches of exchange control, or failing to earn the right amount of interest by making some payments in London. This is not correct. The position is that the Government has an account in Nairobi and another account in London. We endeavour to keep both accounts in credit and try to transfer money in either direction as little as possible in order to save the cost of the exchange. We also bear in mind that we can borrow short-term more cheaply in Nairobi, but can earn higher interest rates on balances in London.

He also made a surprising remark, that Ministers should not be deterred by the accounting officers from incurring expenditure. Accounting officers are responsible for ensuring that money is spent only for the purpose for which it is voted by this House, and would rightly get into trouble with the Public Accounts Committee if they did not discharge this responsibility properly.

He also urged that more money should be provided for the Agricultural Finance Corporation, but he may not have noted the provision of £860,000 for the corporation in the development estimates. We are hoping to secure a large part of this money from the International Development Association, and the Ministry of Agriculture has been working for many months on the preparation of the application. The need for additional agricultural credit is fully recognized by the Government.

[The Minister for Finance]

I would like to end by making observations on two further points which were raised during the debate. The first relates to the question by the hon. Mr. Ngala-Abok, namely, what the Government has done in the planning for free education. I would like hon. Members to recall what the Assistant Minister in the Ministry of Education said on this subject yesterday afternoon, and, further, very briefly, refer to the report on this subject in which it is stated that, in general, economic development must claim the highest priority in the immediate future in order, among other things, to enlarge the tax basis on which educational services rest. The Budget has taken cognizance of our Development Plan which caters for greater economic benefits in the country and consequently sets the pace for the achievement of the necessary preconditions towards this important goal.

The second point relates to the position of the ordinary man in the context of the Budget proposals. I feel that there may be a danger inherent in the stress which is being placed on this subject, particularly from the point of view of the adverse effects this may have on the intensive and hard work that the implementation of our first Development Plan demands from both the rich and the relatively poor. In this connexion I would like to quote my counterpart in Uganda, the Minister for Finance, who, during his last Budget Speech, said, "The exercise of generating sufficient local resources in order to finance the plan will invariably mean sacrifice on the part of each and every one of us, rich and poor alike. The degree and intensity of such sacrifice must rightly be matched by the size and content of our respective financial pockets."

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

The Speaker (Mr. Slade): Whereupon Mr. Speaker does leave the Chair.

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

IN THE COMMITTEE

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

MOTION**CUSTOMS AND EXCISE DUTIES**

Mr. Gichuru: Mr. Chairman, Sir, I beg to move—

THAT the proposals relating to Customs and Excise Duties contained in the Financial Statement for the year of Account 1966/67 be approved.

(Question proposed)

(Question put and agreed to)

MOTION**CONSUMPTION TAX**

Mr. Gichuru: Mr. Chairman, Sir, I beg to move—

THAT the proposal relating to Consumption Tax contained in the Financial Statement for the year of Account 1966/67 be approved.

(Question proposed)

(Question put and agreed to)

MOTION**SERVICE CHARGE ON AVIATION FUEL**

Mr. Gichuru: Mr. Chairman, Sir, I beg to move—

THAT the proposal relating to Service Charge on Aviation Fuel contained in the Financial Statement for the year of Account 1966/67 be approved.

(Question proposed)

(Question put and agreed to)

(Resolutions to be reported without amendment)

(The House resumed)

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

REPORT**CUSTOMS AND EXCISE DUTIES: CONSUMPTION TAX:
SERVICE CHARGE ON AVIATION FUEL**

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the following Motions and their approval thereof without amendment:—

THAT the proposals relating to Customs and Excise Duties contained in the Financial Statement for the year of Account 1966/67 be approved; THAT the proposal relating to Consumption Tax contained in the Financial Statement for the year of Account 1966/67 be approved; THAT the proposal relating to Service Charge on Aviation Fuel contained in the Financial Statement for the year of Account 1966/67 be approved.

The Speaker (Mr. Slade): If no hon. Member objects we can take consideration of that in one Motion for agreement on all three Resolutions.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolutions.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Okelo-Odongo: Mr. Speaker, Sir, I take it that this is concerning the three Motions, and these things we are approving are proposals which have been raised in the Financial Statement.

Mr. Speaker, Sir, I think there have been a lot of public statements on the taxes and the duties that were proposed in the Financial Statement outside this House and many people have expressed their surprise at the way in which these taxes were raised.

CONSIDERED RULING

TIME FOR DEBATE IN COMMITTEE

The Speaker (Mr. Slade): I do not understand why you are raising this now. The right time, if you had anything to say about these Motions, was when you were in Committee just now. They were then before the House for debate. Having been approved by the House; the Motion that the House doth agree with the Committee in the said Resolutions is really a formal Motion which just gives the opportunity for a reference back for amendment if the Government has agreed with some amendment. It is not normally the occasion for debating what has already been agreed in the Committee. However, if you did not quite understand that, I think, in view of your having missed the general debate, I will give you the opportunity to speak a little.

Mr. Okelo-Odongo: Mr. Speaker, I thought that the House was being asked to approve what the Committee had approved and I thought it was an opportunity for the House to express itself. You have now put me right. Thank you, Mr. Speaker, Sir.

(Resumption of debate)

Mr. Okelo-Odongo: These charges like the taxes on matches and soap, I think that what has been said by the public is quite sufficient, and that many people expressed surprise that the Minister for Finance was putting high taxes on matches and soap, which are very vital items. These items are generally being used by the poor, and are items that people should be encouraged to use. As people know, matches and soap are relatively new in African homes. The coming of these things to African homes is very welcome because we know they contribute to the health of the nation. For instance, soap. If people wash themselves with soap, and if they can have soap free, if possible, it would be all the better for the nation. Mr. Speaker, Sir, I think this is something which would be very good.

Matches. People know that in the past they used to sleep with fire in their houses because it was difficult to make fire when it is needed

urgently. This was a very unhealthy way of living. Since matches were introduced, even an old woman can have a match in her home so that she can use it when she needs a fire.

This is a very welcome change which the Minister for Finance is discouraging. He is asking this poor woman to pay an extra two cents, so to speak, on her matches, but since we know that one cent is now valueless, this means that these people are going to be charged an extra five cents for every match box they buy. This is very unfortunate as it is going to make things very difficult for these people who have started to use them.

The Opposition have commented also on the tax on petrol, which many people see as something which is very easily passed on to the consumer, to the African bus passenger, who is very likely going to be asked to pay more for his fare. We know that people travel a lot these days, and this is something which is going to hit the poor people of this country.

The views of many people which have been expressed, and the views that the Opposition are expressing, is that this is a rich man's Budget. It treats the rich man very gently but hits the poor very hard. As a matter of fact, we are just restating what one of the hon. Members here withdrew; this was said yesterday in the House and was withdrawn today. We, the members of the Opposition, would like to place this back on record and say that this is actually the case, that this is a rich man's Budget. It treats the rich very gently, and treats the poor rather hard, especially on these major items.

It has been pointed out that there are ways in which more funds could be raised through various things which have been suggested. Some suggestions have also been heard in the Press, and so on. Many of us were surprised that the Minister did not see fit to make use of these other sources, which are mainly rich man's sources. For instance, we would like to know why tax was not raised on cigarette lighters, but on matches, and also on the other items which many people have mentioned, luxurious items, which could be taxed a little more. The hotels for instance could be looked into to see what could be done.

These are some of the things that we expected our Budget to do, instead the taxes that have been raised by the Minister for Finance are not doing this at all. Another aspect that has been suggested was that this was an occasion to use the powers the Minister has to do some of the development things that we would like in our economy. For instance, like introducing the

[Mr. Okelo-Odongo]

African into the main stream of economy. This is one of our big problems, and this is one that must be tackled in order to have a good atmosphere here for co-operation and for working together.

Some of the rich people in this country ought to have been made to pay more, so that the poor could benefit or so that they would be in a position where they would be able to help themselves. Also, to pay for the services which are catering for all.

All these things, Mr. Speaker, which have been mentioned could have been done by the Minister at this stage of our development to solve some of the pressing problems in our economy, like introducing the African into the stream of the monetary economy of the country. This has not been done.

The Speaker (Mr. Slade): No, Mr. Okelo-Odongo, you are getting away from these particular taxes that we are considering now.

Mr. Okelo-Odongo: Mr. Speaker, Sir, this is our expression of this. We feel that there were other avenues which the Minister could have taxed quite easily without many problems. Sometimes I think there is the fear that when you tax the goods, that some of the sales fall due to high taxes. This is not quite certain. We do not know the position concerning cigarettes, or even the position about spirits and so on. It is quite possible that some of the sales are stable due to other factors. In any case whatever happens, there is always a little margin which can be used for the benefit of the country.

This also applies to taxes on companies, on profits and so on. It is quite possible that profits might have gone down, statistically, within the past year, but the year before they were probably very good, and then during the coming year they may be better. For this reason, it seems that whenever there is a little margin, however small it is, just because the trend appears to be going down this should not make the Minister for Finance shy in asking these people to contribute the little they have to the nation. I mean if we can ask the poor old woman in the countryside, to pay an extra five cents, we should be able to ask an enterpriser here, somebody who can afford to pay a little bit from his profits which have gone down. We just take a little to help keep the nation going.

With these few words, Mr. Speaker, Sir, these are a few suggestions which I wanted to put.

CONSIDERED RULING**NO DEBATE ALLOWED ON REPORT FROM COMMITTEE OF WAYS AND MEANS**

The Speaker (Mr. Slade): As I feared, I find that I was quite out of order in allowing Mr. Okelo-Odongo to speak on this particular Motion. I should, I think, remind hon. Members of Standing Order 141. Paragraph 1 reads: "The report or any resolution of the Committee of Ways and Means shall be considered by the House forthwith, upon a Motion 'That the House doth agree with the Committee in the said resolution,'" and paragraph 2 "The question on any Motion moved under paragraph (1) of this Standing Order shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Minister desires to amend or to add to the resolution by moving 'subject to the recommittal of the resolution (in respect of some specified amendment or addition) to the Committee of Ways and Means'."

However, having made that error I think I must make another and allow the Minister the right of a brief reply to what has been said.

(Resumption of debate)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I perceive that the points that my hon. friend has referred to are exactly what I have been mentioning in my reply. I have answered the question about matches and soap, and also the question of buses, where I have pointed out that they mainly use diesel which did not go up. Cigarette lighters have duty paid on them as they come in. The question of hotels is being looked into by the Minister for Tourism, and that the whole question of the Africanization of the economy is, at the moment, a subject that the Minister for Commerce and Industry is taking very, very seriously.

Mr. Speaker, I do not think I have anything further to add to what I have already said.

(Question put and agreed to)

MOTION**LIMITATION OF DEBATE: SPEECHES IN ESTIMATES DEBATE**

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move—

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

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

Mr. Seroney: On a point of order, Mr. Deputy Speaker, I believe the Speaker the other day agreed that the hon. Minister was the Leader of

[Mr. Seroney]

the House, why is this Motion down as from Leader of Government Business? Is he the Leader of the House or another leader?

The Deputy Speaker (Dr. De Souza): I am not quite sure, but I think Mr. Nyamweya will tell us exactly which it is.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am one of those few people who are not interested in titles or designations, but I am told that I am to be the Leader of the Government Business, which in some other parts of the world would mean the Leader of the House. I do not really mind which designation appears on the Order Paper.

Having said that, Mr. Speaker, I beg to move:—

(i) THAT the Motion "That Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy be limited to a total of one hour; half an hour in moving and half an hour in replying to the debate; and that all other Members speaking be limited to ten minutes.

(ii) THAT in Committee of Supply all speeches shall be limited to ten minutes.

Mr. Speaker, Sir, this is purely a Procedural Motion trying to work out the time convenient for the hon. Members of this House to make some suggestions, criticizing if they wish, the affairs of any given Ministry which is under discussion.

I would like to say, Mr. Deputy Speaker, that when the Minister for Finance made his Financial Statement, just before that the House had resolved that five days should be utilized for the debate on the Financial Statement. It is regrettable, Mr. Deputy Speaker, that the hon Members who were in the House before yesterday—a House which had more than 120 Members yesterday—thought fit not to utilize their full time of five days. It is because most of the time they kept out of the Chamber instead of expressing their views, their criticisms, which the Government value, on the Financial Statement, that they failed to discharge their duty.

I do sincerely hope that the hon. Members will make use of the time that will be allotted to discuss various Ministries or various Votes, so that they really keep Ministers on their toes. There are a lot of things which go on in various constituencies, districts, and Ministers are not angels, they are not supposed to know all these things. It is the duty of the constituency Members to put these things before the Minister when they are discussing various Votes during the time allowed.

As has been seen, the Minister who is responsible for moving his Vote will have a maximum period of one hour; thirty minutes to move his Vote and thirty minutes to reply. Since the House hope that all Members who did not have the is aware that we are now 130 Members, we do occasion to speak during the debate on the Financial Statement will make use of the time which is to be allowed, and make full use of their ten minutes. I sincerely appeal to every Member to make use of whatever time will be available.

I would, however, like to entertain the views of the Members. If they think ten minutes is too long and will not give all Members sufficient time to air their views, perhaps they could make some suggestions; but I do sincerely hope, the Government hopes, and the Ministers, expect, hon. Members to participate fully in this forthcoming debate.

Mr. Speaker, Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Odinga: Mr. Deputy Speaker, Sir, I should say, that on the question of the initiating the debate, if they had one hour, I have not any objection to that, but when it comes to the Members who are going to speak, I think ten minutes would be a little bit too little. Maybe we have very few Members who are interested in any Ministry which is going to be discussed and, therefore, those who are interested in speaking should not unnecessarily be restricted, but be given time to express themselves and to explore all the points which they wanted to put forward. Therefore, I would only say, in amending this, that instead of ten we make it twenty-five minutes. I think that twenty-five minutes would be fair for a Member to express himself and also to put out all the points, particularly we in the Opposition. We did not have our chance during the general debate and this is the time we are going to express ourselves on nearly all Ministries.

The Deputy Speaker (Dr. De Souza): I must have notice of your amendment in writing.

Mr. Odinga: I will put it in writing, Mr. Deputy Speaker.

Mr. Shikuku: I have not much to quarrel with in the Motion as it stands, indeed I welcome it; but from the experience so far gained in this House I think we should be a little flexible. I do recall, Mr. Deputy Speaker, yesterday, you said that according to our Standing Orders Members can only speak once in any debate and

[Mr. Shikuku]

not twice. The result, Mr. Deputy Speaker, was that the House had to be adjourned because there was no Member to speak and yet some of us had so much to say, but due to lack of time, we could not finish whatever points we had to make. We thought that some Members would speak, but they only let us down yesterday, and I think we should be flexible now. I would not agree with the hon. last speaker, though I appreciate the fact that they missed the boat just by chance. However, I feel we should not restrict ourselves to this ten minutes. Any Member who is in should be allowed to contribute as much as he can so that those who are not interested in any Ministry can go to sleep, and those who are interested, and who are out to do what they were sent here for, should contribute as often as possible. I feel we should not make it very rigid, and I am sure the hon. Leader of the House, hon. Nyamweya—and a good friend of mine—will agree with me that—thank you, Sir. He says I am right.

I think he will agree with me that we should allow ten minutes or as often as Members can contribute, provided he does not repeat himself.

With these few remarks, Mr. Deputy Speaker, I think I support the Motion—

CONSIDERED RULING**ON SPEAKING TWICE IN A DEBATE**

The Deputy Speaker (Dr. De Souza): Before you sit down, I think I might as well make one point clear. I think it would be going against the Standing Orders completely to allow any hon. Member to speak more than once on a Motion when it is before the House. As you know, when we do eventually go into Committee, on each Minister's Estimate, any Member can speak as often as he wants. There is no restriction as to the number of times he speaks, so long as any one speech is not more than ten minutes. That is the purpose of the second part of this Motion. I think, therefore, it would be better for you, perhaps, to suggest it to the hon. Leader of the Government Business—who said that he was open to suggestions—and come to an agreement as to what is the mutual time acceptable, because he did say that, I think.

Mr. Shikuku: Mr. Deputy Speaker, I agree with your ruling, and actually I am bringing this sort of provision just to avoid repetition of what happened yesterday. There might come a stage when there will be no Member to speak but there are some Members here who have new points to raise. That is why I feel there should be a provision here, that a Member may speak again if

there is no other Member who is ready to speak. I am sure the Minister, being a very considerate man, will consider this.

(Resumption of debate)

With these few remarks, Mr. Deputy Speaker, I beg to support the Motion with this observation.

Mr. Jamal: Mr. Deputy Speaker, Sir, I am only going to comment on what the Leader of Government Business has said with regard to the presence of hon. Members in this House during the Budget Debate.

It so happened, Mr. Deputy Speaker, that during the days allocated for the Budget Debate there were elections being held in various parts of the country and this was one of the reasons why so many Members were not present in this House.

As far as the Motion is concerned, I have no quarrel with it, but I do feel that very many Members have come to this Chamber who were not able to speak during the debate on the Financial Statement by the Minister for Finance. If the Government can accommodate these hon. Members, it will be appreciated.

Thank you, Mr. Deputy Speaker.

Mr. Jahazi: Mr. Deputy Speaker, Sir, I would not like to quarrel with the Minister, but I think this question of restricting the time is going too much to the extreme. We know that we cannot talk overnight here on a subject and there must be a limitation, but experience is showing that the Minister is trying to cut us too short, and there is no excuse whatsoever—as Mr. Jamal has put it—that Members were electioneering. There were so many Members here, even yesterday, who had not spoken, but they did not want to exercise their right to speak in this House because, maybe, they were satisfied with everything. However, that does not mean to say that everybody had spoken enough.

This ten minutes on various Ministries' Votes, Mr. Deputy Speaker, is too little. I am sure that it requires only ten Members here to speak and finish all the allocated days, because we have material to speak about. Just giving us ten minutes to speak on a subject does not satisfy us because we have to rush through whatever we say and we are not criticizing properly. We want to criticize a little and also give suggestions, and it is very hard to give them in just ten minutes, if we are to make very practical suggestions and criticisms.

Therefore, I want the Minister to consider at least extending this ten minutes to twenty minutes. I know that some Members may not take twenty

[Mr. Jahazi]

minutes, but with those who will speak for five minutes or ten minutes and those who will speak for twenty minutes, I think the time will settle itself automatically. But I do not consider ten minutes to be enough for anyone who has practical criticisms and suggestions to make to the Minister. As he is open to suggestions, we are also open to suggestions, and I suggest that twenty minutes be allocated to any Member who has a contribution which will take that long.

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

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, Sir, may I make a definite proposal, that we extend the time to fifteen minutes?

The Deputy Speaker (Dr. De Souza): I have here notice in writing from Mr. Okelo-Odongo to the same effect. I think I will call him as the next speaker.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I accept that figure of fifteen minutes because we have agreed on that, but still we would have liked more because, as hon. Members know, the Members of the Opposition did not have time to speak in the general debate.

I also accept the half-hour for the Minister to initiate his policy statement and also half-an-hour to reply. However, while doing this, Mr. Deputy Speaker, I think there is something that tended to be done some time back: that is, some of the Ministers were making these statements and they were not really policy statements but merely statements with regard to what the Ministry intends to do. Then we sometimes found that the Minister would just quote figures, the things they wanted to do, they wanted money for so many items on the Votes and they wanted more police or more cars, or this money to cater for renewal of that, and so on. Then we did not find a full policy statement. I think it would be very useful to Members, Mr. Deputy Speaker, if a Minister speaking about his portfolio did give the Members of this House and also the country as a whole the sort of principles that are guiding him in the Ministry as a policy statement. This would then give us a chance to criticize more usefully, in that we could compare the policy statement with the facts or the factual statements regarding the practices or the things that are going to be done, because if we are just told that such-and-such will be done, so-and-so will be done, and we do not have a clear policy statement from the Minister, we will find ourselves using a lot of time

trying to say that this should not be done, something else should be done. We will enter into arguments without really understanding the situation clearly.

So, Mr. Deputy Speaker, I hope that the first half-hour the Ministers are going to have to introduce their Votes will be usefully employed, in that they will use a sufficient amount of it to tell this House and the country the policies that the Ministries are following. Then, when we have that, we can see how a Minister intends to implement the policy. Then we Members of this House will be in a position to assist the Minister in his endeavour to achieve the policy that he intends to follow.

On the other hand, if we find that a Minister has quite a different policy, it will also give us a chance to know whether the Ministers are following the policies that the Government has as part of African Socialism. It will give them time to explain to us how you can put African Socialism into practice, because a lot of people are just talking about it and we have criticized it, and some people in turn criticize us for criticizing it. Then we shall also let you know what scientific socialism is, because what is probably happening is that we are talking of the same thing but calling it different names. Therefore, if we could see what the Ministers' interpretation of African Socialism was in their portfolios, then we might find that we agree on that. We might find that it is the same thing, that we are just quarrelling about words. We might as—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I stand to seek your guidance, because the hon. Member is speaking about African Socialism, and a lot about scientific socialism. May I know from you, Sir, whether he is not irrelevant?

The Deputy Speaker (Dr. De Souza): He was tending to get a little further from the point, but I think what he was trying to say was that extra time is necessary, and also that the Ministers should confine themselves to matters of policy rather than merely outlining or giving figures. I think he is not quite out yet.

Carry on.

Mr. Komora: On a point of order, Mr. Deputy Speaker, the hon. Member for Laikipia has just said that what the hon. Tom Odongo was saying was nonsense—

The Deputy Speaker (Dr. De Souza): Please sit down. You are not allowed to challenge my point of order. Please sit down. You know that by now. I have delivered a ruling.

Carry on, Mr. Okelo-Odongo.

Mr. Okelo-Odongo: Mr. Deputy Speaker, I support the hon. Member, Mr. Komora; I think he was helping me because he said that the hon. Member from Laikipia said that I am speaking nonsense, but you—

The Deputy Speaker (Dr. De Souza): Helping you or not, he is not allowed to challenge a ruling; that is the point.

Mr. Okelo-Odongo: I see.

So, Mr. Deputy Speaker, I approve the length of time, but we would have liked even more, and I would appeal to the Ministers to give us clear policy statements so that we can see African Socialism in practice, so that at least we understand what the Ministers have in mind. Then, when we disagree with them, we will know what we are disagreeing with quite clearly.

With these few words, I beg to support.

The Member for Alego (Mr. Obok): Mr. Deputy Speaker, Sir, as the hon. Okelo-Odongo, the Member for Kisumu Rural, has said, we have been in the countryside where some of my friends who are in the House have not been, and I think they should also be asked to go back and do it the way I did it, and come back with a lot of pride.

I think, Mr. Deputy Speaker, we should be given time also to speak on the Budget at this stage when we will be able to tell the Minister for Finance one or two things. As my friend has said, if we have the opportunity at this stage, we will be able to express the views of the people we all represent.

Mr. Deputy Speaker, I beg to second.

(Question of the first part of the amendment that the word to be left out be left out proposed)

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Deputy Speaker, since Government is in agreement with the amendment of the hon. group of Opposition, is it in order to call upon the Mover to reply?

The Deputy Speaker (Dr. De Souza): Well, we still have to have a debate on the amendment. I think I will allow one speaker on the amendment.

Mr. arap Bii: Mr. Deputy Speaker, Sir, I rise to oppose this question of amendment, that instead of ten minutes we should have fifteen.

Mr. Deputy Speaker, any intelligent hon. Member of this House will find ten minutes enough to say what he has to say, and he will be able to contribute constructively on whatever Ministry's Vote is in question. So, Mr. Deputy

Speaker, I have in mind that ten minutes would be enough, and I do not see any reason why we should go into the question of fifteen minutes.

Mr. Deputy Speaker, I beg to oppose the amendment.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, does the ten minutes apply also to Committee of Supply?

The Deputy Speaker (Dr. De Souza): No, it is the ten minutes in, I think, the first part of the Resolution that is being referred to, because in the Committee of Supply hon. Members can speak as often as they want, provided that each time they speak they only speak for ten minutes. I think that was the intention; that is what I understood it to mean.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, what are the precise terms of the Minister for Finance's amendment?

The Deputy Speaker (Dr. De Souza): It is not the Minister for Finance's amendment. The amendment is proposed by Mr. Okelo-Odongo and seconded by Mr. Obok, but I think the Minister for Finance had, in fact, suggested the amendment, although he did not give it to me in writing. As a result, I could not propose it in his name. I believe he suggested it and I thought it was, in fact, unanimous.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I should have opposed the Motion as it was when it was ten minutes, but now I very much support the addition of five minutes because although some people think that those who did not talk were campaigning and were outside, it is not true because in most cases, when we were having this debate going on, there were sometimes enough people to speak but after a few minutes they went outside and sat in the lounge, chatting or drinking tea, and then they came back and said that the Mover should be called upon to reply. In that case, I do not think there was shortage of time or anything like that.

Here, Mr. Deputy Speaker, an hon. Member who has just come in with a lot of pride has advised some Members to go back to where he has been and I would like to reply to him and tell him that it was his own fault; it was not the fault of other Members. So he can be as proud as possible without involving other Members.

Mr. Deputy Speaker, during this time when we have Members' time being lost because of Members refusing to speak, if we have this extra five minutes—making it fifteen—we will find that those Members who do not want to speak will keep quiet, and those Members who want to speak will speak. I would very much like to congratulate the

[Mr. Mbogoh]

Government for accepting the amendment because, to start with, the hon. Jaramogi Oginga Odinga, the leader of the Central Nyanza party, spoke and said he was coming to represent the people of Kenya in this House, and I would like him to be given enough time to prove to the people of Kenya that he represents—

Mr. Odinga: On a point of order, Mr. Deputy Speaker, is the speaker strictly correct to refer to me as the leader of the Central Nyanza party?

The Deputy Speaker (Dr. De Souza): No, I think that is wrong and you will withdraw that, Mr. Mbogoh.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, he is the leader of the KPU.

The Deputy Speaker (Dr. De Souza): That is all right.

Mr. Mbogoh: Mr. Deputy Speaker, I would like the hon. Member to be given enough time to air his views, and also for his petty Cabinet to air their views, so that at any time they will not be accusing the Government of not giving them enough time to convince the masses of this country that they also exist.

So, Mr. Deputy Speaker, I think that fifteen minutes will give us enough time to express ourselves and I support the amendment.

The Deputy Speaker (Dr. De Souza): Mr. Kase, do you want to move your closure now?

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Deputy Speaker, may I move that the Mover be called upon to reply.

The Deputy Speaker (Dr. De Souza): I think it is fair to put it to the House now.

(Question, that the question of the first part of the amendment be now put, put and agreed to)

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

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

(Question of the Motion as amended proposed)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, as I said earlier when I was moving this Motion, I was open to suggestions and the Government has accepted that the time allocated to Members should be fifteen minutes when debating various Ministries.

However, again, I would like to remind hon. Members that it is no use trying to increase the time and then failing to make full use of

it. As regards the time which we suggested earlier, Mr. Deputy Speaker, as a matter of fact I was only trying to follow in the footsteps of the former Vice-President who, last year, successfully moved that debates of this type should be limited to ten minutes. Now he is asking for twenty-five minutes, Mr. Deputy Speaker, more than doubling the time which he requested the House to approve last year, but the Government does not want to steamroll the hon. Members, particularly the Members of the Opposition, who did not have the opportunity to debate the Financial Statement.

We therefore feel that fifteen minutes will be utilized particularly by those Members of the Opposition, so as to make real and constructive suggestions on the lines on which they think the Government has failed in various Ministries. After all, theirs is the duty to correct the mistakes and, possibly, to make some suggestions. As one of them has already pointed out, the shadow Finance Minister, that—

An hon. Member: Who is that?

The Minister of State, President's Office (Mr. Nyamweya): Well, I hope he knows himself.

He has suggested that we will find that at the end we are actually describing one and the same thing but using different terminology. I do sincerely hope that, at the end of this debate, he will find himself in full agreement with the definition which the Government has assigned to socialism.

I would like to remind the House that they may have occasion to have three extra days to debate the Development Plan next week. This is a very vital debate and the Government expects maximum co-operation and contribution from all Members.

Mr. Deputy Speaker, I beg to support the amendment.

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

Resolved accordingly:

THAT the following limitations shall be applied to the business of the Annual Estimates:—

- (i) On the Motions "That Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy be limited to a total of one hour; half an hour in moving and half an hour in replying to the debate; and that all other Members speaking be limited to fifteen minutes.
- (ii) In Committee of Supply all speeches shall be limited to ten minutes.

BILL

First Reading

THE FINANCE BILL

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

BILL

*Second Reading*THE CUSTOMS AND EXCISE TARIFF
(AMENDMENT) BILL

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, Sir, I beg to move that the Customs and Excise Tariff (Amendment) Bill (Bill No. 3) be read a Second Time.

Mr. Deputy Speaker, Sir, this Bill implements the changes in taxation for the Financial Year 1966/67 explained in my speech and the Financial Statement, both of which have been fully debated in the House.

Mr. Deputy Speaker, Sir, I therefore beg to move.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

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

MOTION

TANA RIVER BASIN SURVEY AND RANCHING
SCHEME

Mr. Komora: Thank you very much, Mr Deputy Speaker, for giving me this chance. Mr. Deputy Speaker, Sir, I beg to move:—

THAT while greatly appreciating the agricultural educational facilities as those rendered by the Galole Pilot Irrigation Scheme, this House approves that Government continues with its efforts to survey the lower Tana Basin—

Mr. arap Soi: On a point of order, Mr. Deputy Speaker, Sir, I see that the Member is moving a Motion which I do not find on my Order Paper.

The Deputy Speaker (Dr. De Souza): Yes, it is on the Supplementary Order Paper, which was, perhaps, delivered into your pigeon-hole a little later than the previous Order Paper. Even I was not, I am afraid, fully aware of it.

Mr. Komora: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

THAT while greatly appreciating the agricultural educational facilities as those rendered by the Galole Pilot Irrigation Scheme, this House approves that Government continues with its efforts to survey the lower Tana Basin for irrigation feasibility and further approves that Government initiates a ranching scheme on Governmental and private ownership basis so that the local inhabitants in Tana River District can have something economical moving while awaiting for the final results of the survey.

Mr. Deputy Speaker, Sir, I do not intend to speak very much on this Motion, because I think it is self-explanatory. However, Sir, I would like to give a few points to the House so that it can follow and the Members can follow if they are interested in the Motion, and wish to speak.

Mr. Deputy Speaker, Sir, one of the points I would like to put forward to the House is this. This irrigation scheme has some 1,200 acres. It accommodates some 300 tenants and their families. Now, Sir, these families are not the only residents on this scheme. Mr. Deputy Speaker, Sir, during the planting and weeding time some other people from the district move to this scheme in order to get some part-time job and with this view in mind, I think this scheme serves a very good purpose by being a semi-labour exchange during the cotton growing season. Mr. Deputy Speaker, Sir, there are also some officers who, if this irrigation scheme was not in existence, would not have the chance to practise whatever knowledge they learnt in their agricultural college. There are a lot of these officers working in the field appreciating the existence of such an irrigation scheme.

Mr. Deputy Speaker, Sir, nearby there are farmers who know certain things only about the natural type of irrigation which we have during the rainy season when the area is flooded, but, Sir, because of the existence of this scheme, the Pokomo farmers do see that not only those parts which are naturally irrigated can grow foodstuffs, but also those parts where the flooded waters do not reach produce food because that land is irrigated. This method of irrigation allows such crops as cotton and others to grow very successfully. This, Sir, has been proved by the existence of this Pilot Irrigation Scheme in Galole.

Furthermore, Sir, I would like to point out that with the application of fertilizers many of our Pokomo farmers in the area have gained some experience with regard to agriculture. They have found out that not only can the ground be

[Mr. Komora]

fertilized by the water which floods the area during the rainy season, but that artificial fertilization can be applied to the land and the result has been proved satisfactorily. They have seen, with fertilizers being applied in the scheme—when they are doing this casual labour or part-time job in the field—what the results are.

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

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

Mr. Speaker, Sir, I said a little time ago that this scheme was serving a very good purpose, especially with regard to the employment side of it. This scheme, Mr. Speaker, Sir, employs almost 6,000 people from the area in one year. I, therefore, thank the Government very much for the existence of this scheme. I have not seen any one of the tenants working on the irrigation scheme failing to pay his Graduated Personal Tax, while others in the district, where, perhaps, their crops have failed now and again, or their crops were flooded and washed away, and also because of the attacks by the *Shifta*—as a result they have had to move to different grounds—they have been unable to pay their Graduated Personal Tax. These people who are being subjected to attacks by the *Shifta* have to leave their established *shambas* and move somewhere else and start afresh. But, Sir, in the irrigation scheme people have remained permanent in their villages. There is no question of their children's education being disturbed, neither do they have to walk great distances in order to receive medical attention and facilities.

Mr. Speaker, Sir, thus, in my view, if this irrigation scheme could be increased by 1,000 acres per year, then while we are waiting for the final results of the bigger irrigation scheme, this would serve a greater purpose. Mr. Speaker, Sir, what I have just suggested I do not find in the Development Plan, and so now I am suggesting, and I think the Government will bear this in mind, that it is the desire of the local inhabitants that this scheme be increased by 1,000 acres per year so that more tenants can be accommodated, and secondly, so that the irrigation scheme will become more economical. We feel that 1,200 acres is too small compared with the expenses of the irrigation scheme with regard to the size and the capacity of it. However, Sir, if this scheme was increased, then definitely the expenses would be less, more people would be able to be accommodated and more fruits will be reaped as a result of this irrigation scheme.

Mr. Speaker, Sir, a lot of water is pumped from afar, but also a lot of it is wasted, because there is sufficient water, but not sufficient land, which has to be irrigated. Mr. Speaker, Sir, most of the water drains away without being put to any use. This, Mr. Speaker, Sir, necessitates the increase of the irrigation scheme so that the water, which, at the moment, is going to waste will be made use of.

Mr. Speaker, Sir, I would now like to say something about the social services which are rendered to the people of the district by the irrigation scheme. Mr. Speaker, Sir, we have a club known as the Tana River Club, of which I am a member, where the officers, after having worked very hard, can go and have a drink. They can either play tennis or any other game, then when they have finished their games, they join together at the bars, make suggestions, drink and generally exchange different points of view. This, Sir, is very good, but if the irrigation scheme was not there this club would not have been formed and the chance of the officers meeting the other people would have been very remote. There would have been no place at all formed where these different people could come and exchange our views.

Mr. Speaker, Sir, another point which I would like to put forward is this. Mr. Speaker, Sir, due to the existence of this irrigation scheme a certain amount of money was able to be collected and a social hall was built. This social hall cost us about Sh. 80,000 to be built. In fact, Sir, it is the second biggest social hall in the Coast Province. This social hall does not only serve the officers who work on the irrigation scheme, but all the people from round about. When there are some competitions, for example, dancing competitions and other social activities the people gather from—

POINT OF ORDER

ABSENCE OF MINISTERS

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, may I seek your guidance on this. Is it in order for the Mover who is now tabling his Motion, to do so without the Ministry concerned being represented by anyone?

I was wondering who is going to answer on behalf of the Government.

The Speaker (Mr. Slade): It is not out of order for any Minister to be absent on any particular occasion. If there is no Minister to reply to a Private Member's Motion, of course, the House records its displeasure. I see that an Assistant Minister is taking notes of the Mover's remarks at this time, and he is probably preparing the way for the Minister to deal with the Motion, when he is available.

POINT OF ORDER

ADJOURNMENT OF THE HOUSE: ABSENCE OF
MINISTERS

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, would it be in order to move that the House adjourn the debate because there is no Minister? There is only one Assistant Minister from quite a different Ministry.

The Speaker (Mr. Slade): No, I do not think so. It is one of the matters that is in the discretion of the Speaker, as to whether he allows the House to entertain a Motion for adjournment of the House. I have sometimes allowed it when there has been such an absence of Ministers, particularly at Question Time, as to justify the real displeasure of the House, but, as I have said, I do not think, on this occasion, when this is a Private Member's Motion and there is an Assistant Minister here paying close attention, that such a Motion would be justified.

Mr. Komora: Mr. Speaker, Sir, I was wondering whether I could have about two or three minutes added on to my time, because I have not spoken for that time?

The Speaker (Mr. Slade): Yes, I think you can have extra time for that.

(Resumption of debate)

Mr. Komora: Mr. Speaker, Sir, I was saying that at such times when people go to Galole for competitions, for example, either dancing or football, this hall is made use of, which was built through people, working at the irrigation scheme, contributing a certain amount of money.

Now, Sir, while the water, which comes on to the land is wasted, the grass still grows very well. The tenants who are living in the villages around the irrigation scheme and who are keeping animals find that their animals look so good, better than the animals of the other local inhabitants, which are being kept far away from the scheme. Mr. Speaker, Sir, people find that if they graze their animals near the fertile grass they could be infected by tsetse fly and so to avoid these animals being bitten by the tsetse fly the people have to take their animals far away into the interior, and there the grass is very dry and the animals become very thin. However, Sir, the grass which is irrigated through the water just draining away proves to be serving a very good purpose for the animals who are being kept by the tenants around the irrigation scheme. This, Sir, brings me to the fact that it is a necessity that the Government should sponsor a ranching scheme on a Governmental and private ownership basis.

Mr. Speaker, Sir, our animals which are suffering from diseases and insufficient grass on which to graze will, through this ranching scheme, have sufficient grass on which to graze. Instead of these people travelling long distances in search of advice from these veterinary scouts on how to treat these animals and also instead of the veterinary scouts coming to the animals, they will be treated in one particular place so that they do not have to be moved from where they are, to nearer where the veterinary scout is, or nearer to a place where they can be treated.

Mr. Speaker, Sir, this seems to have been approved by the Government, because last year the head of the range management here in Nairobi visited the area, and has seen some parts where it is possible to irrigate. He found that the soil and the type of grass was very good for grazing animals on, but due to the lack of an officer being there to give proper advice, no one has ever thought of establishing one ranching scheme. In fact, Mr. Speaker, Sir, this head of the range management told us that it was too expensive for anyone to start a ranching scheme with only a few animals. This point, Mr. Speaker, will necessitate the Government coming into this matter as well so that the scheme is started with the help of the Government. The greater part of the scheme, at the start, will be on a Government basis but, at the same time, allowing some private people to participate in the enterprise. Then, gradually, those people who have taken an interest will be allowed to buy out the Government and, in the end, say in about twenty, thirty or forty years' time, the local people will be able to own the scheme fully.

Without going any further on this Motion, I will conclude. I hope Government will agree to this Motion because it does not ask for any serious thing to be undertaken. It is only a matter of helping the local inhabitants to uplift their standard of living.

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

Mr. Jahazi: Mr. Speaker, Sir, I second this Motion. As the Mover put it, the Motion is straightforward. All that it asks for is that while the Pokomo people appreciate that the Tana River survey is being carried on at the moment, since this survey will take a long time—maybe five or six years before we actually know whether the whole plan will be feasible or not—the people in this area should not sit idle waiting for the report of the survey and the implementation of whatever the surveyors will recommend. Instead they should have a scheme whereby they will be occupied while waiting for the bigger irrigation scheme to come.

[Mr. Jahazi]

Mr. Speaker, Sir, the present irrigation scheme of 1,200 acres, which was initiated in 1965 with the original tenants numbering 300, at an average of about four tenants per acre with his family, is proving to be quite insufficient. Since 1965 the population on this scheme has increased, and you will find that four acres can no longer take the original tenant and his wife and the family that has accrued from these people staying there. So, there is room for expansion.

QUORUM

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Speaker, do we have a quorum?

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now; please, continue, Mr. Jahazi.

Mr. Jahazi: This being so, Mr. Speaker, there is an urgent need for expansion in this area. With regard to this scheme, many people who settled on it originally in 1955 take this part of the country as their home and, of course, in course of time there is a great need for expansion. Mr. Speaker, the easiest way to expand is to initiate immediately a ranching scheme on the lower Tana Basin so that people expand by opening up very big ranching schemes because they know this will not cost a lot of money. I say this because development will go on along the river, there is enough grass here as well as water, and with experience gained from the first scheme there will not be much expense involved.

Sir, has it not become the fashion for the Government to tell the people of Tana River, any time they demand anything, "Oh, we have something big for you. Why are you in a hurry? The surveyors are on the job; you wait until the surveyors finish their job." Since this job is not a simple one and may take a month or two, the Government must seriously consider developing this area. After all, Sir, the surveyor may turn up with a report that the whole project is not feasible, and all the time will be wasted, and the people in Tana River will be very much frustrated. As a result all of them will flock into Mombasa where even now the present employment problem is very acute.

The present scheme, Mr. Speaker, is very successful. A lot of cotton is grown there and, in fact, it would have been one of the chief

cotton-producing areas if the original plan had not limited the acreage to only four acres. Now, however, the mistake has been made, but since this has been realized I hope the surveyors will not repeat the original mistake.

Therefore, Mr. Speaker, Sir, the people of Tana River are not asking for too much; all they want is a little more. They have the cattle there, they have water and grass. All Government has to do is to develop the area so that this part of the country can see development along modern lines, rather than wait for ten or fifteen years when the Tana River survey will be judged feasible and the work started.

The scheme envisaged is that at least 1,000 acres be started per year. That is not too much. In fact, the Mover has been very liberal in suggesting 1,000 acres only. The Government can easily increase this to 5,000 because there is not too much to do there. If a platoon of the National Youth Service is taken there they can easily demarcate 5,000 acres per year. As a matter of fact this is the opportunity to find a very profitable job for the National Youth Service, and they can do this job if the Government does not have the funds to engage expert surveyors.

What we are requesting in this Motion is self-explanatory, and I hope the Minister will co-operate with the Mover to see that this humble request is carried out.

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

(Question proposed)

Mr. Omar: Mr. Speaker, Sir, I also rise to support this Motion because I feel this is one of the important Motions which, if it is passed in this House, and if the Government implements it, will increase the revenue of this country.

What the Mover of the Motion is asking for is that the Government should continue with its efforts to survey the lower Tana Basin, and he is also giving other constructive suggestions to the Government, that the Government should initiate a ranching scheme so that the local people in the area can benefit as well as the whole country. So, I think this Motion is important to the local people as well as to the Government.

Ranching schemes in the Coast, Mr. Speaker, have not been developed to the extent that they should have been developed. We have very few ranching schemes initiated by the Government at the Coast. If not the first, I am sure this would be the second ranching scheme initiated by the Government in the Coast Province. When you take into account the area where it is suggested this should be started, you realize that

[Mr. Omar]

it is because in that area there are no industries at all. Therefore, this makes it rather difficult for the local people to get some means of earning their livelihood. If this ranching scheme is started, it will provide some means of earning a livelihood for the local people and, I believe, it would even increase the export of meat in this country. We know very well, Mr. Speaker, that Kenya has been exporting meat for a long time and there still is a demand to export more. Now, since the Kenya Government announced recently that Kenya should not trade with our neighbouring country, Somalia, the meat in this country will become scarce. Therefore, instead of exporting meat we might not do that, and that will increase the revenue of this country.

So, Mr. Speaker, I feel that if this ranching scheme is started in Tana River it would increase the revenue of this country and it would provide a form of employment to the local people. Hence our problem of getting meat would become less. I feel this is a very constructive idea.

As we know, Mr. Speaker, ranching, from the date it is started, within one year could be self-supporting. It does not need much money to start it. We have seen this happen with private enterprise. I know of one such case, where a person at the Coast started a ranching scheme only a year ago and this year he could get about Sh. 40,000 from it. This sort of scheme takes up very little money to buy cattle. Then you leave them in a field of grass and get a person to look after the animals and give them water. In some of the ranching schemes water could prove a problem but here in the Tana River Basin there is plenty of water. In fact there is plenty of water which just goes into the Indian Ocean. Land for ranching is not a problem either. As far as I see it, the only problem is that of finding the capital. If you have money you can buy the cattle, keep them there, get a person to look after them and give them the free water that is available in abundance from the Tana River. In one year's time we would be in a position to slaughter the cattle and start marketing the surplus meat, first consuming our own requirements.

I think, therefore, Mr. Speaker, that this Motion is one of the most important Motions that has ever been moved in this House. This Motion would result in an increase of meat in this country, it would increase the export of meat from this country and would help to bring in further revenue without the Government having to spend a lot of money. It would also provide labour for the local people and would thus decrease the number of unemployed people who

wander about in towns like Nairobi and Mombasa looking for jobs. If they hear of these ranching schemes, they would definitely rush to the Tana River area and seek employment there.

For these reasons Government should support this Motion without making any amendments thereto. It should be accepted as it is and implemented as soon as possible. If the Government has no money to implement the Motion, then it should try to borrow the money from any source available so that it can use the money to implement this Motion.

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

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Speaker, Sir, I have a particular interest in this Motion and I think there are a few things which should be put right. It is true, Sir, that this scheme was started during the time of the Emergency, as far back as 1956, and it is equally true that this scheme, since that time, has always been occupying about 300 tenants. That is the average, but sometimes the figure has been lower. Mr. Speaker, it is true that the scheme has not expanded since that time.

However, Sir, I think the hon. Member should perhaps have taken more time reading the Development Estimates 1966/67 and the Development Plan, and he would have realized what developments were taking place.

Now, Sir, if the hon. Specially Elected Member, who comes from my constituency, tried to travel along a certain road he would see a number of experiments being carried out by the United Nations team there. He knows that on this scheme there are some plants—I forget the names—from which we can make better sacks than the ones being made now. These could be used as better containers. It is true that Government is spending a lot of money on this scheme. From the Estimates I realized that last year Government had to use a subsidy of £30,000 to enable the irrigation scheme to continue.

I would, however, like to correct one factor. One of the hon. Members said that the fees were very high. I agree with this but only up to 1965. However, the hon. Member knows, too, that a different system is being used now to devise the fees for each tenant. It is no longer a question of a flat rate of Sh. 1,200; it is a question of how much water you use, how much manure you use and also how much ploughing you use on a piece of land.

[The Assistant Minister for Economic Planning and Development]

I want to make another important point very clear. The hon. Member knows very well—just as I know—that people on this irrigation scheme, which is unique, get free water for drinking and domestic use. This is not what is allowed at the Mwea and Perkira Irrigation Scheme. Therefore, Mr. Speaker, to say that it is too much for the local people is rather unfair.

Mr. Speaker, the hon. Member knows that at the end of each year—I know the area, I am the Constituency Member, and my father is a tenant in this irrigation scheme. If my father is a tenant then I think I have a particular interest in it—each tenant is allowed to plant one-and-a-half to two acres of maize on which to live. Therefore, Mr. Speaker, the normal man, at the end of each year—I am not worried, perhaps you were worried about coming back to this House, but I am not worried—when he harvests his cotton, has a round figure of £50 which he has earned. Then he has another one-and-a-half to two acres of land on which he can plant maize to live on.

Mr. Speaker, I am creating the picture as it is, because I have known the irrigation scheme since I became a Member of this House.

I now come to the next part of the question, Mr. Speaker. The hon. Member talks about ranching schemes. I agree, Mr. Speaker, that the ranching scheme for this area is very good, and I remember, Mr. Speaker, if the hon. member did his homework, that the Minister for Economic Planning when he was at the coast last year, pointed out that each hon. Member should submit a development plan for his own district. I remember the ranching schemes, even in the Development Plan, the thousands of pounds that have been given to ranching schemes, and I think the only thing, Mr. Speaker for the local people to do, which I think the hon. Member is aware that we are trying to do, is to start our own ranching schemes and for the Government to come in. I think the only thing the hon. Member did not make clear is the question of the ownership of land, which up to now has not been very clear-cut. It is holding up this problem. I wanted to put things right.

Having put things right, Mr. Speaker, I would now like to propose an amendment to the Motion: that is, on the third line delete the words “approves that”, and substitute the word “requests”. The Motion will then read, “... requests the Government to continue its efforts to survey the lower Tana Basin for irrigation feasibility and further”—delete the words

“approves that”—“asks the Government to initiate ranching schemes so that the local inhabitants in the Tana River District can have something economical moving while awaiting for the final results of the survey”. I think Mr. Speaker, it is a question of language in this Motion, otherwise it reads the same. There should be no objection because the Development Plan, Mr. Speaker, shows clearly how many thousands of pounds will be used for ranching schemes and I am sure the Minister for Economic Planning, when moving next week the Motion on the Plan for 1966/1970, will give in detail what it is intended to do for these schemes.

Mr. Speaker, I believe my hon. friend, who is also my colleague, having put his record right and knowing that my views are not so different from his views, will accept the amendment.

Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): I think the hon. Member will probably agree if we simplify the amendment slightly, by simply proposing to substitute the word “requests” for the word “approves”, wherever the same appears in the Motion. The other amendments are really small points of grammar which are not altogether necessary perhaps; it is easier for the House to follow.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, I think the amendment is straightforward and I would not want to tire the House by repeating what the hon. Member for Tana River has said. What I would remind the hon. Mover of the Motion is that the Government—

Mr. Seroney: Mr. Speaker, on a point of order, can the hon. seconder read the Motion which he is actually seconding?

The Speaker (Mr. Slade): Having suggested the variation myself, perhaps I had better make it clear. The proposal now is that the word “requests” be substituted for the word “approves” in the two places where that word appears; in the third line and the fifth line. It will be “requests” instead of “approves”.

The Minister for Information and Broadcasting (Mr. Osogo): Maybe, Mr. Speaker, if the hon. Member for Nandi North does not follow I can read the Motion that I am now seconding, but I do not like to tire the House, and I see that he is satisfied, Mr. Speaker.

What I was trying to tell the House, and the hon. Specially Elected Member, is that the Government is determined to see that the Tana Survey

[The Minister for Information and Broadcasting] is successful. This is a determination which only the lack of money will stop the Government from going ahead with.

All the Motion is asking, the Government agrees with. It is only because of language that we are trying to amend this Motion. As the hon. Member has said, it does not change the meaning of the Motion. It does not weaken the Motion at all, Mr. Speaker—it looks as if the hon. Member thinks that it will weaken the Motion—I would assure him that it does not. It is just a technicality, and there is no question of the Government trying to weaken this Motion, Mr. Speaker.

I think the hon. Member for Tana River should appreciate what the Government is trying to do in the area, more so when it is being supported by the Elected Member for the area; I think the Specially Elected Member should also give support to this. I hope that when the hon. Member stands to reply to this Motion, he will accept the amendment and, at least, pass a word of appreciation to the Government, and the Ministry of Agriculture in particular, for the work they are doing in Tana River in trying to initiate what exactly this Motion is asking for.

With these few remarks, Mr. Speaker, I beg to second the amendment.

(Question of the first part of the amendment, that the word to be left out, be left out, proposed)

The Speaker (Mr. Slade): It is a very simple amendment, not affecting the main substance, so I think we will confine debate to the amendment until we have disposed of this, and then can continue with the main question. No Member wishing to speak on the amendment?

Mr. arap Biy: Mr. Speaker, I—

The Speaker (Mr. Slade): On the question of the amendment now?

Mr. arap Biy: No, Sir.

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

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

(Question of the Motion as amended proposed)

Mr. arap Biy: Mr. Speaker, Sir, I rise to thank the Government for having indicated that this Motion is accepted. Mr. Speaker, it is clear that the Government has done a lot in this area, and we, Mr. Speaker, appeal to the Government to do still more in providing the local people of this

area, the Tana River District, with a ranching scheme. Also, Mr. Speaker, we should like to see the Government giving more aid to the people of the area in the way of loaning them tractors and other facilities, in order that the people of the area can catch up with the progress of this country.

Mr. Speaker, Sir, I agree with the Minister for Information that these people do plough the land freely, but further, Mr. Speaker, I think, to encourage these people to farm scientifically, they should be given loans, so that they accelerate their speed of agriculture.

I know, from the theoretical point of view, that Tana River is one of the many districts in the country which were left behind by the colonial régime. The Government of today, the Government of the people of this country, have seen fit to give a hand to these people, so that they can be on an equal footing with other districts, such as Nyeri, where the hon. Theuri comes from, and I understand that it is one of the progressive districts of Kenya today. Mr. Speaker, when our honourable Government gives some facilities to the people of this area, I hope they will catch up with the required standard of this country and other neighbouring countries.

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

Mr. Oduya: Mr. Speaker, Sir, I stand to condemn the attitude of the Government towards the Motion.

An hon. Member: No, you must be soft, my dear.

Mr. Oduya: In condemning the attitude of the Government towards this area, I would like to bring to the notice of the Government the position of people who are not, at the moment, catered for by the irrigation scheme which is in operation in the Galole area. The Government seems to be placing a lot of emphasis on how much is being done. The Assistant Minister for Economic Planning, who is also a Member from the area, has just said, in fact, that the experimental stations are being carried on now, and so on. However, what I think the Mover of the Motion wants is an alternative for those people who, at the moment, are not catered for by the present scheme.

An hon. Member: That is accepted.

Mr. Oduya: I know that it is accepted, but in a most moderate language; but the original Motion which said "approves" has been feared by this Government. That is why I say I condemn the attitude of the Government, because it fears to approve, it only wants to be requested, and then

[Mr. Oduya]

it takes another ten years. Mr. Speaker, when the Member comes next time to ask the Government what it has done, it will simply come up and say that this was only a request. Government does not want to allow the word "approves" to remain there, because it will tie it to this project.

Mr. Speaker, what this Motion actually asks the Government to do is to intensify the programme of irrigation in this area, as far as finding at least some alternatives for people who are not catered for by the scheme. I think that is actually what the Motion is asking. When I stand to speak, even the Mover is confused because of other things; he says, "Shame", and yet I am trying to speak for the Galole people, the people of Tana River.

An hon. Member: You come from far, my dear.

Mr. Oduya: I come from the Teso empire and I am also looking after the affairs of the people of Tana River.

Hon. Members: Question, question.

Mr. Oduya: My views are what the people of Galole would like to see; I am also contributing towards their development. Mr. Speaker, the Members are not putting their hands into their pockets and giving money to the Government to carry out development; they are always taking. Whether they are sitting on the Government Benches or the Opposition, it is a question of telling Government what is missing and what should be done.

So, Mr. Speaker, I want to go ahead to say that one factor which the Government should bear in mind in this particular area is the ranching scheme. It should assist and see that this scheme is completely intensified, and this must be done immediately. This, I know, will help and also cater for the people who are not actually involved in the present scheme.

This Government is really worried and is very much emphasizing how it is doing, but this scheme is merely an inherited one because it was started by the colonial régime. During the colonial régime, this scheme was more effective, and the survey was being carried out, and this was a survey which the Government inherited. Since the Government took over, things have been going very slowly. The scheme was started in 1956 and when this Government took it over, it had passed the rough stage, so the Government should now intensify it and see that a lot of progress is made.

Mr. Speaker, Sir, we are not interested in just a lot of English words written in papers. The Assistant Minister for Economic Planning, with all due respect to him as a Member from the area, was just telling us that the Minister for Economic Planning will give in detail how much is envisaged for the planning of that area, but we are not concerned with the English and the statements in the papers; what we want is a definite plan. Government should say that this is a project, a ranching scheme, and how many cattle there will be and how many families it will cater for. I think this is what my colleague on the Government Benches was asking. If we took this paper to Teso or to Tana River now, the people would not be satisfied, but if anyone took there, let us say, about 100 *ngombes*, Mr. Speaker, and this paper, which one would be chosen? The people would choose *ngombes* because they know they would help them.

That is why I am trying to tell the Ministers that in their planning they should try and see that an alternative is made. I know, of course, that the Motion has been accepted, but we do not want the Government just to accept this Motion and then find tomorrow that nothing is done; and then after about twelve months we will see the same Member who moved this Motion, coming with a question and asking if the Minister could tell us what has happened on the Motion which was passed in this House. We do not want such questions to come again to this House. When a Motion has been accepted, we want to see that something has been done.

I came here in 1963, Mr. Speaker, and in 1964 the Government brought up a good book which was used all the time until recently, when the Member for Teso was asked to go and get a fresh mandate; that book was still there. Today, I have come back and I have had another book shown to me. Possibly that one is more wonderful than the one in 1964, but who is the writer of this book? The same person, the same Englishman and the controller of all these affairs.

Mr. Speaker, I am trying to emphasize this point of ranching because the Assistant Minister said one thing. When he said this, I took for granted that the people of Galole or Tana River are depending on one crop—and that is cotton—as a cash crop. He also said that the people are allowed to plant about one-and-a-half or two acres of maize for something to keep them alive, but these are the people in the pilot scheme. But what about those who are not in the scheme? That is the question. Are we going to talk about only one scheme in the entire district and say that the people are all right, in order to create

[Mr. Oduya]

an impression, Mr. Speaker, in the country that a lot of work is being done in Tana River, wonderful work, because everybody is living on a scheme? Is that the impression this Government would like to create? As far as I know, this scheme caters for a few families. How about the other families who are not in this scheme? This is the thing that the Motion is asking. An alternative—how these people will also live—is the most important factor. It is not merely telling us how much Government is doing to intensify the experimental stations, it is not merely to tell us how much Government is trying to do to allow people to plant more maize for their living, when, in fact, the people who are not in the scheme are the majority in the area. If it is democracy that is catered for, the majority should be looked after because they are living in poor conditions.

When the Minister comes here, he only tells us about the people in the scheme who are being assisted, possibly, by the United Nations experience and—

An hon. Member: No longer.

Mr. Oduya: No longer, yes, but the scheme has been started. Without the efforts of the colonial Government, this scheme would not have been there because this Government has failed completely to implement any of their recommendations.

Hon. Members: Question, question.

Mr. Oduya: Mr. Speaker, I understand this Government so well, they cannot tell me anything new; my friends who are saying, “No, no”, know very well that what I am saying is the truth about the Tana River, but just because they have to protect—I know they are human beings—their tummies—you cannot earn money without doing the actual job, so we know the obvious reasons why those on the Front Bench of Government are saying, “No, no, no”. But, now, supposing we went to Tana River and saw those who are catered for and those who are not, would those who are now shouting not be ashamed? I am telling the truth, so let us accept that what I say is the truth.

Therefore, if the Government is unable, let us say that the Government is unable, that is all, and then the country will be in a position to know and understand the machinery by which the Government applies its daily duties. We are not going to be misled like small children, Mr. Speaker.

Mr. Speaker, just to end my statement, because I do not want to go further—I have made my point that the Government is unable to fulfil its

obligations and, in this particular case, there is no quarrelling, it is a question of speaking about the position of the people there, and also it is not a question of free things. If it is a question of free things, my hon. friend here, the Assistant Minister for Economic Planning, has just said that the people there get free water, so that means we share the same view on certain issues. Therefore, we cannot just go on confusing the masses.

If it is a question of accusing the KPU Members on the Opposition Benches, anyone is welcome to read our Manifesto, but I am not talking about the Manifesto now, Mr. Speaker, I am talking about the welfare, the future and the position of the people of Tana River who are not catered for by the Government scheme. That is what we are concerned about; it is not the question of free things.

Mr. Speaker, on the question of cotton, if someone has about four acres of cotton, that will not make him have a better standard of living. For example, if a man has about five children, or if he has two wives and, possibly, about eight to ten children, and he is given only four acres to plough cotton and is expected to live a decent life on that, that is not enough. There should be expansion in this sort of project to allow people to own a number of acres, because I know that it is a big district with less population and it must, therefore, be the duty of this Government to intensify the progress of expansion in that area. It is not only a question of giving us papers and showing us good books written at the expense of the poor taxpayers of Kenya, without implementation of some of these things that we are asking for.

So I am saying to the Government that if there is a project like this, a cotton scheme, in Tana River—I know that Tana River is really a district for cotton—there must be expansion of cotton development in that district, so that we are in a position to make achievements, according to the last paper of the Ministry of Economic Planning, which said that they had estimated over 100,000 bales of cotton; and when I mention bales of cotton, some Members here do not know because they are ignorant of cotton production.

An hon. Member: Question.

Mr. Oduya: There is no question. The Teso nation also produce cotton.

Mr. Speaker, this is one important thing to help this Ministry of Economic Planning. So, in order to achieve that target, they should not cheat us by saying that by 1970 we are going to get 100,000 bales. We must see that one of the areas to be utilized for this purpose is Tana River.

[**Mr. Oduya**]

The acreage they are talking about is possibly the 1,000 acres, so they think that 1,000 acres will accommodate the entire population of Tana River. This is not the purpose behind the development of Kenya. The development must be carried out to cater for all the citizens of a particular area so that they also enjoy the fruits of our independence. This is the question we are talking about. Although, Sir, I could emphasize on that point more, because it is a very important item, I think I have put it over to the Government. It is the duty of the Government to do its best.

Mr. Speaker, Sir, I have done my best to tell the Government that we are not interested in what they say, we are interested in the people who are not being catered for by the Government. The scheme we are talking about is a colonial scheme. We want a Kenya Government scheme.

With these few remarks, Mr. Speaker, Sir, I think the Government has been brought to its senses.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Speaker, Sir, the Government accepts the amendment to the Motion, and I hope that the Member for the area will agree with us that the amendment meets most of his requirements.

Mr. Speaker, Sir, if Members had taken some time and read the Development Plan, they would have seen for themselves that the Tana River Pilot Irrigation Scheme is well outlined on page 141.

Mr. Oduya: It is only on paper.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): The hon. Member for Teso who has just come in talks of a paper, but yet he knows very well that there is no person—even if you want to marry you have to plan for your dowry—or no sensible Government on the earth which can work without papers. A Government has to plan and put all its plans on paper. Now, Sir, if the KPU works without a plan, then it is most unfortunate, because if it has no plan, then it works off things it does not know.

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

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

Mr. Deputy Speaker, Sir, I would like to remind the hon. Member for Teso that this is a well-organized Government. It is a Government for

the people. It was elected by the people, and that is why you are only seven in this House. The next time you speak you should know that you are not representing—

The Deputy Speaker (Dr. De Souza): Address the Chair, Mr. Khasakhala.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala): Mr. Deputy Speaker, Sir, the next time the Member for Teso speaks in this House he should remember that this is a Government which represents the whole of Kenya.

Now, Sir, to come back to the Tana River Irrigation Scheme. This scheme, Sir, is well outlined on page 141 of the Development Plan. Mr. Deputy Speaker, Sir, the United Nations Organization Special Fund has been working on this scheme and the interim report came out late in 1965. Now, Sir, the final report will be out at the end of this year. This scheme is intended to cover about 250,000 acres and the feasibility report has already been given to my Ministry; and my Ministry being aware of the importance of irrigation schemes and ranching as well, has just set up a board of irrigation, to which representatives from these areas where these Pilot Schemes are intended to cover will be required to sit on the board of irrigation. Mr. Deputy Speaker, Sir, if these people are going to be represented on the board of irrigation, it will be the duty of the people—representatives—from these areas to advise the board on matters such as are raised in this Motion. As I said, Sir, the Government has accepted the Motion, because it knows already that this matter is in hand.

Furthermore, Mr. Deputy Speaker, Sir, the Minister for Economic Planning, some time next week, will be stating very clearly what has been put down in the Economic Development Plan, and I am sure the Member for the area will then have an opportunity of raising other matters he thinks the Minister has not covered. My Ministry attaches very great importance to the Irrigation Scheme, and that is why Tana River has been given priority.

Mr. Deputy Speaker, Sir, I would like to appeal very strongly to the Members of this particular area to assist this Government on this matter when the schemes are started so that they ask the people, within the area, to co-operate, because one important thing which the people of these given areas, where irrigation schemes are going to be started, should bear in mind is the fact that it is difficult to have individual ownership of land in the irrigation schemes. This is because they have to be kept up to date under close

[The Assistant Minister for Agriculture and Animal Husbandry]

supervision and this is a matter which requires a lot of co-operation from both the Members of this House and the people of the area.

Now, Mr. Deputy Speaker, Sir, the Tana River District is being well catered for, and I am very sure that my Ministry will, along with the Kenya Government, work in co-ordination with the people on this matter which has already been raised.

Furthermore, Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that we have, because of the importance of the Tana River Scheme, brought in some more experts from outside to come and assist. Mr. Deputy Speaker, Sir, these people are experts in irrigation matters. They will advise the Government and assist in planning a very effective scheme in the particular area. If the Member looks very carefully at the Development Plan, the other small book, not the big one here, but the yellow book which outlines how much is going to be spent on this particular scheme, he will, no doubt, agree with me that the Government has the matter in hand.

Mr. Deputy Speaker, Sir, as the Government has accepted this Motion, I do not see that I should dwell on it very much, except to ask and appeal to the hon. Members from this particular area, and the people concerned, to co-operate with the Government so that this scheme can be effected very quickly and the ground work can continue without any delay.

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

The Deputy Speaker (Dr. De Souza): Before I call upon the next speaker I would like to draw the attention of the hon. Members to the fact that the Mover will be called upon to reply at twenty-nine minutes past Six o'clock, which would mean, in fact, that he would only get one minute in which to speak and the Motion would be carried forward to another day. It has been suggested by Mr. Speaker, and I agree with him, that, perhaps, it might be a good idea for us to call upon the Mover at twenty-five minutes past Six o'clock, which would then give him five minutes to speak. In that case, we can still have one speaker, if he is willing to be brief and speak only for six minutes.

Mr. Omar: I rise to oppose the amendment to the Motion, because this Motion refers to the word "approves", and the word "requests" has been inserted. This, Mr. Deputy Speaker, Sir, means that—

The Deputy Speaker (Dr. De Souza): The amendment has already been approved and passed.

Mr. Omar: I am sorry, but I was not in the House.

Mr. Wariithi: Mr. Deputy Speaker, Sir, I will be very brief. I would like to congratulate the Government for having accepted this Motion. Sir, I wish my friend, Mr. Oduya, was in the House, because I would like to tell him one or two things. However, Sir, presuming that he is the shadow Minister for Economic Planning I say that he showed up very poorly by not understanding what this Motion is asking to be done and what the Government has accepted to do. In fact, Sir, I would say that if what the Government has shown in this Motion it is doing, is being done in other areas, that irrigation will be required, then one can be very happy and feel that the Government is doing what is good for the people in the areas where there is a shortage of water and food. The Government is providing schemes for irrigation and also there is the scheme for ranching purposes which is primarily meant to provide the people of the area with something to do.

Mr. Deputy Speaker, Sir, the other thing which I would like to mention is this. The Government here has shown an interest in solving the problem faced by our people all over the country, particularly in the Tana River District, but it should go further and call upon the Government, as the Assistant Minister has said—this scheme is going to cover about 250,000 acres—to consider extending the scheme as far as possible to cover a wider area so that the people do not suffer.

Mr. Deputy Speaker, Sir, in concluding I would just like to mention the point that it is all very well to accept a Motion and pass it in this House, but the real thing which matters is what follows thereafter. Mr. Deputy Speaker, Sir, towards the end of the Motion it refers to a ranching scheme on ownership basis so that the local inhabitants of the Tana River District can have something to do. In other words, Mr. Deputy Speaker, Sir, it means a ranching scheme so that the people of this area will have something to do and will have some money with which to provide a better means of living.

Mr. Deputy Speaker, Sir, I would only like to ask the Government that all that has been provided and accepted in this Motion should not be left until there are further inquiries or maybe further
..... (Inaudible.)
because one expects them to work upon it as

[Mr. Wariithi]

soon as possible to satisfy the people of this area. We do know that there are certain parts of Kenya which are very dry and where people are suffering. In fact, Sir, when we have this famine-relief aid it usually goes to those places which are dry. I would say that the Government should, in order to alleviate its problems and difficulties of the shortages of foods—particularly in the dry areas, not necessarily in Tana River District, because there are many more dry areas in Kenya—form this scheme as a model which will be followed and carried on in other districts in Kenya. I do not need to mention them, because the Government is aware that there are so many of them. However, Sir, it will mean that this problem which has been facing the people of Tana River is also solved in other parts of Kenya.

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

The Deputy Speaker (Dr. De Souza): If there is no hon. Member wishing to speak, then I will call upon the Mover to reply.

Mr. Komora: Mr. Deputy Speaker, Sir, I must be very thankful for the atmosphere with which this Motion was taken, except that I am not very happy with the amendment as proposed by my colleague, Mr. Kase, the Member for Tana River. Mr. Deputy Speaker, Sir, I am not happy about this because this word “requests” or this word “asks” do not appear in the Standing Orders. I have never seen these words in the Standing Orders. Mr. Deputy Speaker, Sir, this term “approves” is provided in the Standing Orders, and I could quote more such terms, for example, this House urges—

The Deputy Speaker (Dr. De Souza): I think, Mr. Komora, the amendment has already been passed.

Mr. Komora: However, Mr. Deputy Speaker, Sir, whether the Government says approves, agrees, urges, beg, bow, creep or do anything, provided the Government implements what the Motion has asked, then this is all we, the local people in Tana River, want, nothing more, nothing less. The hon. Kase, during his speech, said that if I went along a certain road, I would see some experiments being carried out. Yes, Sir, I have seen these experiments and I never said anything against these experiments.

However, from whatever is harvested as a result of the experiments carried out, nothing does go into the pockets of the local inhabitants. We do not even know where whatever is harvested is sold. Therefore, seeing experiments and

being satisfied with that is not what I was asking for, and this is why I did not speak on this. I have already said that because experiments on this scheme have been tried and proved successful, that is why I have asked Government, in the Motion, to continue to carry on with the survey. This is because the experiments have proved successful. However, the mere fact of telling me that there are experiments is nothing, I do not want to hear anything on that.

Now, I come to the question of tenants getting free water. Yes, they must get free water. It is not only the tenants who get free water, even the Government officers get free water. Nowhere else in Kenya do you find a Government officer getting water free of charge. Even my colleague, the Assistant Minister, when he takes up a house here in Nairobi, he will have to make sure that he deposits first the sum of Sh. 100 required by the water authorities. The Government officers who are earning a lot of money do not pay a lot of water rates, so it is natural that the tenants in the area should get more free water than anybody else.

Sir, the hon. Mr. Khasakhala, the Assistant Minister for Agriculture, said very many things about the irrigation board, so on and so forth, but he did not tell us of anybody appointed to look after the irrigation scheme of Tana River. There is no board by that name.

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of information, Mr. Deputy Speaker, is the hon. Member aware of what we had spoken with Mr. Bruce McKenzie just outside this door? Now, he has been told what is happening, the names have been put down but they have not yet been announced. So, I think, Mr. Deputy Speaker, that it is unfair for the hon. Member to accuse the Government of not saying anything while he knows that I was with him and the Minister just outside this Chamber.

The Deputy Speaker (Dr. De Souza): However, if you are giving information, Mr. Kase, you must give information; you must not tell us that he knows something but you are not willing to state what it is.

Mr. Khasakhala: On a point of information, Mr. Deputy Speaker—

Mr. Komora: I do not want any more information, Sir. What the people actually require—

The Deputy Speaker (Dr. De Souza): I do not actually blame him!

Mr. Komora: What I really want, Mr. Deputy Speaker, is to see something in writing. I do not agree with somebody talking to me outside the

[Mr. Komora]

door and saying, "My good friend, look . . ." If you hear a politician saying to you, "My good friend," you must watch out because it is very serious, he may knock you down. I want to see something in writing, in black and white, published in the *Kenya Gazette*.

Now, Sir, Mr. Khasakhala also spoke about people co-operating with the Government. Yes, people from Tana River have always been co-operating with the Government. At no time did the hon. Member say that the people did not co-operate with the Government. Therefore, going on urging us to co-operate with the Government is like wasting Government's time because now and always we will continue to co-operate with the Government.

Mr. Deputy Speaker, Sir, what, I think, he wanted to emphasize in regard to land ownership is that Government itself has not specified which is Government land and which is private land. In fact, the Government is the one to have the headache, to say this land is not yours. If the Government does not complain, then, neither do we.

I had very many things to talk about in replying to this Motion. However, I am thankful that this Motion has been accepted by the Government. I hope that what the Motion asks for will be implemented.

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

(Question put and agreed to)

Resolved accordingly:

THAT while greatly appreciating the agricultural educational facilities as those rendered by the Galole Pilot Irrigation Scheme, this House requests that Government continues with its efforts to survey the lower Tana Basin for irrigation feasibility and further requests that Government initiates a ranching scheme on Governmental and private ownership basis so that the local inhabitants in the Tana River District can have something economical moving while awaiting for the final results of the survey.

MOTION FOR THE ADJOURNMENT

SUSPENSION OF TEACHERS AND PUPILS FROM KISII SCHOOLS

The Deputy Speaker (Dr. De Souza): It is now time for the interruption of business and I will, therefore, call on a Minister to move that the House do now adjourn.

The Minister for Education (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Khasakhala) seconded.

(Question proposed)

Mr. Makone: Mr. Deputy Speaker, early last week, I gave notice to the Ministry of Education for the purpose of removing the suspension of eleven teachers and twelve pupils in Masecho, Sameta and Kerere in the Kisii District. During question time, perhaps the Minister did not grasp exactly the importance of the question. Now, therefore, Sir, I take this opportunity to enlighten the representatives of the nation, including the Minister, on what I described as an educational crisis in this district.

I will try, as a former member of the profession, to develop one by one, my arguments so that the Minister knows exactly what I am talking about.

The argument falls into two categories: the suspension of the pupils—I am not concerned with the teachers because it is up to the Minister to see what to do with the teachers—and the interference of the freedom of worship. I will labour these two items, Sir.

Eleven pupils paid their fees to legally established schools. These eleven pupils never replaced any pupils. They took their places in various intermediate schools and they paid their fees to the Ministry. During this year, the same boys took a legally constituted examination as set by the Ministry, known as KPE.

The selection was made by the secondary schools' headmasters, which I believe, based their selection on the high performances of the pupils as they entered.

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

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

An hon. Member: Carry on with your speech!

Mr. Makone: I am waiting for the Speaker to take his seat.

On a point of order, Mr. Speaker, is it not in order for a hon. Member speaking to wait until you take the Chair and then he continues?

The Speaker (Mr. Slade): It is quite in order, but not really necessary, Mr. Makone. I respect the courtesy.

Mr. Makone: Mr. Speaker, I was saying that when the headmasters consider the selection of the pupils, they also look for high performance in the results of the examination; they also look

[Mr. Makone]

to the age factor. These headmasters selected these twelve pupils. Then these pupils went home and their parents had to sell whatever they had, cattle and other things, because they suffered hardship in getting together the necessary school fees. These school fees are between Sh. 400 and Sh. 500. They paid school fees ranging between Sh. 200 and Sh. 300.

During the process of legal continuity in these secondary schools, Mr. Speaker, these boys were discovered—to call a spade a spade—to have repeated the same class in their former intermediate schools. Now, what happened, Sir, is this. Instead of the Ministry going along to give administrative punishment in order to discipline their teachers, they saw fit to penalize the innocent youths of this nation, now when Kenya is independent.

Now, Sir, these boys have been made to suffer permanently; their lives have been interfered with through no fault of their own, but because of the fault of administrative weakness of the Ministry. Not only are the boys deprived of the continuity of education, but it is alleged—this is subject to confirmation by the Minister—that, during the period of their suspension, they will not be given the K.P.E. certificates. There is no worse punishment than that, to refuse them from continuing with their studies and to confiscate their certificates, and for no fault of their own.

I now come to another point. If the Ministry discovered it was its fault, and this being the first of its kind, in the district, then the Ministry should have found an alternative for these boys. This is a Ministry of highly responsible people and it should have found an alternative. I challenge the Government and say that these boys, because of their high performance, would have been able to enter any one of the *Harambee* secondary schools or technical institutes. This is a case for the Minister to look into.

Mr. Speaker, I now come to the freedom of religion.

The Speaker (Mr. Slade): Is freedom of religion relevant to this question, Mr. Makone?

Mr. Makone: Mr. Speaker, the suspension of twelve pupils; some of them were suspended on the understanding that they disobeyed and would not go for morning services.

The Speaker (Mr. Slade): Oh, yes. In that case you can certainly carry on.

Mr. Makone: Mr. Speaker, I want to prove to the Minister that this is not politics, I only want to give him some official aid. The Ministry had directed, through a circular, reference number

S312/233, to all African schools' headmasters, to allow freedom of worship to all pupils, no matter what their religion. Despite these instructions from the Ministry, you find that some boys were suspended from Sameta Secondary School. The circular was dated the 28th August 1965. Despite that circular, the Sameta Secondary School, while having a meeting on 9th May 1966, in accordance with Agenda No. 1, were to decide to suspend a boy called Enoch

The matter to be discussed was the fact that this boy had not attended evening services and was found reading literature during prep. He was found reading a book not recommended in that school.

Mr. Speaker, following that, there was a letter addressed to the father of this boy. Mr. Speaker, I quote, "I wish to inform you that your son is now officially suspended from the Sameta Secondary School for an indefinite period of time." The letter is dated 4th June 1966.

Mr. Speaker, Sir, any hon. Member who has been following my trend of argument will see that there is every evidence, which would stand in a court of law, that the interference with this boy should not be permitted.

Mr. Speaker, this matter is so touchy that I am getting muddled, and I need a breathing space of about one minute—

The Speaker (Mr. Slade): I am afraid that is the end of your time, Mr. Makone.

Mr. Makone: Yes, Mr. Speaker. Now, Mr. Speaker—

The Speaker (Mr. Slade): Mr. Makone, that is the end of your time I am afraid.

Mr. Makone: The last thing, Mr. Speaker—

The Speaker (Mr. Slade): No, I am sorry I have to be—

Mr. Makone: Mr. Speaker, I have only one sentence.

The Speaker (Mr. Slade): With the leave of the House, you may. If no hon. Member objects, you may make your last point.

Mr. Makone: Thank you, Mr. Speaker.

Mr. Speaker, another thing is that if a boy repeated in one school in 1964, and then, through no fault of his own, repeated in 1965—to call a spade a spade—then when it was discovered in 1966 that this boy repeated in these schools, repeated twice, does it mean that all the teachers should be suspended?

Mr. Speaker, I would like to repeat for the information of the Minister who wants to reply, and to enable him to have things correctly. I wish to repeat the sentence.

[Mr. Makone]

Mr. Speaker, if a boy takes his examination in 1964 and fails, and then repeats in 1965 and gains admission to a secondary school in 1966, when it is discovered that he has repeated in these two intermediate schools, the two teachers where he has repeated in 1964 and 1965 are out, because of one boy.

Mr. Speaker, the Minister himself is not certain but he is saying "sure". This is exactly what I am bringing before—

The Speaker (Mr. Slade): Order! Mr. Makone is already beyond his time. Allow him to finish quickly.

Mr. Makone: Mr. Speaker, I am suggesting that this is a criminal offence on the part of the Ministry of Education in the Kisii District. Mr. Speaker, unless the Ministry is careful—I had better not say it, Mr. Speaker, it is unparliamentary language—Mr. Speaker, I am seeking the mercy of the Ministry of Education, which is, I am sure, considerate; and the Members of the National Assembly, Mr. Speaker, who are the representatives of the nation, will support me and see fit for these boys to continue because, as you know, we are here to bear the responsibility of our nation's future, and whatever we do here has a big bearing on the future of our children.

Mr. Speaker, I beg to move.

Mr. Omar: Mr. Speaker, I rise to support this Motion on Adjournment, because I was in the House at the time when the question was asked, and when the Minister was replying to the questions.

I have no sympathy with the teachers who were suspended because, according to the reply given by the Minister, departmental disciplinary action was taken against those teachers who were involved in this matter which led to the suspension of the eleven pupils.

As the Mover has said, Mr. Speaker, I feel that for these eleven boys who are involved, their future has been ruined by the teachers who misled them. I think the whole thing is wrong because I understand the procedure of those boys who failed the K.P.E. There are some cases where boys are allowed to repeat the K.P.E. so that when they sit a second time for the K.P.E., and if they happen to qualify for secondary education, they are allowed to continue. Before a boy is allowed to repeat the K.P.E. the headmaster of the school has to make a recommendation to the provincial education officer that the boy is to repeat it, probably because of being

absent from the school, or maybe because of the age. There are some African boys who sit for the K.P.E. before they are thirteen or fourteen years old. Therefore, pupils are sometimes allowed to repeat on the grounds either of their absence from the school, due to illness, or, because of their age.

I do not know the age of these pupils concerned, but if the headmaster saw fit for those boys to repeat, surely the provincial education officer knew that these boys were going to repeat, and they repeated on the recommendations of the provincial education officer? For these pupils to come back and be suspended simply because they had not been given permission, is not something to be believed.

Another thing which I feel was wrong, is what the Mover said, that one of the reasons for the suspension of these boys was that they failed to attend services. In the Constitution of our Republic, Mr. Speaker, there is a guarantee of freedom of worship. A boy can worship in any manner that he likes, provided that in doing so, he does not violate the peace. If one of the reasons that these boys were suspended is because they had not attended morning or evening service, it means an interference with individual freedom, and, therefore, it goes against the Constitution of the Republic of Kenya, and interferes with that guaranteed freedom of an individual according to the Constitution. I think the teachers were entirely wrong to suspend these boys simply because they had failed to attend religious classes. The boys in all schools, be they Government or private schools, are at liberty to worship in any manner they like. It is not fair to force a boy or girl to attend a religious class. This is very bad, Mr. Speaker, and must be stopped immediately by the Ministry of Education. Sometimes a boy may not be interested in religion, or probably some are Protestants and are at a Catholic school, and they feel that they should not worship at a Catholic school, or maybe some boys are Muslims and they would not like to become Christians. So forcing pupils to attend religious classes is very bad and has to be stopped by the Ministry.

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

Mr. Makone: On a point of order, Mr. Speaker, in view of the fact that you said we should stop at 7 o'clock, and in view of the fact that you said under Standing Order 14 we should continue, would it not be in order for another two or three Members to speak and then for the Minister to reply?

The Speaker (Mr. Slade): No, I never said that Standing Order 14 had anything to do with this case. We are subject to the ordinary Standing Order governing matters raised on an ordinary adjournment, which only allows us half-an-hour, and also that rule limits every hon. Member to ten minutes in his speech. In your case, you wanted to exceed ten minutes, and with the leave of the House we broke the rule, but we are still limited to half-an-hour and there is only ten minutes for the Minister to reply.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I stand again here to repeat what I said the other day, in answer to a question which specifically asked the Minister to reconsider, as a matter of urgency, the suspension of five teachers and eleven Form I students at Masecho, Sameta and Kerere Secondary Schools, so that the education of these students may continue.

Mr. Speaker, last time when I spoke, I said that there were not only five teachers but seven teachers involved; there were not eleven pupils but twelve pupils involved. This extra information which the hon. Member did not have could not really qualify the Ministry for the accusation he has made of inefficiency. We are more efficient perhaps than the hon. Member himself. Today, Mr. Speaker, he has raised another new point of argument, that children have been denied the freedom of worship. To the best of my knowledge, I do not remember this coming at all as an argument when I answered the original question, neither do I see it anywhere in the question.

Mr. Speaker, I am delighted that the Seconder, in particular, has agreed with the Ministry in every respect, that the teachers are to blame more than the Ministry. The teachers and the pupils were in possession of a circular saying that if you wanted to repeat the K.P.E., you had to ask permission first. The teachers should have brought this information to the pupils. It was a Ministerial circular which was sent to all the teachers.

Then the children, Mr. Speaker, fell into two categories. First, there were nine children who were in the position of repeating without prior permission from the authorities. We cannot be branded as people who are merciless because, the Ministry having given an instruction, it should have been complied with. Nobody can say that we never allow the children to repeat. It is the fault of the children themselves, it is the fault of the teachers, and indeed, I would go so far as to say, it is the fault of the Members for that area for not seeing that instructions for truthfulness are carried out.

Mr. arap Biy: On a point of information—

The Minister for Education (Mr. Nyagah): No information, Mr. Speaker, I am giving information.

The other category, Mr. Speaker, is of a girl who was an untrained teacher, repeating, again without permission, while she was a teacher, taking unfair advantage over the others, by making an agreement with the leaders of the school, I suppose, for her admission long before the normal provisional selection. The local people complained that there was favouritism and our Ministry, through our provincial department, went to the help of the local people, to see that justice was done. Two, Mr. Speaker, whom we are accused of denying the right to possess a certificate, were found to have cheated. They had seen the examination somehow, or they overlooked other people and, therefore, their certificates were taken away from them because they were not qualified; they had cheated. If we are accused by the hon. Member of confiscating such certificates, I do not know whether he means that anyone can go and sit in an examination and by hook or by crook, by unfair means, answer the questions and get a certificate which he really does not deserve.

Mr. Speaker, we are condemned as a criminal Ministry by the speaker. He has ended his speech by seeking mercy from the condemned Ministry. I do not know how you condemn a person and then ask mercy of him! We are accused of being inefficient in our working and yet, Mr. Speaker, having seen that we must teach these young Kisii people—

Mr. Makone: On a point of order, Mr. Speaker, is the Minister in order to refer to the Kisii tribe as young?

The Speaker (Mr. Slade): I do not quite follow, but perhaps you would explain, Mr. Nyagah.

The Minister for Education (Mr. Nyagah): I said, Sir, that in order to teach these young Kisii children—that is eleven or twelve children; we have twelve and he has eleven, Mr. Speaker—that truthfulness pays, honesty pays, it was decided to take twelve other young Kisii children who had been deprived of their right to enter those schools and benefit from the education that the twelve unfair children were trying to steal from them.

Mr. Speaker, the teachers were not suspended, they were interdicted pending an inquiry by the normal machinery of professional standards. My friend claims to have been a member of the profession and he put his case as a member of the profession. I, too, Sir, claim the same right

[The Minister for Education]

as having been a member of the profession, and I am answering with the same sentiment of a former member of the profession. Since the case of these teachers is in the very fair hands of the professional standards committee, I hope that the decision of the committee will be fair. An example has been given of a teacher, who allowed a child to repeat in 1964, being penalized along with a teacher who allowed him to repeat a second time in 1965, and the standards committee will find out who the culprit is.

It is not for me, Mr. Speaker, neither is it fair for the hon. Mover or the Seconder, to condemn these teachers until the decision of the proper body, which is the teachers' professional committee, has made a decision. I think this is prejudicing the case too much.

With these few words, Mr. Speaker, I beg to say that the Ministry is very efficient, the Ministry is very fair, and we will continue upholding the honesty of our dealings with the schools.

I beg to oppose.

Mr. Wariithi: Mr. Speaker, I would just like to say one or two things in the two minutes that are left.

I was very much surprised by the Minister, who I consider to be very understanding and very well informed about the teaching profession and the children. He tells us that these children have to get permission—I presume from the headmaster of the school—before they can repeat. The point here is that if a young child in Standard VII fails an examination and wants to repeat, the most sensible thing would be for that child to get permission from the person who gives permission, and this is the headmaster. Having obtained a position to repeat, the assumption is that he was permitted by somebody to repeat. He repeats, he goes on, gets a place in a secondary school and then somebody comes and tells him that he did not get permission and he must be expelled.

So, Mr. Speaker, I am saying that this is a clear case of unfairness by the Ministry of Education, to punish these children who were allowed by the authority to repeat; they passed the examination; they paid their fees. In fact, I would have thought that my hon. friend would have asked for compensation from the Government because these people paid school fees for maybe two or three years. In the end, you interrupt a child, there is no further chance for him to go on with his education, and, probably, he could have been a Minister one day in this Government; and you interrupt him through the laziness of your teachers, the inefficiency of your teachers, who do not follow the instructions you give and who do not inform the Ministry that they have allowed some people to repeat.

Here, Mr. Speaker, I think the Minister should not shield himself behind his teachers. If the teachers made a mistake, why should the children suffer? I know how poor some of these people are; they find difficulty even in getting the money to pay the fees for their education and then, in the end, a Ministry circular comes and you expel them; you spoil their future, their lives, and their parents might have suffered.

Even if there is an inquiry about the teachers, the teachers have made a mistake. We are not interested in whatever may happen to them, but as regards these twelve children, we feel—and I feel very strongly about this—that it is criminal, if I may use that term to my learned friend, to expel them. We would expect our new Minister for Education to look into this and see whether it is possible to get these children an education elsewhere.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of the half-hour. The House is adjourned until tomorrow, Thursday, 30th June, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 30th June 1966

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

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

PRAYERS

ADMINISTRATION OF OATH

The Speaker (Mr. Slade): Hon. Members and strangers may remain seated during this administration.

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

Simeon Musau Kioko.
John Odero-Sar.

ORAL ANSWERS TO QUESTIONS

Question No. 227

REGULATIONS FOR D.C.s AND P.C.s: LENGTH OF TIME IN ONE AREA

Mr. arap Biy asked the Minister of State, President's Office, if he would tell the House whether there was any period of time stipulated for a district officer, district commissioner, or a provincial commissioner to administer a given area.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. There is no specified period of time for an administrative officer to remain in an area, but the Government tries to limit the rate of transfers to a bare minimum. Whenever possible, officers are retained in their stations long enough to enable them to realize the fruits of their work; but this is not always possible because of the need to move experienced officers to occupy positions which fall vacant from time to time through retirement, resignations, postings and other requirements of the Government.

Mr. arap Biy: Mr. Speaker, Sir, will the Minister agree with me that, at this stage, with the *Harambee* spirit of building up the nation of this country, provincial commissioners and other administrative officers should have a period of time regulated for them to remain in an area, so that they may be able to finish whatever projects they start and encourage the people to start some more plans?

Mr. Nyamweya: Mr. Speaker, Sir, much as I would like to agree with the hon. Member, he would also perhaps appreciate that, in some cases, it becomes necessary to transfer an officer where,

perhaps, he is considered to go somewhere else for promotion or where he can be more effective. I am quite sure that some hon. Members have requested us from time to time to see that such transfers are made, depending on numerous factors.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister agree with me that some districts have remained behind because no project has ever been completed, as a result of the transfers being effected every month when a new district commissioner or district officer comes and leaves the projects half way?

Mr. Nyamweya: Mr. Speaker, Sir, as I said, it is the wish of the Government to reduce the number of transfers of administrative officers to the bare minimum necessary. We do not want to transfer administrative officers as often as some hon. Members may think, but, on the other hand, the requests sometimes come from the hon. Members themselves.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Minister's replies, could he agree with me that it is sometimes necessary to transfer an administrative officer if the local people of the area concerned request it to be done, and that if such an officer is kept there for a long time he retards progress?

Mr. Nyamweya: Mr. Speaker, it would really undermine the morale of the civil servants or the administrative officers if they knew they were at the mercy of the people who could walk into the President's Office and request their transfers. Every request of the nature referred to by the hon. Member is carefully examined, investigated, and if it is proved that the officer in question has become incapable or ineffective in his duties, in his particular district or division, then, and then only, can a transfer be made, not otherwise.

Question No. 238

INCREASE OF STAFF: BUTERE AND KHWISERO HEALTH CENTRES

Mr. Shikuku asked the Minister for Health if he was aware of the fact that, as a result of free medical attention for the out-patients, there were very many patients attending Butere Health Centre and Khwisero Health Centre, and could the staff in these two centres be increased.

The Assistant Minister for Health (Mr. Matano): Mr. Speaker, Sir, I beg to reply. I am fully aware of the situation created by increased attendance

[The Assistant Minister for Health]

of out-patients in all our health and medical institutions since the introduction of free medical attention. My Ministry is doing everything possible to improve the situation.

Unless specified, health centres, health sub-centres and dispensaries are the responsibility of local authorities. This responsibility includes staff establishments as well. The local medical officer of health may provide staff to a health centre, but this is done on a reimbursement basis. Local authorities are usually encouraged to employ their own medical and health staff.

Mr. Shikuku: Mr. Speaker, Sir, before I ask my supplementary question, I would wish to correct something on the Order Paper. The word "Khwisere" should read "Khwisero".

Arising from the Assistant Minister's reply, to the effect that employment of staff in these dispensaries or health centres is the responsibility of the local authorities, is he aware that the local authority was only able to afford staff to cater for the people during that time when they were paying for their treatment and now that the Government has given free medical services, naturally, more people have come, and it is the responsibility of this Ministry to try and subsidize and make things more useful to the people, because so far there are so many long—

The Speaker (Mr. Slade): That is quite long enough.

Mr. Matano: Mr. Speaker, Sir, I think the Government is quite aware of the situation created since the introduction of free medical services and, just for the information of the hon. Member, Government has appointed a commission to go into the whole question of finances of local governments.

Mr. Kamuren: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, can he tell this House whether the commission of inquiry has brought any report to the Government genuinely concerning this particular matter?

Mr. Matano: Mr. Speaker, that is a different question, but the commission is still sitting, it started just a few weeks ago, and the report is not yet ready.

Mr. Shikuku: Arising from the last reply by the Assistant Minister, Mr. Speaker, is he aware that the people of Butere in these areas are not interested in the commission but in the practical steps to be taken by the Government, and since we have passed a Bill in this House—

The Speaker (Mr. Slade): You have asked a question; we will have the answer.

Mr. Matano: Mr. Speaker, Sir, when the hon. Member says that the people of Butere are not interested in the commission, I am puzzled because the Government is trying to find facts to work on. At the moment, if we just say that we are going to give so much money to Butere and so much money to somewhere else, without facts to rely on, we shall be just wasting our efforts. This commission is trying to help the Government, to direct the Government as to how best we can use the little funds we have at our disposal.

Question No. 220

MAINTENANCE OF KITUI-KIBWEZI ROAD

Mr. Mbai asked the Minister for Works if he was aware that the Kitui-Kibwezi Road was not regularly and properly maintained despite the fact that there was a road maintenance unit stationed at Kitui Town.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. In fact, the Kitui-Kibwezi Road is regularly maintained, not only by the road maintenance unit stationed in Kitui Township, but, also, by another unit stationed in Sultan Hamud, which maintains the section of the road between Kibwezi and the Athi River Bridge.

These regular maintenance efforts involve opening up the drains and culverts and replacing any broken ones, cutting back the bush, patching any cut or washed-out places and grading, which is usually carried out at least once every three months.

It has been reported to me recently that the road was in fairly good condition, although it must be realized that earth and gravel roads are likely to vary considerably in condition depending on the weather.

Mr. Mbai: Mr. Speaker, Sir, could the Minister tell the House who gave him the information to the effect that the road in question has been regularly maintained, as he indicated in his reply; where did he get that information?

Mr. Mwanyumba: Mr. Speaker, Sir, I hope my friend is not trying to be a little funny, but we have engineers who inspect these roads. For example, in this particular case we have a provincial engineer for the Eastern Province, and he has superintendents of roads who inspect roads in this area. We have roads' foremen who also give us information. We have Administration: the provincial commissioner, the district commissioner, the district officer. Everybody gives us information. If my hon. friend wants also to give me any information, I will welcome it.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister agree with me that he might be given the wrong information because the engineer for the Eastern Province and all his subordinates stay in Nairobi, and none of them goes to the Eastern Province, they only write reports here?

Mr. Mwanyumba: Mr. Speaker, Sir, my hon. friend perhaps is a little misinformed. Normally, engineers do not give wrong information. They are experienced men, they are scientists who deal with roads, and they cannot give wrong information because it is their job to inspect and report on the condition of the roads. Therefore, I am not agreeing with the hon. Member that I have at any time received any information which is not correct.

Question No. 221

SUB-POST OFFICE IN KITUI SOUTH

Mr. Mbai asked the Minister for Power and Communications whether, in view of the great demand for post office facilities such as Savings Bank Accounts, etc., in Kitui South caused by the big increase in cotton production and cattle sales in the area, he could consider converting the present postal agent which lacked these facilities into a sub-post office to meet people's demands.

The Minister for Power and Communications (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. Without the name of the particular postal agency which the hon. Member has in mind, it is difficult to give a definite reply.

However, if the hon. Member refers to the question of up-grading Mutomo Sub-post Office in Kitui South to departmental status with a full range of postal facilities, the volume of postal business now transacted there does not justify such action. The Postal and Telecommunications Administration will, however, keep the sub-post office in constant review with a view to up-grading it when the volume of business warrants it.

Mr. Mbai: Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House what volume warrants a postal agent being up-graded to a sub-post office?

Mr. Mwendwa: Mr. Speaker, what we mean by the "volume" is the amount of work done and the payments made must warrant somebody being paid who will, naturally, be put into the post office to work full time. If the amount of payment transacted in any one particular place is less than the amount an officer will be paid monthly, it would be a waste of money.

Mr. Bala: Mr. Speaker, Sir, arising from the original reply by the Minister, would the Minister agree with me that it is the duty of the Government to encourage people to save money and not for the people to demand places where they can save money?

Mr. Mwendwa: Mr. Speaker, Sir, this is so, and we are encouraging the people from the South Kitui Division to save money, and, in fact, if we find out that they definitely need facilities, then we will put up a post office. My Ministry—the people in my Ministry—are reviewing this problem, because we know the southern people are planting cotton in large amounts.

Mr. Omar: Mr. Speaker, Sir, arising from the original reply given by the Minister, does he agree with me that the money would come in only if there were more postal facilities provided by the post office?

Mr. Mwendwa: This, Sir, is very untrue. The money will only come in if people plant cotton, not just by putting up a post office.

Question No. 228

FREQUENT TRANSFERS: POLICE OFFICERS, SOTIK

Mr. arap Biy asked the Minister for Home Affairs if he could tell the House what the reasons were, if any, which led to the frequent transfers of police inspectors in charge of the Sotik Police Station.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. Within the last eleven months, there have been only three changes of station commanders of the Sotik Police Station. These changes were necessitated either by the officers concerned being transferred on promotion or being transferred to more responsible posts with a view to improving their capabilities and chances of further advancement in the force. This is inevitable at this transitional stage that the force is going through, because of Africanization.

Mr. arap Biy: Mr. Speaker, Sir, while agreeing with the Assistant Minister that there have been about three transfers from the police station of the officers in charge, would he tell this House whether he also agrees with me that when police officers in charge of such stations—in view of the fact that there is always trouble between the Kipsigis and the Kisii with regard to stock theft, and these people know where the thieves go and which part of the country they cross—are transferred, they should be transferred only after, let us say, one year? Would he not see fit to leave an officer in one station for, say, about a year, before he is transferred?

Mr. Wamuthenya: Mr. Speaker, Sir, this cannot be done or accepted, because we want our police force to learn about every station and the work throughout the country.

Mr. Shikuku: Mr. Speaker, Sir, does the Assistant Minister agree with me that it takes time for anyone—even the hon. Members in this House to master the Standing Orders—to learn things, and therefore it is necessary to have a policeman in such a place as this one for a long time so that he will get to know which routes the thieves take and capture them more easily than those who replace the former policemen?

Mr. Wamuthenya: Mr. Speaker, Sir, there is a regulation kept by the Government referring to transfers. When the Government sees fit to transfer somebody and when it is necessary for one commander or constable to be transferred to another station to a more suitable job or for promotion, then this cannot be held up or stopped.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply given by the Assistant Minister, and if the Assistant Minister insists that there is such a regulation, would he agree with me that that regulation is not catering for the interests of the people referred to in the question?

Mr. Wamuthenya: Mr. Speaker, Sir, we, in this House, are here to make laws, and if regulations are not required, then I would request the hon. Member to say that all the laws in the country must be quashed.

Mr. arap Too: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell the House why some of these police officers stay in a station for more than five years?

Mr. Wamuthenya: Mr. Speaker, Sir, they are being kept there according to the instruction of commanding officer of the headquarters for observation to see if they are suitable to stay there. They are staying there at the discretion of the headquarter's officer who is now regulating the force.

Mr. Tuwei: Mr. Speaker, Sir, in view of the fact that this Ministry abides by the regulations, it seems that from today only European officers are to be transferred to Eldoret. Will they, at any time, transfer Africans to Eldoret?

The Speaker (Mr. Slade): That has nothing to do with this question, Mr. Tuwei.

Mr. arap Bii: Mr. Speaker, Sir, would the Assistant Minister again agree with me that these constant transfers of officers from Sotik Police Station, at one time, came about because of the question of an officer being in love with more than two girls in the area?

Mr. Wamuthenya: I do not agree with that, Mr. Speaker.

Question No. 235

POLICE POST FOR MUTOMO

Mr. Mbai asked the Minister for Home Affairs to tell the House if he could accelerate the plans to establish a proper police post at Mutomo in Kitui South, with an office, V.H.F. equipment and staff houses.

The Assistant Minister for Home Affairs (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The need to reopen the old Mutomo Police Station as a police post under Kitui Police Station has been appreciated for some time. In fact, this site is used as a patrol base by Kitui police from time to time.

The police station was listed on the Development Plan for 1965/66, but, in view of other urgent priorities, only a nominal sum of £10 was allocated instead of the £14,000 required.

In the 1966/67 estimates, this project has been shelved in view of new requirements for border posts and other installations.

As soon as funds are available for development and work put in hand, police will be able to reopen this station.

Mr. Mbai: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he agree with me that by sending only a handful of policemen to the area, it makes it very difficult for them to cope with the problems which arise from day to day in the area without transport and quick means of communicating with their head office?

Mr. Wamuthenya: Mr. Speaker, Sir, I agree with that, and that is why I said that when the funds are available, this matter will be dealt with.

Mr. Kamuren: Mr. Speaker, Sir, arising from that reply, could the Assistant Minister tell us how long he has seen fit to have this inquiry going on before the matter is handled and the funds made available?

Mr. Wamuthenya: Mr. Speaker, Sir, I am sorry, but I did not quite hear the question.

Mr. Kamuren: Mr. Speaker, Sir, the reply given by the Assistant Minister was that when funds are available this matter will be handled, but, Sir, I do not know what he means when he says, when they are available. Is he talking about the facilities of the police in the area or the police patrol?

Mr. Wamuthenya: Mr. Speaker, Sir, I have already said that a sum of £14,000 allocated, and the amount which was used was only £10, therefore that means that the balance be utilized in the near future.

*Question No. 239*SUSPENSION OF CONSOLIDATION INSPECTORS:
BUTERE

Mr. Shikuku asked the Minister for Lands and Settlement if he could tell the House:

- (a) Why consolidation inspectors from Kisa, Marama and Bunyore had been suspended in December 1965.
- (b) Would he also tell the House why his Ministry, had not, up to now, seen fit to employ the local people as land recorders or consolidation inspectors.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. (a) In Kisa, Marama, and Bunyore, there had never been consolidation inspectors, but there were hedge inspectors whose work was no longer required as the landowners were able to maintain their hedges without being enforced.

(b) At the moment, all land recorders in Kakamega are Abaluhya, and so are consolidation inspectors.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply to the first part of the question, where he says that there were no inspectors at all, but that it was a question of hedge inspectors—I am afraid I do not know what he called them. Is he aware that some people were suspended because of those people who were called inspectors and not hedgemen, because they had no funds? Now, Sir, that we have funds we are seeing that more Kikuyus are coming in.

Mr. Angaine: Mr. Speaker, Sir, I do not agree with the hon. Member. We had people there only to maintain the hedges and when the landowners could do this themselves, we dismissed these people. They were not suspended but dismissed, because the landowners could maintain their hedges themselves.

Mr. Omweri: Mr. Speaker, in view of the unemployment situation in the country, could his Ministry consider a better way of dealing with these chaps who were employed, and either give them promotion or a transfer to another part where there is a job rather than just dismiss them?

Mr. Angaine: Mr. Speaker, Sir, when the work is finished in a particular area and these workers are no longer required, we cannot keep them, therefore, the only other alternative is to dismiss them and let them go out and look for another job.

Mr. Bala: Mr. Speaker, Sir, arising from the original reply given by the Minister, will he explain why all the employees in this particular

province were all Abaluhya and not people from other places? Did you not also find qualified people from other areas?

Mr. Angaine: Mr. Speaker, Sir, the selection of workers is not done by the Minister or the Ministry. The people who come forward looking for a job are the ones who are given first priority. If your people do not apply, then we cannot go to their homes and ask them to come and get employment from the Ministry of Lands and Settlement.

Mr. Shikuku: Arising from the Minister's reply to the effect that those people who were dismissed could go and look for jobs elsewhere, is he aware that even in the Butere Land Office, we have a problem, because the Kikuyu who are there cannot understand Baluhya and there is a hell of a mess in the whole of the Butere land consolidation?

Mr. Angaine: Mr. Speaker, Sir, I am not here to exercise tribalism.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, is the Minister aware that by hiding the facts which exist, he is making the Government very unpopular, because the people can see the Kikuyu there, and it is therefore useless for him to deny it?

Mr. Angaine: Mr. Speaker, Sir, I think, even the Luo are at Meru and elsewhere, therefore, an African from Kenya can go wherever he likes to look for a job.

Question No. 196

KAPLONG-KAPKIMOLWA ROAD

Mr. arap Soi asked the Minister for Works if—

- (a) the road from Kaplong through Bomet to Kapkimolwa (in Bomet Division) was maintained by the Government through county council or it was maintained by county council with its funds; and
- (b) was the Minister aware that the County Council of Kipsigis had failed to keep this road in good condition, in all seasons and that people were asking the Government to take it over and maintain it themselves.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. The road from Kaplong, through Bomet to Kapkimolwa, is a trunk road, but is at present maintained by the Kipsigis County Council on behalf of the Government. The Government gives grants for the maintenance of the road.

[The Minister for Works]

For the financial year 1965/66, for example, the total grant made to the Kipsigis County Council for the maintenance of this road amounted to £5,900, made up as follows: £3,400 for maintenance works; £1,300 towards the cost of gravelling works; and £1,200 towards administrative expenses of the county council.

As regards the second part of the question, my Ministry is not satisfied with the work of the county council in general. With a few notable exceptions, the work carried out by them, that is, by the county council, is not very satisfactory. My Ministry aims at encouraging county councils to improve their efficiency and their standard of workmanship, but it is considered that this cannot best be done by taking away maintenance work from such county councils.

Mr. arap Soi: Mr. Speaker, Sir, when the Government grants this money to the county council, what supervision does the Ministry make so that Government money should not be used for other roads, thus making the Government look as if it is not working to maintain that particular road?

Mr. Mwanyumba: Mr. Speaker, Sir, this is a very good question because my Ministry is looking into the possibilities of having inspectors in road work throughout the country. Sometimes, money which has been earmarked for road development, or for maintenance of roads, has been used to pay either teachers' salaries or other things, because people have not paid their taxes. However, the Ministry is now vigilant and provincial engineers have been asked to be very strict and have been asked to see that the money which is earmarked for road works is used for roads.

Mr. arap Biy: Mr. Speaker, Sir, from the Minister's knowledge of this road, and knowing how terribly bad the road is, what is his Ministry doing to encourage the Kipsigis County Council to keep this road to the required standard? Otherwise, this money is being squandered for no good purpose.

Mr. Mwanyumba: Mr. Speaker, Sir, I have just said that the provincial engineer, together with his staff, are all out to see that the money which is earmarked to maintain this road is used for this road. My Ministry is going to be very strict indeed to see that the money is used for the maintenance of this particular road.

Mr. arap Soi: Mr. Speaker, Sir, appreciating the answers of the Minister, would the Minister assure me that he is now going to write a letter ordering the council to put this road in good order now?

Mr. Mwanyumba: Mr. Speaker, Sir, I do not have to write a letter because my provincial engineers are in the field doing the work. I, myself, have been there, I have seen the road with the provincial engineer, with the provincial commissioner, and we have said that we must be strict about seeing that the road is maintained at the standard required by the Ministry of Works. I would like to assure my hon. friend that I have every sympathy with him, and that the road will be maintained according to the standard required by the Ministry of Works.

QUESTION BY PRIVATE NOTICE**TANZANIA CURRENCY IN KENYA**

The Speaker (Mr. Slade): Mr. Mate, I think you have a question by private notice? Will you ask it now?

Mr. Mate: Mr. Speaker, Sir, since Tanzania now has its own currency, could the Minister make a statement as to the freedom and rates of exchange between Tanzania currency and the East African currency pending the introduction of Kenya currency?

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to reply. The position, at the moment, is that new Tanzania currency is not legal tender in Kenya, and I understand that they have made arrangements with certain banks in Kenya, to purchase Tanzania currency at par. In fact, a holder of Tanzanian currency, could at present, go to a commercial bank in Kenya and exchange it at par for East African currency.

Mr. Mate: Mr. Speaker, Sir, for the protection of Kenya products, like vegetables, *maharagwe*, and of the traders who must deal in cows and goats, would the Government take a step to protect our people from being exploited, because 1 lb. of butter in Kenya may cost more or less in Tanzania in terms of this currency? Could the Government do something about it to protect Kenya?

Mr. Odero-Jowi: Mr. Speaker, Sir, the question of protecting our products is not really a currency matter. This can be done through tax measures which our Government is watching very carefully.

Mr. Mbogoh: Mr. Speaker, Sir, would the Assistant Minister tell this House whether the dispute, which made the different Governments have different currencies, has been thrashed out so that the money can be exchanged at par?

Mr. Odero-Jowi: Mr. Speaker, Sir, the original question dealt with the fact that already we have new currency in Tanzania. It did not go into the whole background as to how the new currency came to be introduced.

Mr. Wariithi: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, the Minister for Finance yesterday stated that the Tanzanian, Kenyan and Ugandan currencies will move freely in East Africa. However, the Assistant Minister has just told us that the Tanzanian currency is not legal tender in Kenya at the moment. Now, can we be told which is the correct statement, because it seems to be a bit confusing. The Minister says it can move freely and the Assistant Minister tells us that, at present, it is not legal tender in Kenya. Can we be told the correct position?

Mr. Odero-Jowi: Mr. Speaker, Sir, let me take this opportunity to correct the wrong impression conveyed yesterday. The Minister, as a matter of fact, did not say that Tanzanian currency is legal tender in Kenya. What he said—and I have checked HANSARD for this—was to the effect that Tanzanian currency is legal tender in Tanzania only. Anybody knows that another country's currency cannot be legal tender in another country and, therefore, the only interpretation one could put on that, is that it is legal tender in Tanzania and not in Kenya or Uganda.

Mr. Muliro: Mr. Speaker, Sir, arising from the Assistant Minister's reply, if Tanzanian money is not legal tender in Kenya today, why are some people purchasing goods here with Tanzanian money which is not legal tender in Kenya?

Mr. Odero-Jowi: Mr. Speaker, Sir, it is possible for a foreign currency, which is not legal tender, to circulate in another country. Just as you come across £s sterling and other currencies in this country at the moment, so you will come across Tanzanian currency circulating here now.

Now, the fact is that we are in a transition period and, during this transition period, arrangements have been made to clear Tanzanian currency at par through the commercial banks in this country.

Mr. Makone: Mr. Speaker, will the Assistant Minister simplify his language to make us understand what he is talking about?

Mr. Odero-Jowi: Mr. Speaker, Sir, I am not speaking Greek, I am speaking English.

Mr. Dingiria: Mr. Speaker, Sir, arising from the Assistant Minister's reply, do I understand that if I went to a shop today—because I have a Sh. 10 note from Tanzania—the shopkeeper would not accept this Sh. 10 note as legal tender for Kenya Sh. 10?

Mr. Odero-Jowi: Mr. Speaker, Sir, I have said that the Tanzanian currency is not legal tender in this country. This means that the shopkeeper has a right to refuse it.

Mr. Mate: Mr. Speaker, Sir, all the question aims at is this: would the Government explain this to our people who produce vegetables, *maharagwe*, etc., who trade in goats and cows, so that they understand what is legal tender? Could this be explained on the Voice of Kenya?

Mr. Odero-Jowi: Mr. Speaker, Sir, yes, I agree that there is a need to explain this situation, and I will see to it that it is done.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree with me that there is a need to ensure that the circulation of Tanzanian currency should be stopped until such time as there are proper arrangements between Kenya and Tanzania for adequate currency circulation? Only then should we allow free circulation of their currency in this country.

Mr. Odero-Jowi: Mr. Speaker, Sir, what the hon. questioner is asking for would not work because, up to the 15th of this month, we had East African currency circulating all over Kenya, Tanzania and Uganda. To stop the new Tanzanian currency from circulating here, would not be very fair or workable.

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

COMMUNICATION FROM THE CHAIR

CHANGES IN THE ORDER OF BUSINESS

The Speaker (Mr. Slade): However, before we commence business I think I have to make some change in the order of numbers on the Order Paper with regard to Private Members' Motions.

First, with regard to Order No. 8. Mr. Godia's Motion, I understand he is ready to proceed and the Ministry of Education is ready to answer. So, that can remain in its present position.

With regard to Mr. Omar's Motion, No. 9, I have heard from the Ministry of Home Affairs that owing to sickness of staff they are delayed in preparation of a full reply to the debate and, therefore, have asked for that to be postponed.

As regards Order No. 10, Mr. Godia's next Motion, the Attorney-General did inform me previously that he could not be in the House today. So I propose, for the convenience of the House, to alter the order so that Orders Nos. 11 and 12 become Nos. 9 and 10, and Orders Nos. 9 and 10 become Orders Nos. 11 and 12.

That would mean that after disposing of Mr. Godia's Motion, Order No. 8, we should come on to Mr. Komora's Motion which will then be Order No. 9, which is now marked Order No. 11. I hope he will be prepared to proceed with that Motion. I understand the Ministry of Education will be prepared to deal with it.

POINT OF ORDER

NEWSPAPER ERRORS OF MEMBER'S CONSTITUENCY

Mr. Makone: On a point of order, Mr. Speaker, earlier this year, while I was speaking in this House, I was referred to as the Member for Kitui East. The same thing happened yesterday. When I was speaking in this House I was referred to, by the *East African Standard*, as the Member for Kitui East. When I was referred to last time as the Member for Kitui East, I notified you of this and, despite that fact, the paper has not noted your ruling. What can I do to protest to the paper for misleading the nation, because of their carelessness, and calling me the Member for Kitui East when I am the Member for Kitutu East constitutionally.

The Speaker (Mr. Slade): I agree that it is most irritating to hon. Members and to the House when newspaper reporters are so careless as to make mistakes of this kind in Members' constituencies, when they can perfectly easily get it right if only they take enough trouble. In this particular case, the Clerk has already required the *East African Standard* to make the proper correction with apology in tomorrow's issue.

POINT OF ORDER

RIGHTS AND PRIVILEGES OF THE OPPOSITION

Mr. Wariithi: On a point of order, Mr. Speaker, taking that all the Members who won the elections have been sworn in, and also noting that we have an Opposition in the House, would you tell us the seats reserved for the Opposition, how far they go, and also whether the Opposition we have has all the Parliamentary privileges accorded to an Opposition Party in Parliament?

The Speaker (Mr. Slade): Probably most hon. Members were here on the first day when an Opposition Party appeared in this House, just towards the end of April, and I explained to the House why they had the right to be recognized as an Opposition Party. The hon. Members on my left are in the same position today as they were then; they have the right to be recognized as a Parliamentary Opposition Party and, as such, they have all the rights of an Opposition Party in accordance with our Standing Orders.

POINT OF ORDER

SEATING FOR THE OPPOSITION ON THE FRONT BENCH

Mr. Shikuku: On a point of order, Mr. Speaker, I recall that some time ago, in the old Chamber, we had a definite board set between the Government and the Opposition. Now that we

have filled the House up this much, are we not going to have the same system where a sort of demarcation will be made, because I am getting confused myself? We have Robert Matano, hon. Mr. Oginga Odinga, and hon. Kioko; I do not know where the deadline of the Opposition is. Could we have—

The Speaker (Mr. Slade): I do not think you will have any difficulty, such as to necessitate putting an arm in the Front Bench. According to our Standing Orders as amended, the Opposition is entitled to have on the Front Bench, reserved for itself, at this end nearest to the Chair, one-quarter or their total number or, if that is fractional, the next number above. Being seven, they are therefore entitled to two seats on the extreme end of the bench here. So all hon. Members have to do is to see whether these two seats are occupied or not. If they are, they are Opposition leaders.

Mr. Kibuga: On a point of order, Mr. Speaker, I would like to know whether, if it is the wish of the Members that there should be a bar, so that one can see clearly where the division is, the Speaker would accept that.

The Speaker (Mr. Slade): No. I have said I do not think it is necessary and we will leave it at that.

Mr. Bomett: On a point of order, Mr. Speaker, suppose it is the wish of the House that the Opposition should not sit in front, how would that be dealt with?

The Speaker (Mr. Slade): You would have to reverse the Standing Order which was made last week.

BILL

Second Reading

THE FINANCE BILL

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Finance Bill be now read a Second Time.

Sir, this Bill, together with the Customs and Excise Tariff (Amendment) Bill, implements the changes in taxation for the financial year 1966/67, which were explained fully by the Minister in his Budget Speech and in the Financial Statement, both of which have been fully debated in the House.

Mr. Speaker, Sir, in view of this, I beg to move.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think that this thing has been discussed at length. There is only one thing that seems to come out very

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strongly, namely that, despite the fact that the Minister for Finance and also his Assistant here are insisting, and the Government are insisting, on the taxes that are already imposed, it appears that the general public seem to be quite united in their criticism of the taxes. In this case, the general public seem to be in full agreement with the Opposition.

An hon. Member: Which general public? Central Nyanza?

Mr. Okelo-Odongo: What I am referring to is the comments, not from Central Nyanza, but by people from all over Kenya, who have commented on this in the Press. If the hon. Member for Laikipia cared to read the Press or cared to study the mood of the public, rather than simply looking for his allowances in this House, he would have noticed that so—

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, is the hon. Member who is speaking now in order to say that the Member for Laikipia usually comes here for the allowances and not to take an interest in reading newspapers? Is he not out of order?

The Speaker (Mr. Slade): Did he say it with reference to any particular Member; I am sorry I was not listening at the moment? Did he say with reference to any particular Member or just generalize that some Members do it?

Mr. G. G. Kariuki: He referred particularly to the Member for Laikipia.

The Speaker (Mr. Slade): Then he must withdraw that, of course.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the Member for Laikipia interrupted me or interjected, saying that this had not been at all in the Press, it had only come from Central Nyanza, and I was trying to tell him that it was not from Central Nyanza; it was all over the country, it was all over the Press, and if he cared to read the Press, he would have noticed it.

The Speaker (Mr. Slade): But did you say what he alleges you said?

Mr. Okelo-Odongo: Yes, Sir.

The Speaker (Mr. Slade): Then withdraw it at once.

Mr. Okelo-Odongo: Then I withdraw that, Mr. Speaker.

Mr. Speaker, Sir, I think if the hon. Member studied the papers and read them, he would have noticed that there were comments from all over

the country, against the taxes that were raised, especially on match-boxes, soap, petrol, and so on. There had been some suggestions that there were other areas from which this revenue could have been derived. In this respect, I would only like to request the Assistant Minister to tell me whether there is a mood in the Treasury, an open mind there, and flexibility, so that in the course of time, should they notice that the general public were right, they might do something about this.

Thank you, Mr. Speaker, Sir.

Mr. Bala: Mr. Speaker, Sir, I beg to support the hon. Member who has just sat down, in saying that, surely, the taxation which has been imposed is opposed by the general public, and I am speaking for the general public with authority. I am licensed to speak for the general public because I know very well that in the last General Election, my party, which is KPU, defeated Kanu so badly.

Mr. Speaker, there are so many ways by which the Government could raise more taxation, rather than raising it on such commodities as sugar and match-boxes. In this country we have such commodities as jaggery which is being sold—

Mr. Shikuku: On a point of order, Mr. Speaker, I wonder whether the Member speaking is in order to try and mislead the House and the public, saying that there was taxation on sugar, when it was not so. I was wondering whether he was talking of the Budget. We are not talking on the Budget now.

The Speaker (Mr. Slade): If he is suggesting that there is any new tax on sugar here, of course he is wrong.

Mr. Bala: Mr. Speaker, in fact, we are speaking for the current year, 1966—

Mr. Shikuku: On a point of order, Mr.—

The Speaker (Mr. Slade): Let us get clear what Mr. Okuto Bala is trying to say.

Mr. Bala: Mr. Speaker, Sir, some Members have to be patient. They have been in this House long enough and they must be patient when hon. Members like me are speaking. Now—

Mr. Mbogoh: On a point of order, Mr. Speaker, it seems that the hon. Member speaking is trying to imply that the other hon. Members are not honourable because he said that some Members should keep quiet when the hon. Member is speaking. Is he not out of order?

The Speaker (Mr. Slade): You will remember to refer to hon. Members as honourable, will you not?

Mr. Bala: Mr. Speaker, I agree that we are all hon. Members. When I say hon. Members like me, I have given them all the honours they want, so anything else they want, I think is asking for too much.

The Speaker (Mr. Slade): Shall we come back to the point now?

Mr. Bala: Mr. Speaker, Sir, coming back to the point, I would say that, apart from some of the taxation measures which are stated in this book, there are certain commodities in this country which could be taxed and which have been left out by the Minister for Finance, for no reason—

Mr. Shikuku: On a point of order, Mr. Speaker, do I understand from the speaker that he has refused to accept the fact that taxation was not levied on sugar, and he should withdraw that? He is now continuing his speech by-passing the question of sugar.

The Speaker (Mr. Slade): Mr. Bala, you acknowledge that there is no additional tax on sugar now proposed?

Mr. Bala: Mr. Speaker, Sir, with due respect to the hon. Member, it is only this year that the price of sugar went up by way of taxation, although it is not in this book. I refer to it because it is the same year; it is not last year. I do not know why the hon. Member is so worried about my reference to the sugar taxation, which is the truth.

An hon. Member: In the Budget; talk of this Budget.

Mr. Bala: It was this year that we had an increase in taxation on the price of sugar. Therefore, you keep quiet; you will have your own time to—

Mr. Okelo-Odongo: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Oh, I think we are all quite wrong except Mr. Bala. I see that in the Second Schedule of the Customs and Excise Tariff (Amendment) Bill, which is coming in Committee, there is an amendment of the duty on sugar. It is a different Bill, actually, but since you are talking about taxation in general, I think you have a right to say that.

Mr. Bala: Mr. Speaker, I was talking about taxation in general.

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, is it in order for two hon. Members here to keep on shouting at the Opposition all the time about Central Nyanza?

An hon. Member: Which Members?

Mr. Okelo-Odongo: The hon. Member from Laikipia and the hon. Member from some part of Embu.

The Speaker (Mr. Slade): No, I think Mr. Okelo-Odongo is quite right. It is not going to help our proceedings to make shouts of that kind. It is not justifiable to suggest that Members are only representing the interests of a particular area. We recognize that all hon. Member are here to serve the interests of the country as a whole, and you must give these hon. Members the credit for doing likewise.

Mr. Mbogoh: On a point of order, Mr. Speaker, is the hon. newly-elected Member in order to say that I come from somewhere in Embu when he should be clever enough to know where my constituency is right now?

The Speaker (Mr. Slade): I think you must allow for a little irritation if you make unpleasant interjections.

Mr. Bala: Mr. Speaker, Sir, going back to the point, I would say that, as a person speaking for the people, I should have a proper hearing, so that the people of this country can hear what I am talking about.

Mr. Speaker, Sir, in this particular Bill, on page 143, I have noticed that the Minister intends to have taxation on item 9—that is, coffee extracts—something of the order of 30 per cent. However, Mr. Speaker, Kenya is an agricultural country and, as such, we should have all the facilities for supplying agricultural products like coffee. Instead of having to have an import tax of 30 per cent, I should imagine that the Kenya Government should establish a factory where we could manufacture coffee extracts or, for that matter, I would have been happier if we could have taxation on machinery used to manufacture coffee. We are a country growing coffee and there is no need for us to import it from outside; we have plenty of it here.

Also on page 143, Mr. Speaker, under item 11 you find extracts, essences. These should be manufactured in Kenya, we should not have such products manufactured outside Kenya, because we are essentially an agricultural country; we should in fact, supply other countries which are not agricultural countries.

The Minister could have levied taxes on such goods as jaggery which are being manufactured in this country mostly for the purpose of making Nubian Gin, and Nubian Gin is a luxury, it is not a necessity. I would have been happier if the Minister could have levied some taxation on jaggery which, at present, is being made free of taxation. You find that in places like Nyanza

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Province there are people with about 5,000 or 2,000 acres of sugar-cane, and this sugar-cane is being turned into jaggery without any taxation. You find people with about 100 or 200 acres supplying their sugar-cane to the factory manufacturing white sugar and these people give some benefit to the Kenya Government because their sugar is being taxed at something like Sh. 35 per bag, which goes to the Kenya Treasury. But the other people who are actually making jaggery—probably supplying it to Tanzania and Uganda—do not pay any tax: they are left without taxation. I think the next time the Minister is planning taxation in this country, such people should be taxed because we cannot agree that people who are planting something like 200 acres should be taxed and those with about 2,000 acres, who are manufacturing jaggery, should not be taxed. This is a very wrong principle which the Kenya Government must correct.

Also, you find that in Nyanza Province we have some stuff which is called molasses. This is used for cattle feed to a certain extent, but mostly it is used for making *waragi*, which is prohibited by law. At the same time, when this stuff is being sold, it is in a free market.

The Member for Nandi South (Mr. arap Cheruiyot): On a point of information, Mr. Speaker, does the hon. Member know that *changa* actually happens to come from Kisumu where this stuff is being brewed; most of it?

Mr. Bala: On a point of order, Mr. Speaker, I have not heard that information correctly; it may be misinformation. Will you please inform me properly.

The Member for Nandi South (Mr. arap Cheruiyot): Mr. Speaker, Sir, according to the knowledge that I have concerning *changa*, most of the *changa* that is brewed today comes from Central Nyanza where we have these jaggery places.

Mr. Bala: Mr. Speaker, I really sympathize with the new Member and I cannot blame him because he is too new in this House. The sort of information he is trying to give me is misinformation because I was not speaking about *changa*. I was speaking about molasses. My main concern was not Nubian Gin, my main concern was the original stuff which is used for making Nubian Gin which is molasses. Molasses is sold in a free market from Uganda, from Miwani, and it is sold at a very big profit. Why does our Government not take the trouble to tax this particular stuff which is sold for thousands of pounds every year, instead of taxing match-boxes which are

rarely used in the countryside? Why not tax something which is used more as a luxury, like molasses?

That is why I say that the Kanu Government, at some time, has lost touch with the aspirations or the wishes of the people, because what it is doing is contrary to what the people want. That is why I am in KPU; otherwise I would have been in Kanu.

Mr. Speaker, Sir, one hon. Member is asking me to explain. The point is, in 1968 I am going to form the Government whether you like it or not.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, Sir, is all this propaganda really relevant to this Bill?

The Speaker (Mr. Slade): No, let us keep to taxation.

Mr. Bala: I am sorry, but it is a question of these unnecessary interjections from the hon. Members that mislead me when I am concentrating on the actual Budget Debate.

Now, Mr. Speaker, Sir, another point I would like to raise is with regard to the question of checking the prices on goods sold in the shops, and in particular the retail prices. It is no good coming to this House and obtaining legislation with regard to the increase in prices only to find that an Asian, let us say, trading in South Nyanza, a remote part of the country or an African reserve, instead of increasing twenty-five cents on a given article increases the price by fifty cents or sometimes a shilling. I think the Government should be wise to this fact, that whenever we pass any legislation allowing an increase to be placed on certain commodities, it should go and check to see that the increase which is imposed by the retail traders corresponds with the actual amount that was approved by the House.

Mr. Speaker, Sir, we have seen on a number of occasions, when the prices are increased in this House—and if you go and visit a place in the reserve or in the countryside—that a certain article has been increased by seventy-five cents, when the actual amount approved by the House was fifteen cents. This, Sir, is very bad. In this respect, I would like to ask my Government to see that certain checks on all the commodities which have been increased in price by this Parliament are carried out, so that the ordinary man in the countryside does not suffer on account of the legislation which is passed in this House.

Mr. Speaker, Sir, while I am on this subject, I would like to mention another point about the increases on certain goods. One day, I noticed that the price of petrol was increased by ten cents. When I went to the countryside I found that the

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price of petrol had been increased to something like twenty cents instead of having been increased by ten cents. Mr. Speaker, Sir, that happened in my constituency. Mr. Speaker, Sir, I know that I am not alone in this particular point. For example, Mr. Speaker, Sir, there is this question of nuts, on which the price has also been increased. Mr. Speaker, Sir, the Government has not specified where these nuts have come from. They might be nuts from England or Japan, although the price in Japan is cheaper than the price in England. There may, also, be nuts from West Germany where the price is still cheaper than that of England. So, Sir, if these prices are not checked and the original commodity is not checked when it is being sold in the shops, we will sometimes find that a nut, made in Japan, which should cost about Sh. 1 is being sold for about Sh. 2 or Sh. 3. Now, Sir, we want our Government to be alert and sell it to the citizens that instead of them paying a far higher price on the things which they should not pay a high price on, the Government should help them by checking on these commodities.

Now, Mr. Speaker, Sir, I would like to come back to page 146 of the Bill. I have noticed that this Government is becoming far too ruthless in that it is now levying some sort of taxation on things like biscuits. Biscuits are an essential, normal food which the ordinary man likes to eat.

Several hon. Members: No, no, no.

Mr. Bala: Mr. Speaker, Sir, I hear some hon. Members shouting, "No, no" but, surely, Sir, we want, in this country, to develop and see that the standards of our people are raised. The standards of the people can only be raised by them being taught to eat, and becoming accustomed to eating, what they did not eat in the past. Mr. Speaker, Sir, the ordinary people in this country were not used to eating biscuits before. Now, Sir, with the development of education we want these people to eat biscuits and butter, but before they can train themselves and become accustomed to eat these foodstuffs, we levy a very big taxation on biscuits. Is that correct? I think, Sir, that is the wrong attitude to take. Mr. Speaker, Sir, instead of us just eating *ugali* and that alone, I would like to see my European friends, even from the overseas countries, come to any ordinary African home and be able to eat the same things that he is accustomed to eating, instead of them eating something which they are not accustomed to eating: *ugali*. The Government is now trying to do away with this because they have levied a heavy taxation on things which we are trying to get

the Africans accustomed to eat, and therefore, we are preventing them from ever having the opportunity to become accustomed to eating these foodstuffs. That, Sir, is very wrong, and something which I personally, would not allow to be done, or allow myself to agree with.

Mr. Speaker, Sir, I should not criticize the Government all the time without also giving them some amount of credit. Mr. Speaker, Sir, I quite agree with the Minister for Finance on the taxation of motor spirits and petroleum. As far as I know, Sir, it is only the rich people who can afford to buy petrol, and here I would like to commend the Minister for Finance because I feel that he has used his wisdom and has actually taxed the right commodity, and one which should have been taxed. However, I would like to remind the Minister for Finance that there are so many ways, in this country, whereby we can raise money through taxation.

Mr. Speaker, Sir, for instance, I think we should have things like airport tax, or perhaps it is called landing tax, or disembarking tax. Mr. Speaker, Sir, when I go to Tanzania, the moment I land at the airport I pay about Sh. 10 in the way of taxation. The moment I leave for Kenya I pay another Sh. 10 in taxation. Mr. Speaker, Sir, why do we not therefore in this country have such taxation? Also, Sir, when I go to a hotel in either Ethiopia, or Egypt I pay a special tax there which is called the hotel tax. Why do we people in Kenya not have some sort of taxation in our hotels? Mr. Speaker, Sir, I think that instead of putting an increase on match-boxes, which is wrong, we should introduce these other means of taxing the people.

An hon. Member: That is why you are KPU.

Mr. Bala: Mr. Speaker, Sir, I hear one hon. Member saying that that is why I am KPU. However, I can tell the hon. Member that KPU is here to stay regardless of what some of you—

The Speaker (Mr. Slade): Order! We are not going to get back on to all that, Mr. Bala.

Mr. Bala: I am sorry, Mr. Speaker, Sir, but these people are misleading me—

The Speaker (Mr. Slade): Do not let them provoke you, you keep to the point.

Mr. Bala: Mr. Speaker, Sir, I am trying to keep to the point, because I feel that the taxations which have been introduced are going to touch the poor and not the rich. Mr. Speaker, Sir, one finds on page 143 of the Bill, item No. 45, that there is a taxation on bolts, steel nuts and washers. I would have no quarrel if these nuts, which are being taxed, were only for the cars and the buses. However, if these nuts are going to be used on agricultural machinery, then we

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will have a quarrel with the Government because at the moment the Africans are trying to enter into the farming world and as such, at present we should not tax them heavily, because previously we have not had such good and successful farmers. Therefore, Sir, we should, whenever we are making any sort of taxation, see that most of our people have not enriched themselves enough so that they are taxed unnecessarily.

Mr. Speaker, Sir, I would now like to turn to page 146, item No. 143 (a) which refers to radio receiving sets. Mr. Speaker, Sir, there are so many of our people in the country who do not own radios, specially the portable radios, that really the taxation on radios—and especially again if we refer to the portable radios—is not fair. I do not think the taxation on radios, especially the portable radios, is fair. I do not have any quarrel with regard to the radios in the cars, because only the rich men can own cars and likewise the radios. However, Sir, with regard to the portable radios, where you find very many Africans who own portable radios—

The Assistant Minister for Education (Mr. Mutiso): Is it essential?

Mr. Bala: Yes, Sir, it is essential, only the Kenya Government is trying to make it not essential by producing views which are not conducive to the permit. Mr. Speaker, Sir, I think taxing radios is unfair. Nevertheless, Sir, I feel that if the Minister had been as wise as I am, he would actually have left this out. It is not something which is worth while, but I know he would not do that because he is rich and on a very high payroll.

Mr. Muliro: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to say that the Minister proposed this taxation system because he is a rich man? The Member is saying that the taxation system which the Minister devised was done so because the Minister is rich. Can he substantiate that?

The Speaker (Mr. Slade): If the hon. Member is saying that the Minister has devised a tax to suit his own conditions, of course, he must withdraw that. I did not quite understand that to be what he was saying.

Mr. Bala: Mr. Speaker, Sir, I would categorically deny that. The Member is trying to misinterpret what I was saying. I did not say that the Minister because he is a rich man, is introducing this sort of thing. What I said, if you would listen, was that probably the Minister would not agree with me, because he is a rich man. I did not say that the Minister made this taxation system because he was a rich man.

Now, Mr. Speaker, Sir, I would like to say that on the whole I do not support this Bill, because the Bill is not well balanced. It is not a Bill catering for the poor, but it is mostly catering for the rich. So, Mr. Speaker, Sir, I beg to oppose the Bill.

The Member for Nandi South (Mr. arap Cheruiyot): Mr. Speaker, Sir, I did not really intend to speak on this Bill, because, as you know, I am new. Sir, I just wanted to listen before I said anything at all, but, Sir, when I heard the hon. Member who has just sat down, talking so carelessly and trying to sell the people that he is just trying to tell us that he is trying to save, I decided to stand up and say something.

POINT OF ORDER

IMPUTING IMPROPER MOTIVES

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it in order—I regret that I have to rise on a point of order, but I think this question is important. Mr. Speaker, Sir, is he in order to impute improper motives that that Member is trying to sell the people, rather than save? Can he substantiate?

The Speaker (Mr. Slade): No, Mr. Cheruiyot, I did not quite understand that to be your meaning, but if you were suggesting that any hon. Member is speaking with improper motive other than the interests of this country, you are very much out of order. So, you will either withdraw or explain that you did not mean that.

The Member for Nandi South (Mr. arap Cheruiyot): Mr. Speaker, Sir, what I actually meant by selling is that the hon. Member is not trying to portray what he actually wants to do.

The Speaker (Mr. Slade): You must not do that. You must not impute dishonesty in Members in this House. You have to withdraw that, I am afraid, Mr. Cheruiyot, and start on another line.

Mr. Muliro: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Slade): I am asking Mr. Cheruiyot to withdraw.

The Member for Nandi South (Mr. arap Cheruiyot): Mr. Speaker, Sir, I withdraw.

POINT OF ORDER

LATITUDE OVER MAIDEN SPEECHES

Mr. Muliro: On a point of order, Mr. Speaker, Sir, is it not parliamentary practice that when one is making his maiden speech in this House—a new Member—we should allow him the latitude to make his maiden speech without interruptions?

The Speaker (Mr. Slade): There are limits to the latitude even in a maiden speech. In fact, I think it is rather important that from the very outset hon. Members should learn the essential rules, and the point of order Mr. Shikuku raised is a very essential rule in this House.

(Resumption of debate)

The Member for Nandi South (Mr. arap Cheruiyot): Mr. Speaker, Sir, so far our country of Kenya has been very highly esteemed by very many countries in the world up to now. We would like to see it, I am sure, including the Members of the Opposition, going on the same way as it has been going. Mr. Speaker, Sir, we are supposed to have a sensible Opposition which nobody will object to, because nobody objects to a sensible Opposition, but, Sir, if the Opposition is going to be led by emotional words—emotional, catching words—this country is not going to go on at all. We have to look at things sensibly, for example, taxation. This, Sir, is very necessary.

Now, Sir, let us see what the Member of the Opposition has just said on taxation. He has touched on several points and said that this should have been taxed and the other one should have been taxed as well. Was he actually sincere to himself? Does he know exactly what he is talking about? Why do we not, for example, tax fresh water fish which are in Lake Victoria? Nobody has touched on that. There is plenty coming from my constituency in Kisumu, and I do not see why that should not have been touched.

Mr. Speaker, I am sure the Members of the Opposition do not have the correct information and they should do a little bit more homework so that when they come here they speak sensibly because we are not going to waste the taxpayers' money on this nonsense.

The Speaker (Mr. Slade): Order, Mr. Cheruiyot! I am sorry, but I think we must keep you interrupted until you have learnt certain rules. It is out of order to refer to hon. Members' speeches as nonsense. It is not Parliamentary language.

The Member for Nandi South (Mr. arap Cheruiyot): I withdraw, Mr. Speaker.

Mr. Speaker, Sir, we are at a very critical point in Africa today, where we are threatened by *coups*, etc., which are created by people—with all these *coups* and dangers to sabotage Governments in Africa today, we have all to unite and be very careful with what we say.

An hon. Member just said something about nuts and I am glad that towards the end of his

speech he said he did not know which nuts they were. I would like to tell him to go and find out which nuts he was talking about because everything has been done carefully for the purpose of helping Kenya.

I am very glad about this Motion, Mr. Speaker, because the Opposition do not even have a way of trying to sabotage it; it is wonderfully done. It is very difficult for them to try to sabotage it because it is so well framed that they are incapable of wedging into it.

For example, Mr. Speaker, let us take biscuits. Are biscuits not a luxury?

Hon. Members: No, no.

The Member for Nandi South (Mr. arap Cheruiyot): They are a luxury. If they had taxed *ugali*, then that would have been something else. Biscuits are a luxury, and the Member who just sat down said that biscuits will stop the development of Kenya. Is that true, Mr. Speaker, Sir? If we did not have biscuits would Kenya not go on? I am sure the hon. Member is very misinformed about metabolism, because, in fact, biscuits are not so good for the growth of children, and children happen to be the victims of biscuits. So, if we are taxed twice on this, it would be very, very good for Kenya.

Mr. Speaker, Sir, during the hon. Member's speech, he kept on referring to ordinary men. May I ask one thing, Sir: who is not an ordinary man here? Do you have to have two or three legs to be ordinary. Everybody is an ordinary man. I would not like anybody to refer to Africans, Europeans or Asians specifically, because I think, here, in Kenya, we have proved to the whole world that the three groups can stay together happily. If somebody comes up and points out to the Africans, which Africans do they mean? Do they mean white Africans, black Africans or red Africans? They should differentiate all this. When they say Africans, we want Africans to do this, we want Africans to do that, they should tell us which Africans they mean, is it the black Africans, the white Africans or the red Africans? Which Africans are they talking about?

Before I sit down, Sir, I wish to make only one comment, that there is no way into this Bill. I think it is very well met, and I congratulate the Minister concerned.

Mr. Oduya: Mr. Speaker, Sir, when I stand to speak some hon. Members say, "Maiden speech" and I would like to tell them that I do not need to make a maiden speech. I have been here long enough. I am only continuing my speech after a one-and-a-half months' or two months' leave.

[Mr. Oduya]

I want to join my hon. friends who have contributed to this Bill. What I would like to say first is that I do not think there is any quarrel between the Members of the Opposition and the Members of the Government because I think the feeling is more or less the same. On the Government Benches there are some Members who actually are worried about this heavy taxation by our Government on most essential goods. So, it is not only the Opposition Members who are worried about this; I know that the Members of the Government are also worried but they have to defend the régime.

Now, Mr. Speaker, I would like to say that some argument has been put forward about certain things. It was said that the Government did well in taxing things like soap, matches, biscuits, petrol, Fanta, etc. I would like to take soap first. Soap is essential because it is important for all our people, the Teso mother, any woman in the remote corners of Teso would also like to wash with good soap so that she can have a very smooth skin. That is why we say soap is essential. Even the poor man would like to use soap for his bath. Considering the amount of income, the price, however, is very high. You find, if I can take the example of one farmer in Yatta, that a farmer there gets only about Sh. 500 a year whereas, if I may be allowed to pick a man from this House, perhaps a Minister, who is earning about Sh. 7,000 a month, then when you compare the Minister, his wife, or the son or daughter of that Minister with the poor farmer from Yatta, with Sh. 500 a year, it shows that the price of soap must be one because they all like to use soap. Who suffers in this case? It is the person who is in the majority in this country today. That is why we are bringing forward this argument, that the Minister should consider things fairly in relation to the average man who is also interested in using the same soaps that the Minister or Oduya can afford to use.

So, there is no point in saying that the Opposition are here to make wide statements, we are quite capable of producing alternatives which, of course, will make the Minister think what are the actual things that should be taxed; things like soap should not be taxed. It is said that the average man cannot suffer because of this soap business but if we go on increasing the price of soap how can the average man afford to buy it? This must be stopped and an alternative be found. This item should be deleted and we should replace it with another item which ought to be taxed. That is the argument we put forward.

Now, let me talk about matches. It is penalizing the ordinary man to tax things like matches. Today, a man who is chairman of a board, a farmer, earning a total income in a month of over Sh. 5,000 finds that five cents is nothing, but for the average man and woman who do not even get Sh. 100 a month, then he or she cannot afford to pay the extra five cents. This is quite a different position.

We would like to see the ordinary people protected. They need fire, not only for smoking but also to light a fire. Perhaps he would like to keep a box of matches in his pocket. The price of matches has gone up as much as 25 cents in some places. So, the man who sits in Nairobi and gets his allowances and salary does not mind this increase, because to him this extra 5 cents is nothing. What we want to make the Government realize is that the poor people are suffering. I come from the remote corners of this country and I know what is happening. When a person goes to buy something like matches, he goes to the shop with 10 cents and he has to argue with the shopkeeper. He knows very well that the Minister has announced that the price of matches is so much but he will not accept that price. He will argue with the shopkeeper. He is not doing so just because he wants to argue unnecessarily despite the fact that he has the money but because he is hard-up. So, all we are doing is trying to protect the average man.

Whatever we do in this House, although we say we are the final authority, we must realize who are the final authority in the real sense; it is the average man. We are only the spokesmen who present their cases to the authority which is governing the country today.

So I would like to say that the Minister has gone too much ahead in taxing without looking behind. We have told them to go back to the people and watch the problem right from scratch.

It has also been stated that only the rich will suffer because of the increase in price of petrol. I want this to be taken very carefully and to be studied. I know that the price of petrol has gone up, but it is only a few people who will benefit from this. If you own cars, then you are capable of buying petrol. We must not forget, however, what comes next. For example, Mr. Speaker, the people who go by buses and the small taxis, and so on, what about them? When the price of petrol goes up, then the fares will also increase, and this is where the ordinary man suffers. There is no question that the fares will not go up because the person who owns the bus will want to make a profit. These are all profit-making businesses, so when it is announced that the price

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of petrol has gone up, then these bus owners start making arrangements to raise the fares. How can the Minister check that the fares have not gone up from what they originally were? This is the important question. If, for example, before they were charging 12 cents a mile, now they will charge at least 15 cents a mile. So you can see that the average man has been affected too much by the increase in price, whereas the man who enjoys luxury, he drives around in a limousine bought, possibly, from Germany or some other such place, is not the man who will worry. These are the people who have several ways of getting income. However, the person who has no alternative of salary, somebody who has to travel on public services like the buses, what protection do we give to such people? This is what we are questioning.

The Speaker (Mr. Slade): Mr. Oduya, you would have heard that question answered if you were here when the Minister replied to the debate yesterday. He pointed out that buses do not use petrol.

Mr. Oduya: Oh, I see it was generalized as fuel, and I did not go into the details to see that it was diesel. At that time I was fighting in the elections.

Anyway, even if it is diesel, I think I had better leave it alone.

Now I come to the question of soft drinks where you find things like Fanta and so on, being increased in price. We know that it is not only the rich people who like to have soft drinks; even the poor or the average man would like to have soft drinks. When the average man is going around the shops, when he is thirsty, he would like to have some soda to quench his thirst. Why should we then go on taxing soda and leave out other important things which I will mention just now? Those are the things which matter, not soda. The workers, during the lunch hour, can afford to at least kill their thirst with soda or Fanta. Many of them, are not able to buy themselves lunch every day, but they can at least give themselves a bottle of soda. Mr. Speaker, you find that instead of reducing the prices we are increasing them just because they know that Oduya can go to the shops and buy some soda. What about the majority of our people? What is their position? The people who are earning Sh. 40 or Sh. 90 per month, the people in the rural areas, the workers in agricultural plantations, all these people who sometimes even earn as little as Sh. 35 a month cannot afford the increase in soft drinks.

The Assistant Minister is asking me, where. He would like, perhaps, to have me take him by the hand and show him these places. I thought the Government was well organized enough to realize where these places I am talking about are. The Member is an ex-trade unionist and he ought to know when he joined Parliament at what rate the salaries stood in the rural areas.

Mr. Speaker, Sir, we would like the Government to consider this kind of taxation very carefully before making such things public.

Now, Sir, today many people are rushing around to buy big farms and this is where Government should have taxed the people. If one man has enough money to buy a farm costing Sh. 600,000, then why should he not be taxed by the Government? This is how we can get some money from the rich in order to run our services. If a person can afford to buy a farm costing Sh. 600,000 then he is almost in the millionaire section. Therefore, he is definitely capable of paying high tax. So, what the Government should do is to devise a method and say, "When you buy a farm of such acreage, then for each acre you will be taxed so much." The person is capable of paying this, and this money will help with the development in certain areas.

There should be no question of leaving income tax aside. A man should pay income tax on the overall profit. Mr. Speaker, there are some incomes which are not kept on record, there are no books which the income tax people can see in order to assess a man's annual income. There are farmers here and there who have two sets of books and they are not properly taxed. If the Government wants to get money, then a method should be devised. When a man actually buys a farm, then he should be told that when he has bought so many acres he will have to pay so much to the Government by way of special revenue to enable the Treasury to have extra money to run certain services. This is the only means of obtaining extra revenue. There is no point in only burdening the poor man, by taxing essential goods which are necessary to him. If Oduya buys a farm which has about 6,000 acres, then this farm is for Oduya, it is not for Kenya. Whatever profit Oduya gets from that farm will go into the pockets of Oduya; that profit will not go into the pockets of Oduya's brother nor any other person. Perhaps even Oduya's children may not get it.

What is wrong with it? It is not properly scrutinized or taxed, so that you have a quarter, and three-quarters surrendered to other channels

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to help those who are unable to find other means of living. This is what I think the Government should bear in mind.

Another item that the Government should tax, Mr. Speaker, which definitely the Treasury or the Minister for Finance should look into, is, Mr. Speaker, whisky. I am just pointing like this thinking it is the direction to London, where this whisky is manufactured. I was just looking at the item I am following. Mr. Speaker, whisky should be taxed, because the people who drink whisky are those in the better positions. Vodka, or anything alcoholic, that is for the higher paid people, should be heavily taxed. It is not heavily taxed at the moment. It is not. Sh. 2/50 for a tot of whisky—that is not enough. I thought that the Minister, because he himself is a whisky-drinking man, should have made a tot of whisky, let us say, Sh. 4. A tot of whisky Sh. 4, what is wrong with that? So that we will know who fails to drink whisky. I know that even if we made it Sh. 5 for a tot of whisky it would still be drunk. People will continue to drink it. The Member for Yatta will continue, because his pockets are heavy, to drink whisky. Mr. Speaker, these are the items we think the Government should tax. Not just rushing for small things which affect the lives of the average people in this country today. Gin, also, is another item, and anything like vodka, and so on, these are the kinds of drinks that I think the Minister in his next Budget—I know very well that he is going to have another deficit, like this year which ran into a £7,000,000 deficit, and this is why we are sympathizing with him, not otherwise—if he wants to have more money he should not leave things out like whisky, which today is dominating the market. All over Kenya today you find men in high positions who drink whisky. The beer that is brewed here is left to the people between, let us say, Sh. 200 and Sh. 500 a month, but beyond that figure, let us say Sh. 700 or Sh. 800 a month, people now drink the more costly things like whisky. That is why it is necessary to tax whisky, and other drinks like gin and so forth.

Whoever takes notes, I think I can see the Assistant Minister for Finance is here, and also for Economic Planning, they are both here; the people who matter. So the Economy and Finance Assistant Ministers should take this down and examine how this can be fitted into their next Budget plan. These are the views of the Opposition. It is not a question of accusing the Opposition all the time about free things when we are trying to protect the average man in this country.

Another taxation, Mr. Speaker, that is needed, is, for example, on landlords throughout Kenya today, who are getting a hell of a lot of money, and nobody, not even the Minister for Finance, is able to tell me how much these people are receiving in a month. For example, if I have ten bungalows, each of them bringing in about Sh. 1,500 a month, and so on, because only people of high standards can afford to stay in them. Where will all this money go? Oduya's pocket? How does the country benefit from this? No proper record is kept by some of these people, because they like to make money and not to go to the income tax authorities. These are some more things the Government can look into, because, I know, Mr. Speaker, there are very many people here with big plots today who are making a hell of a lot of money. Government is just leaving these people to make money and become richer and richer. They almost become multi-millionaires, while others are dying for lack of food.

I say that property taxing must be checked, the specific issues are, how many plots some of these landlords own; how much he is receiving every month. These people must be taxed on whatever they receive. This should be surrendered to the pocket of the Treasury to help the Treasury to develop. They could put up a project in Teso and provide employment; not leave the Teso to be hungry and then tax their soap, which, of course, a Teso woman could buy at a cheaper rate, when there is something else to be taxed.

Mr. Speaker, these are some of the things we would like to suggest to the Ministry to be looked into before the next Budget. How to tax these people, because they are making a hell of a lot of profit.

The Speaker (Mr. Slade): Hell, I do not think is parliamentary language, Mr. Oduya.

Mr. Oduya: I am sorry, Mr. Speaker, the word "hell" is withdrawn and then we will make it a "huge profit". Thank you, Mr. Speaker.

Another thing is land sales tax, which I thought should be— For example now, when you want to buy a motor-car, you pay an exchange tax or purchase tax. I do not know if this kind of thing is there for when you buy land. When I am trying to buy land, I must also pay a fee. I pay a special fee first to the Government.

An hon. Member: Stamp duty.

Mr. Oduya: Stamp duty is not enough. We would like a special rate. When you want to buy a farm, you have prepared yourself and you know

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how much money you have, so you would be self-sufficient. Some are now buying more than ten farms, why cannot the Government, Mr. Speaker, obtain extra revenue through making a special land sale fee? This must also be introduced.

Another thing my colleagues have pointed out is the question of airport tax. Here, in the country, I remember last year the Minister for Finance remarked that he would not like to see the Kenya Government introducing such legislation by bringing in airport taxation, because they wanted to leave Kenya as a free international airport where people can enjoy free things, but they are abusing these free things which they are providing only for the rich. Mr. Speaker, here is a case: we are all working towards a common market of East Africa; when you go to Entebbe you are taxed. You go to Dar es Salaam and you are taxed. You fly to Cairo, going in or coming out, you are taxed. Those Governments are also looking for loans as we are. The United Nations, people go and beg money from them. The United States, when we go there we find an Egyptian Minister is also there. When we go to London we find an Egyptian Minister there. Considering the standard of living, I think the Egyptians are a little better. Why do they tax? Because they want to have more money and have more development. So here is a case where we have people enjoying luxury here. When you have a lot of money you fly. When you have a lot of money you go all over the world. So this is where we say that the Government can also gain, because no one can refuse to travel who has money.

The Government can also save some extra money by, let us say, introducing a tax, whereby when you are going out you pay Sh. 5 or Sh. 10. I know that the Assistant Ministers for Economic Planning or Finance can afford Sh. 10. One trip to London and back, this will be another Sh. 10. Already the country has benefited by receiving Sh. 20. What is wrong with that? There should be no favouritism, whatever we do there should be no favours. What I am saying is that the Minister must now come to his senses to find another method of obtaining money. Not just taxing the essential goods which affect the lives of the average people, and then you say, "Well". When we point out certain things they say that we are the advocates of free things. Why do you provide free things to the rich at the airport?

Mr. Speaker, another thing I would like to point out is the question of hotels. Today, when I go to—because I am nearer Kampala—Tororo,

one of the main towns of Uganda. You go to a hotel, and you find that there is a Government tax. I do not mean a small hotel—

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering whether—I do not wish to interrupt him—is he not repeating what the hon. Okuto Bala told us about the hotels and all the other subjects?

The Speaker (Mr. Slade): I do not think there is very much repetition of what Mr. Bala said. Here and there, there maybe. If so keep it as short as you can, Mr. Oduya.

Mr. Oduya: Mr. Speaker, I do not want to worry my friend, the Member for Butere, whom I respect very much, because even when I was fighting my election he was the only man my people were telling me about, that now we can hear Shikuku only. He is the only man who can go to Teso and receive greetings. Now he is worrying me and I do not know why. I was just introducing the topic and I think he should have waited for two minutes.

What I was just going to give an example of, Mr. Speaker, is that the hotels also should be graded. When we say "hotel", we do not mean that hotel in River Road, that one of Kinyanjui, because that is not an hotel. All these big people do not go to Kinyanjui's hotel, they go to the New Stanley, the Pan-Afric, Norfolk, and other places. Those are the hotels we mean where the Government should introduce a little tax to obtain extra money for extra projects. I think the Government only wants money for expanding services to the people. If we allow the people to enjoy all these luxuries in the hotels, the people with the higher incomes will go to the big hotels, the better hotels, because they like to sit at a clean table. Nobody would prefer to go to Kinyanjui's hotel, that Kinyanjui's hotel they have left for the average man who has no money. But the rich men with money go to better places. These people should be taxed. The Government should introduce a small tax there to obtain extra money. At the moment the Government is not doing this. The Government is only interested in the profits the hotel owners make, and then the Government receives its share.

What we want is a special tax, outside that one. That one must be shared in the normal operation. This one should be for exclusively taxing that man who has more money to eat luxury food. Possibly his mother and his brother are at home without food. Part of this money must also reach these people by taxing them for the luxuries they use, and, also, the accommodation. For example, if it is Sh. 75 a room, a single room in the

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Norfolk Hotel, the Government should put Sh. 4 extra on so that it becomes Sh. 79. Nobody will refuse to sleep in a good hotel. People will continue to sleep there as usual, and this money will be going into the pocket of the Government. This is another way of saving money, so that we can meet what we have actually been talking about, including the former Kanu promise of free education, instead of accusing the Opposition when they want things to be implemented.

Mr. Speaker, Sir, these are what I think would be the view of the Opposition if they were the Government of the day, and of what they would try to look into, of how best we could obtain money locally, rather than going all over the world, and becoming international beggars. That is obvious. We read these things. Even if I have been absent for two months from this House, I have been following the papers and noticing how much we have been borrowing even to find the means of balancing this Budget. £7,000,000 deficit could not be found easily without borrowing from some quarters. I know.

Instead of borrowing, Mr. Speaker, here is a sincere suggestion made by all the Members of the Opposition, to help the Government direct the machinery properly.

Another thing, which I think may be my last point because I do not want to labour on this very much, Mr. Speaker, is that the Government must devise a method of considering how to make some of the highly paid men, or the people, in the country, think of the financial problems which face the country today. What I mean actually is if a Member of Parliament is earning Sh. 2,000, and he is appointed to serve on a certain board, as chairman or member, what he should be entitled to is only an allowance for going to a meeting. The question of salary should not be there. It is another thing.

The Speaker (Mr. Slade): It may be a good idea, but we are getting away from taxation now, on to the other—

Mr. Oduya: I was just giving reasons how the Government could obtain extra money—

The Speaker (Mr. Slade): No, you can suggest other ways of taxation, but you cannot suggest economies with reference to this Bill.

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

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

Mr. Oduya: I have just been interrupted rather quickly before I went too far.

It is advisable that all salaries must be taxed, including Oduya or whoever is there. All salaries must be taxed so that you pay as you earn. If the Kenya Government is sincere in this, and that no free things are considered here. Some people are given latitude to enjoy free things while the average man is suffering. For example, some people do not pay taxation on their salaries.

An hon. Member: Who?

Mr. Oduya: Are you sleeping? I know that Members are aware that it is only fear that makes people pay their taxes.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Deputy Speaker, the speaker is making an allegation that there are certain people who do not pay income tax on their salaries, even if they are taxable. Could he substantiate this?

Mr. Oduya: For example, it was only last year when we proposed a certain Bill paying the Head of the Government a certain amount of money free of tax. What I am saying is this, if there has been any change, it should have been made public, because I know from the record of that time that this salary is not taxed; and what I am asking is—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Deputy Speaker, the speaker is not really substantiating the allegation he has made, because if he knows there is a law which already exempted certain parts of the President's income from tax, he should not make that allegation. I think he was referring to some other income, and this is the substantiation we want.

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Oduya, were you referring to anything else other than the specific parts of His Excellency's income? If you were not, then I think you should withdraw this and continue.

Mr. Oduya: Before I withdraw, I wanted to make the point clear, I cannot just be forced to withdraw. Here I am asked to explain what alternatives the Government could use to get extra money, and here—

The Deputy Speaker (Dr. De Souza): Order! Order! No. Please sit down. The point still arises—and I do not think you should press this point, Mr. Oduya—that you have made an allegation that certain salaries are not taxable. If you are only referring to the one salary or some aspects or portions of the salary of His Excellency, then I think you should admit that a law was passed by this Parliament last year, and I would suggest that you do not follow that up any more.

Mr. Oduya: Mr. Deputy Speaker, do we mean — anyway, it is not an argument with the Chair, but I just wanted clarification and then see what next.

Do we mean to assume that when a law has been made, this Parliament cannot change it when proposals are made? No change of law—

The Deputy Speaker (Dr. De Souza): A law can be made, but all you are saying—I do not think we want to get into a form of dialogue—is that you are referring to this one salary. You are not making a general allegation, are you? If you are, then you have to substantiate it and if you cannot substantiate it, then you state quite categorically that you are referring to only this one salary. There is no need to go on and on over again. You know what you mean, and we know what you mean, so you might as well either substantiate or withdraw, and say you are referring to only one salary. There is no point in going—

Mr. Oduya: Anyway, the point here at issue is that I do not want to be accused by good boys that I meant the President, because I did not mention his name. I did not mention anybody's name, so if it has been established that it is His Excellency the President of the State, then I do not mention the President's name.

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Oduya, please sit down. I do not want you to start playing around with the Chair, please make it quite clear. You either substantiate the allegation you have made, that there are people in this country who are due to pay income tax but who are not paying it. Either you substantiate it, or withdraw it. It is not a question of what people thought, or did not. If you start being difficult, I am afraid, I will also have to be difficult. You have come after a long time, and we do not want to be harsh with you.

Mr. Oduya: Substantiation would mean even one man, for that matter, but instead of going further to explain or substantiate, I think, according to him, I withdraw that particular part.

Mr. Mate: On a point of order, Mr. Deputy Speaker, is that hon. Member for Teso in order to refer to certain people as “good boys”? Would he care to tell us who these so-called good boys are?

The Deputy Speaker (Dr. De Souza): As long as he is not referring to Members of Parliament, I accept it. However, if you were, then that is quite out of order. I do not know; I am afraid it was in the middle of a point of order. Were you referring to Members of Parliament?

Mr. Oduya: No, I only said good boys, I did not mean Members of Parliament. If a Member of Parliament, he is a Member of Parliament here, unless he is a good boy. If one considers himself a good boy, that is a different thing. Anyway, Mr. Deputy Speaker—

Mr. Kibuga: On a point of order, Mr. Deputy Speaker, the hon. Member has said that he was not referring to the hon. Members here when he said that he would not like the good boys to go and accuse him: could he substantiate who these good boys are?

The Deputy Speaker (Dr. De Souza): I do not think we want to go into that. He has said it does not refer to Members of Parliament, and we will accept his word for it. It could be people outside.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, the hon. Member has said he was not referring to the Members of Parliament unless they are good boys. How does that go?

The Deputy Speaker (Dr. De Souza): I think you are right, Mr. Mbogoh, you are perfectly correct, and I think, Mr. Oduya, your explanations and clarifications must be quite clear. You are either referring to hon. Members or you are not. If you are referring to hon. Members, you must call them hon. Members. You have been sufficiently long in this House, and there is no need to indulge in this type of tactics which unnecessarily delays your own speech and makes every other Member annoyed about it. You are fully aware of the Standing Orders, and you should abide by them. It is a matter of courtesy to all other hon. Members, courtesy which you expect from them, and which you in turn, must give to them. This is a matter of pure courtesy which you should abide by. These are Standing Orders made by this House, including you, and you must abide by them, and not try to avoid them.

Mr. Oduya: I think I must make this position very clear. The Chair has asked me to make it clear whether I meant the Members, and I have already told the Chair that I did not mean any Member, because I know that all Members here are hon. Members.

The Deputy Speaker (Dr. De Souza): Good, good, now carry on.

Mr. Oduya: Ministers, I know, are hon. Ministers. So there is no reason why some Members are putting pressure on the Chair to make me accept that I meant the Members of this House are boys. If they feel they are boys, then that is

[Mr. Oduya]

a different thing, but what I have said, I have said. I did not mean Members; I said hon. Members should be hon. Members.

The Deputy Speaker (Dr. De Souza): All right, go on with the debate now.

Mr. Oduya: Mr. Deputy Speaker, Sir, also another higher taxation should be introduced on spirit, because there are very many planes going through Kenya, and some are here, in the country, which are mainly the consumers of spirit. I think the Minister for Finance should look into this when he plans his Budget for next year, and he must also consider all these things that the Opposition Members are proposing. I know, certainly, that some of the Members on the Government benches might also have the same views, and they might have expressed these views, or will continue to express them. This kind of thing might help us to find an easy way of trying to raise money locally to fill our gap, instead of borrowing money for our Budget. If we continue to borrow money for our Budget, Mr. Deputy Speaker, how shall we manage the major developments? We borrow money for filling the deficit, and at the same time we go and say, "All right, give us now for certain projects." This will become useless and will be regarded as people who only talk a lot but they have nothing in their brains, because they cannot even plan how to raise money locally. This is the thing I am worried about, because Kenya, perhaps, will one day be accused as an international beggar. This is what we are worried about, and it is what we are trying to avoid. That is why I am asking my friend here to see that when he meets his other colleague, and the Minister for Economic Planning, they must really reflect the problems of the average man first before the senior men who are highly paid consider their own problems. These are some of the things we feel should be looked into, Mr. Deputy Speaker.

With these few remarks, and with due respect to my Government, I think they have obtained enough information to guide them. Thank you very much.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Deputy Speaker, Sir, I did not want to speak at all, but I think the hon. Member has been wondering too much, mentioning our Ministry, and I have a few comments to make to him.

Mr. Oduya: On a point of order, Mr. Deputy Speaker, when a Minister, or any other Member stands up to speak, does he necessarily stand up

just because he wants to address a particular Member for what he has said, or does he want to address the country through the Chair?

The Deputy Speaker (Dr. De Souza): Well, I think Mr. Kase was quite all right. He was addressing the Chair but he was paying particular reference to the speaker, or the particular Member. I think you should be quite honoured, in fact.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Deputy Speaker, Sir, I do not know why the hon. Member is getting worried.

The hon. Member has made quite a lengthy speech, but I think all he needed to have done was to listen carefully to what the Minister for Finance said yesterday. Unfortunately, he was not in the House. The Minister for Finance made a lengthy speech in reply to exactly what he was talking about, and it took up thirteen pieces of paper. This was only yesterday. It is surprising that the same hon. Member should come back today and raise exactly those points which were replied to yesterday.

Mr. Deputy Speaker, the hon. Member has been complaining about matches. The Assistant Minister for Finance will be dealing with this in detail, but let me ask the same hon. Member how many boxes of matches he uses in a day when he smokes a pipe: most probably not less than three. Are we going to leave this extravagant gentleman to continue using boxes of matches at that rate without taxing him? Then look at my grandfather. He uses a box of matches every week or two weeks. Therefore, we cannot allow, Mr. Deputy Speaker, the Member who is already rich, the gentleman who is already rich and extravagant, smoking cigarettes every minute—

Mr. Oduya: Talk about whisky.

The Assistant Minister for Economic Planning and Development (Mr. Kase): I think if the hon. Member is patient I will come to it; I will not forget.

So, Mr. Deputy Speaker, I think there is no justification. I realize that most of our people would like boxes of matches, yes, but the man who buys more should be taxed more. The hon. Member says it is not equal. I wish the Opposition could keep quiet and listen to what I am going to tell them. The hon. Member says it is not equal, but the fact is this. One man uses one box of matches and another uses ten. The one who is using ten is suffering more taxation than the other one, so there is no difference.

Mr. Deputy Speaker, going on to the next point—I am sorry the hon. Member is walking out—he talks of hotels in Nairobi which are not taxed.

[The Assistant Minister for Economic Planning and Development]

Take the case of a man who goes to the New Stanley and one who goes to a hotel around River Road. I am convinced that the man who goes to the New Stanley uses more electricity. If the hon. Member does not know that people get taxation on electricity, then I do not know what he is talking about. The man who goes to a hotel in River Road uses less water than the man who goes to the New Stanley; he knows this very well.

An hon. Member: Why?

The Assistant Minister for Economic Planning and Development (Mr. Kase): Well, you know that when you go to one of these hotels you normally fill a bath, but when you go to one in River Road you are only allowed a small tap there. The hon. Member knows this. Therefore, the amount of expenditure of the one who goes to the New Stanley is quite different from that of the man who goes to the hotel in River Road.

I am sorry that the hon. Member has walked out. He does not even know that the city council gets water rates from the hotels—

Mr. Shikuku: On a point of information—

The Assistant Minister for Economic Planning and Development (Mr. Kase): No information. Mr. Deputy Speaker, I do not need any more information from the Member for Butere, we have had enough of it. I am sure he has some information, but I do not think it is good at this stage; he can wait for his chance.

Mr. Deputy Speaker, knowing that every person who goes to a hotel which is more expensive uses more, he is therefore taxed more. The argument does not arise, as some hon. Members have said, of imposing other taxation.

The hon. Member for Teso who has gone out, unfortunately, did not listen yesterday to the Minister saying—

POINT OF ORDER

**GIVING WAY ON POINTS OF INFORMATION:
COURTESY**

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, many times in this House I have seen that when a Minister stands up on a point of information to inform a Member, the Member sits down and expects information. Then should we take it that Ministers never need any information, because in many cases when a Minister is to be informed by an hon. Member, he says, "No"? I do not understand this one, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): I think it is a very good point of order, Mr. Mbogoh. As I have said very many times, when a Member stands up on a point of information, he does not mean that the other person is ignorant. I think there is a misunderstanding here, that when a person stands up on a point of information and the other person gives way, he implies that he does not know the facts or that he is ignorant. That is not true. It is purely a question of courtesy. If one hon. Member is speaking and referring to a particular matter and some other hon. Member thinks he can clarify or explain something that was said, which might, as it were, cut that particular point out or make it short—and it must be purely a question of information, it must not be a question of trying to ridicule the other person—then I think normally one should give way as a matter of courtesy.

This matter of courtesy, of course, is mutual. If one hon. Member always refuses to give way to others, he will find others refusing to give way to him. Sometimes he may also be very keen on explaining some particular matter and thereby standing on a point of information, but he may find that everybody else is against him and refuses to give way. Therefore, I think that as a matter of normal courtesy—this is not a ruling, it is only a request—hon. Members should give way. This particular retort I hear every time—"I don't need any information"—is quite misplaced and quite unnecessary because there is no implication that the person, if he gives way, needs information; he is merely letting the other person explain some point which he thinks needs explanation.

(Resumption of debate)

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Deputy Speaker, Sir, it is unfortunate that the Member for Teso is not in the House. Yesterday, when the Minister for Finance was replying on why he did not tax whisky, for example, why he did not tax gin, for example, or vodka—and I would like to quote—

Mr. Omar: On a point of order, Mr. Deputy Speaker, I ask your guidance on this, because the hon. Assistant Minister is labouring too much on the comments made by hon. Oduya who is not in the House now, and he is repeating exactly what the Minister for Finance said yesterday. I wonder whether that is in order, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): Well, yes, he is in order, I am afraid. In this particular debate, a certain amount of latitude has been given, I think, to the Opposition, in view of the

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fact that they were not present here during the Budget Debate. As they were given that latitude, I think it is only fair to give the Government an opportunity to reply to it, although I see your point. As a matter of practice, I do not personally see very much necessity in replying to matters which have already been replied to. But, anyway, it is entirely at the discretion of the hon. Assistant Minister and I, for one, will not cut him short. I think he will probably use his own discretion and find that he does not need to make a very long speech. After all, this should normally be a very formal debate. After the Budget Speech, the debate on the Finance Bill is very formal and I do not think hon. Members should extend this very much longer.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, most of the points which the hon. Member is replying to now were ruled out as irrelevant by the Speaker when he was in the Chair. So shall I be in order to ask the hon. Assistant Minister to cut short the few points he has because he is also replying to the irrelevant parts which we do not need just now?

The Deputy Speaker (Dr. De Souza): You can ask him, but it is up to him to decide what to say.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Deputy Speaker, Sir, I do not intend at all to waste the time of the House, neither to go into detail on irrelevant matters.

I had not really gone far. All I was saying was just to remind the Opposition of what the Minister for Finance said when he was talking about whisky, and the rest. All he said was that in 1965 the value of imported whisky was £146,000, and the amount paid in duty was £515,000. As the Minister said yesterday, Mr. Deputy Speaker, this was about three times. If you want to tax that man again, Mr. Deputy Speaker, you must think also that you will affect somewhere, because you might say, "O.K., we tax the beer drinker, we tax the whisky drinker", but then, if the production of either of those goes lower, then you will have to dismiss some people who are employed somewhere. Therefore, you cannot go, as the hon. Oduya, who is out—and I do not want to labour much—

An hon. Member: Whisky is not made here; it is imported.

The Assistant Minister for Economic Planning and Development (Mr. Kase): That is a very good comment, Mr. Deputy Speaker. The hon. Member says so, but he knows that there are

some bars where they sell whisky, he knows there are some hotels where they sell gin, and if gin becomes too expensive, you will not have people in that bar. You will have to reduce the people working in that bar; you cannot keep them.

Mr. Deputy Speaker, without labouring this very much, I would just remind hon. Members that whenever you tax—and I am not saying this, as some people say and I listen to them, just because we are defending our jobs—you must think of the circumstances arising from that taxation. If you do not think of this, you will ruin the economy of the country. We are not here to ruin the economy of the country because we cannot plan properly. If we plan properly, Mr. Deputy Speaker, I am sure our taxation will be all right.

With these few remarks, Mr. Deputy Speaker, I think hon. Members will see that we should let this Bill go through as quickly as possible, so that we can deal with their Motions which they think are as important as we think this Bill is. I beg to support.

The Deputy Speaker (Dr. De Souza): Before hon. Members speak any further, I would like to point out now that I think we have reached the stage where there is a lot of repetition in this debate. If any hon. Member wants to move the closure now, I think it would be fair to put it forward, but I will be very strict now because we do not want to repeat the whole Budget Debate on the Finance Bill.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I promise I will not repeat anything, and I only wish that the Assistant Minister could stay in for a few minutes for some hard hitting.

Mr. Deputy Speaker, Sir, first of all, I must say that I will not repeat. Secondly, I must say from the outset that I did point out before some of the items here which Members of the Opposition particularly have laboured very much, but, speaking as the president of the poor people, Mr. Deputy Speaker, I—

The Assistant Minister for Education (Mr. Mutiso): Question.

Mr. Shikuku: Mr. Deputy Speaker, I hear the hon. Member for Yatta questioning—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Deputy Speaker, I think something is getting very confusing here. Either one speaks as a Member for a certain constituency or, if he is a Minister, he speaks as a Minister, but this other position that is being introduced here, is it really in order? Is it really recognized by the Speaker?

The Deputy Speaker (Dr. De Souza): No, I do not think the Speaker recognizes anybody's position, about what president he claims to be or what president he does not claim to be. Perhaps the Government might want to investigate and find out what the poor people are, I do not think it is for me to make a ruling on it, I am afraid. It is for the House to decide whether they like it or not.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I recall that the Speaker ruled that, so long as I am not impersonating anybody, I am entitled to call myself anything. If the hon. Member doubts my leadership of the poor people, he can go out and find out. Mr. Deputy Speaker, the fact that I speak their mind does not mean that I am poor—

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, is it really in order for the hon. Member to claim that he is the president of the poor people where there is no such organization?

The Deputy Speaker (Dr. De Souza): I think he has made it quite clear though. He does not say there is such an organization; what he means, and what he has said very often, is that he represents the views of the poor people. While one may feel that he may be quite mistaken and he may be exaggerating his own importance or his own representative capacity, I think any hon. Member can claim to represent anybody. You may say, for example, that you represent the views of the Wakamba people, but even if you say that you are the president—if I may draw the analogy—of the Wakamba people, it does not mean that it would be out of order, because you are not claiming that there is an organization as such.

I think it is probably being carried a little too far by Mr. Shikuku, but I do not think as a point of order I want to rule him out on it. It has been said very often before, you know, and it has not been stopped; and I do not know that I want to stop it now.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, if anybody claims to be a party official and says that he is president, obviously there should be other members of that particular organization. Is it not completely different from a person claiming to be a representative of a particular community? Should we accept that, when the hon. Shikuku speaks, he is the president of the poor, that there is such an organization, or is it a community?

The Deputy Speaker (Dr. De Souza): I do not think he claims that there is such an organization. I have never heard him claim that there is such an organization. I think his presidentship is the same as a self-styled representative, and it is, as I say, up to the House to decide whether he is rightly representative or not. It is certainly not a matter on which the Speaker can give a ruling; this is a debating trick, if I may put it that way, and not higher.

The Member for Gichugu (Mr. Gathanga): On a point of order, Mr. Deputy Speaker, although I am a new Member, I have one point to raise. How is this going to be recorded in the Minutes of this House?

An hon. Member: We do not have Minutes here.

The Member for Gichugu (Mr. Gathanga): How is the girl going to record this speaker is the president of the poor?

The Deputy Speaker (Dr. De Souza): I am afraid they will record it in the usual way, as they always record it. Perhaps some people will record rather humorously, other people unbelievably; I think very few people will, in fact, accept it, but it is up to Mr. Shikuku.

The Member for Gichugu (Mr. Gathanga): It is going to be recorded that he is the president of the poor people?

The Deputy Speaker (Dr. De Souza): Self-styled, yes; that he claims to be.

We must carry on; I think we are getting off the point.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I do not think we have—

Mr. arap Soi: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): I do not think we want to go into this matter again.

Mr. arap Soi: I have something which affects all hon. Members because I feel that if we allow Mr. Shikuku to use this name, it gives an impression to the poor people that all other hon. Members do not represent their poor people, that there is only one person in this Parliament representing the views of the poor. Is that not so?

The Deputy Speaker (Dr. De Souza): I think I have explained it. In politics, in Parliament and in debates, there are many methods by which a person may try to make himself more popular. Everybody is allowed to do it, so long as it does not denigrate somebody's else's character. If he had said that he was the only representative of

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the poor and others were only representative of the rich people, there might have been some objection, but if he claims to be a representative of the poor people, I think it is his claim; we take it for what it is worth. I do not feel one should be that sensitive. Personally, I do not mind if he calls himself president of anything.

Mr. Godia: On a point of order, Mr. Deputy Speaker, Sir, now that Mr. Shikuku styles himself as the president of the poor, will that not imply that His Excellency the President is now the president of the rich, and will this not confuse the people?

The Deputy Speaker (Dr. De Souza): It does not imply anything of that sort, and I do not think we should carry this much further.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, I am very much surprised that you have laboured so hard to try and explain the position to the hon. Members who have even had a ruling from the Speaker himself as to my status here. I am not impersonating anybody at all, and I am entitled to call myself anything, and they can call themselves anything: presidents of women, presidents of what-not, and so forth. I will not object to anything, but the fact remains that I am the president of the poor; I am speaking the minds of the poor. It is not necessarily that I am poor. I am earning a salary of Sh. 2,000 every moon and, therefore, I am not a poor man but I am giving the views of the poor. I do not have to be poor in order to speak for the poor, because Jesus was never a sinner when he died for the sinners.

Having made that very clear to these Members who can never learn anything, Mr. Deputy Speaker, may I now come to one of the most vital points, and this is in connexion with—

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member for Butere to address the hon. Members as Members who do not learn anything?

The Deputy Speaker (Dr. De Souza): Yes, you are quite right. It is not in order, Mr. Shikuku.

Mr. Shikuku: I am sorry if that is not in order. In view of your ruling and the ruling of the Speaker, if they cannot learn that, then they cannot learn anything.

The Deputy Speaker (Dr. De Souza): You must still refer to them as hon. Members, irrespective of what you think about them.

Mr. Shikuku: Hon. Members, yes. However, I will leave that point alone.

Mr. Deputy Speaker, one of the points I wanted to raise, which has never been raised, is this. Now if we are talking of taxation, we tax some items, whatever we have here—imports and probably some local, but most of them are imports—but we do not take into account the question of salaries. All right, Sir, we have increased the price of some items which I mentioned in the course of my speech, like soda and matchboxes and so forth, but the salaries have not been increased.

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

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

Now, Sir, I do not know how we can possibly balance our books as individuals because if one item goes up, then, surely, the income must go up in order to balance the increase in taxation? I am sorry that I am not a professional economist, but it is common sense that if you get Sh. 10, it is stupid of you to try and spend Sh. 15. You will not have this money to spend anyway, but that is what we are asking about. Mr. Speaker, Sir, if you have your tax going up by five and your salary is Sh. 20, it means that your salary should also be increased by five, in order to meet the increment of five.

Now, Mr. Speaker, Sir, you find that although the items are increased the salary is not. How do they expect the individual person to balance his budget? This is the point I wanted to speak about. I also heard a lot more points raised during the first speech, but, unfortunately, I did not have the time in which to speak and air my views. Therefore, Mr. Speaker, Sir, I feel that the Minister should realize, and tell us from where he obtained this idea of increasing the items when the salary remains in equilibrium.

Mr. Speaker, Sir, the other issue I would like to mention is with regard to the question of the inspectorate of these items on which the price has been increased. Mr. Speaker, Sir, we have heard, in the past, the Minister issuing statements in the Press and warnings in the House to the effect that such-and-such an item has been increased in price, but that it would not come into effect until such-and-such a date. However, Sir, there is no guarantee that the *Muhindi* Lalji Haji Patel or anybody else, be he a *Muhindi* or a trader, will not wait until that date to effect that increase. As a matter of fact, Mr. Speaker, Sir, the people who come from rural areas like myself, very remote places, for example, my old mother—any old women—and the poor women even in the hon. Odero-Jowi's constituency, do not have the Bill so that they can see for themselves how much

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this item has gone up, and therefore, Sir, I feel that it should be the responsibility of the Government to establish a system whereby if we increase the tax on any item, it should be the responsibility of this Government to propagate almost day and night—on the radio—through the field officers to inform the ignorant and poor women in either Odera-Jowi's constituency, or Bondo, or Gatundu and tell them that this item has gone up in price; but, Sir, what happens? There is only one announcement and then the Lalji Haji Patel cash in on this increase and, perhaps, cash in as much as Sh. 2 over the basic price, because these poor women do not know. This is how we kill the poor man.

Mr. Speaker Sir, I would now like to come to the question of matchboxes. The Assistant Minister for Economic Planning and Development said that it is quite in order for us to increase the price of a matchbox. Mr. Speaker, Sir, he does not know that the big guns do not use matchboxes very much at all. They have, what we call, lighters. They are very easy to use, you just press down one end, a flame appears, they light their pipes and then switch them off. Anyway, Sir, the rich man earns about one hundred times the amount that the ordinary woman in Butere earns. So, Mr. Speaker, Sir, how can we possibly talk of taxing matchboxes because the rich men use them often? We know that my mother needs matches with which to light the fire so that she can cook her food, and yet she does not have any income at all. It is completely unnecessary to talk of taxing matchboxes which are used by the ordinary man.

Mr. Speaker, Sir, if the hon. Members look at the Bill, they will find, on page 147, item 105 which refers to soap, etc. Mr. Speaker, formerly this was 56/25 which now they say should be substituted by Sh. 80. Now, Mr. Speaker, Sir, why should soap go up so seriously? Mr. Speaker, Sir, I do not claim to be a mathematician, but according to my arithmetic, it gives me an increase of Sh. 23/75. I do not know whether I am correct, but near enough. However, Sir, that is almost a 50 per cent increase. This, Sir, is an item which is really used by the ordinary man.

Mr. Speaker, Sir, I do not know why the Government want our people to become dirty, filthy and then become sick and have to spend more on them, and at the same time, they have already made a Bill for themselves and for the rich man to pay Sh. 20 towards this Hospital Bill so that they can have a nice bed for themselves, when they are ill. However, Sir, I think

they will have to pay these shillings towards the use of treating these sick women when they become filthy and dirty. Mr. Speaker, Sir, I think it is completely unfair. I said this in my speech, but now that I have seen the figure, I feel that the Government should think over it again.

Now, Mr. Speaker, Sir, the hon. Assistant Minister for Finance also just brushed aside the suggestion here, which I had in mind, that the question of having a hotel tax is not necessary, because people have to pay for other things in the hotel. Mr. Speaker, Sir, I would like to remind the Government of this fact. I have travelled quite widely and if you go to places like Malaysia, India, Egypt or Germany, whenever you go to a hotel you pay a hotel rate. You are even taxed for the services rendered unto you, and then when you leave the hotel you pay the hotel tax. Mr. Speaker, Sir, we are not talking of those taxed services within the hotel, but asking the Government to tax the people who are just staying in the hotel. Mr. Speaker, Sir, when I go to Germany I am taxed. Mr. Speaker, Sir, when I go to Malaysia I am taxed; when I go to any other part of the world I am taxed what is called hotel tax. Mr. Speaker, Sir, we are only asking the Government to institute that hotel tax in Kenya in order to raise more funds. If this hotel tax does exist, then I will be glad to hear it from the hon. Minister. It is never too late to learn, but I will learn from him whether he has instituted this system of hotel tax. However, Sir, at the moment, there is none, to my knowledge. That is what we are asking the Minister to do.

Mr. Speaker, Sir, I would also like to suggest one of the things which was also touched upon by the Assistant Minister here when he spoke of whisky and so forth. Mr. Speaker, Sir, the Minister for Finance told us that the reason for not increasing the price on these items was because they wanted to encourage the local manufacturers to go on manufacturing their goods here; the items that were taxed, but, Sir, if he says that if we tax whisky, people will go unemployed, this is completely misleading the House. Whisky is not manufactured in Kenya. It is an imported item. If it is manufactured here—I remember, Sir, we asked the Government to allow us to manufacture Nubian Gin, but they refused. Now, Sir, I do not know if there is any other gin which is manufactured here locally—

The Assistant Minister for Finance (Mr. Odera-Jowi): On a point of information, Mr. Speaker, Sir, it is a fact that there are certain brands of whisky which are manufactured in this country, for example, Old Gold Whisky.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member, I think, is trying to help me, but I do not think he is doing much. Do you mean the processing or manufacturing of whisky? I would like to know that.

Dr. De Souza: On a point of information Mr. Speaker, Sir, I would like to inform the hon. Member that whisky is manufactured in Kenya from a potable spirit imported from Uganda. It is manufactured in Kenya, I know it very well myself.

Mr. Shikuku: Imported spirit, manufactured—I am getting more confused, Mr. Speaker, Sir, please could the hon. Member explain further?

Dr. De Souza: We, in Kenya manufacture whisky from potable spirit which is imported from Lugazi in Uganda. It is called, "Old Gold Whisky."

Mr. Shikuku: Mr. Speaker, Sir, if that is the case, I have to believe it, but if it is going to make some poor people lose their jobs, then, I will not allow that. It is all right.

Mr. Speaker, Sir, there is one thing which I did want to raise with regard to this Bill here and that is, namely, the question of the cents. Mr. Speaker, Sir, what is going to happen is this. Although we do not have any legal tender for the one cent or two cent and so forth, the Indian *Mzungu*, or the African trader is going to make his price a round figure, thus making a big profit because they will make their prices into a round figure, but this will be at the expense of the ordinary man. I want to know why, Mr. Speaker, Sir, the Government found it necessary to arrive at this question of cents, when they know very well that they do not exist. Mr. Speaker, Sir, I remember that I rose on a point of order—and rose to seek your guidance—as to whether we were in order to talk on something that was not legal tender in the terms of cents and so forth, but, of course, that was not a good point of order, and so now that I am perfectly in order, I would like to ask the Government not to try and bring out calculations which involve cents which do not exist. If they are going to tax thus, are they going to tax the traders on the excess cents they receive as a result of such taxation? I would like to know that.

Mr. Speaker, Sir, finally, because I do not wish to take most of the time of the hon. Members here, I just wish to mention one last point. Mr. Speaker, Sir, my last point is with regard to the taxation. I am sure the hon. Minister for Finance, and if it were anywhere in his reply, I am afraid that I did not see it, as I was reading the HANSARD today, and I do not know whether they

overlooked that, but I would like to ask him about this question of income tax which is levied against the Members of this Parliament. Mr. Speaker, Sir, I did not come across his explanation as to why income tax is levied against hon. Members in this House who pay their graduated personal tax of Sh. 600, which was raised by the Members for Nyandarua—

The Speaker (Mr. Slade): Mr. Shikuku, I am afraid you cannot bring that into a discussion of this Bill. You can suggest alternative forms of taxation as opposed to those proposed by this Bill, but you cannot ask questions about income tax unrelated to this Bill.

Mr. Shikuku: Thank you, Mr. Speaker, Sir. What I feel should be taxed, Mr. Speaker, Sir, I did suggest in my previous speech, during the Budget debate. I am very glad that the Opposition, though small, have contributed very effectively, and I must congratulate them on suggesting some of the items which should have been taxed instead of some of these things which I already said. I did say from the beginning that the Budget this year hits the poor man more than the rich man.

I am very glad that one of the items suggested should be taxed is imported clothes. I remember, I suggested during my speech, that, instead of taxing the poor man I thought we should instead tax imported items in order to safeguard the local manufacturers. I thought that the Minister, when replying, would either agree or disagree with me, with regard to my suggestion, to the effect that we should try to promote our own production by asking our people to buy more of our own products rather than imported goods. In this way the people who import goods from outside would automatically close their shops and go. We could continue buying our own local products because this would provide employment; not only that but it would also promote our economy. I was very shocked to find that the Minister was not even prepared to say anything about that suggestion which I feel is very, very sound. It has worked in many countries and I am sure it could work in this country as well. If we produce our local material and ask our people to buy more local goods, and buy—

The Speaker (Mr. Slade): I think that once again you are getting away from the Bill, Mr. Shikuku.

Mr. Shikuku: I am sorry, Sir.

Mr. Kibuga: On a point of order, Mr. Speaker, Sir, I think this Bill has been exhausted. May I, therefore, suggest that the Mover be called upon to reply?

The Speaker (Mr. Slade): Yes, I think I must allow the House to consider that. Mr. Shikuku has had quite a long run.

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

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, discussions on this Bill have produced some very interesting suggestions, some of them quite sound, others indifferent, some quite wrong. Also, the discussions we have listened to prove that financial matters are not matters that are easy to grasp.

Sir, some of the speakers who spoke first came from the Opposition and I would like to take some time off to reply to some of the points they made before I reply to some of the points raised on the Bill.

It is not surprising, Mr. Speaker, that the small Opposition that we have in this House have really tried to exert themselves. It is only right that they must do so. However, I think some of them tend to be a little bit vindictive, even when they are not making any useful points.

The Opposition have made the accusation that this tax hits the poor. I would like to explain a point here about the principles of taxation. If we want to develop this country we must accept the fact that the responsibility of developing the country must fall on all. Being a country that has adopted socialism as a way of life, as an economic principle and as a political principle, we must also accept that the sacrifice for development will be borne according to our citizens' abilities to bear it. This means that the rich must accept higher taxes so that they may contribute to the development of the country according to their ability as rich men. We must also accept the fact that even the poor man must be called upon to make his contribution in paying for the development of the country.

So, the complaint we had today from the Opposition, namely, that this tax hits the poor people, proves the point. For a long time—and this is true—items like spirits, cigarettes, have been taxed from year to year. This is a fact. Since we came to this House in 1963, at every Budget we have had an increase on the price of cigarettes, an increase on the price of alcohol, and so on, but so far we have never gone to the level that we have gone to today. I would like to point out, therefore, that it is this time that we have done a very little so that even our unfortunate people may contribute towards the development of the country. This does not mean that Government is not mindful of the fact that there

are certain people in the country who are poor and who should therefore be given relief from this type of tax. I only wish, Mr. Speaker, that we could tax the Opposition more because really some of the richest people in this country are among the KPU leaders.

Mr. Speaker, Sir, one of the Opposition speakers is somebody who really should have known better; being a trained economist he should have known the purpose of the type of tax we levy in this country. He should have understood, as a gentleman who has been in the Ministry of Finance, the whole tax strategy of the Government of Kenya.

Mr. Okelo-Odongo: It is wrong!

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, it is not wrong. The gentleman concerned is now in the Opposition and he is bound to contradict some of the things Government is doing for reasons best known to himself.

I would like to go through the points one by one because this will enable me to answer some of the criticisms that have been levelled here.

In this Bill, under item 9, a duty has been imposed on coffee, and it is mainly instant coffee. The purpose of this duty is to protect the manufacture of instant coffee in Uganda. Now, why do we do this? I think the reason is obvious. It is obvious in the sense that we have a common market and we have to tie up our tax system in order not to defeat what our neighbours in the other countries are doing. We realize that to the extent that we help them, we will be able to strengthen the whole basis of the economic growth in the whole of East Africa.

Nuts and washers were also mentioned. The reason for the imposition of duty on this is to protect the manufacturers in Uganda.

Mr. Speaker, Sir, another item which was mentioned was radio receiving sets. The present duty of 30 per cent is being increased to 50 per cent for revenue purposes, and also in order to encourage the assembly of radios locally. I do not see why anybody would quarrel with this, because if we encourage the assembly of radio receiving sets in this country we will be creating employment in this country, we will be helping our people to acquire the skills and, therefore, this duty is just designed to achieve that, besides the secondary purpose of raising revenue for the country.

Mr. Speaker, Sir, biscuits have been mentioned, and the fact of the situation is that for a long time industries manufacturing biscuits in this

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country have been protected from competition from outside. Now, the purpose of protecting our local industries is to enable them to grow and stand on their feet so that they can compete with other industries in quality and also in price. If we go on protecting a local industry indefinitely, we will always be taxing the local people to pay for an industry which might be producing low-quality commodities. Because the Government is convinced that the local biscuit industry can now stand on its own, we are convinced that it can now compete against outsiders and, therefore, we have decided to tax it in order to earn revenue and also in order to bring it on the level, cost-wise, of competition with outside firms.

Petrol has been mentioned and I must say also that those who have not had a good look at the Bill, have mentioned diesel. You, Sir, corrected them by saying that the question of diesel does not really arise here. The arguments advanced here have been that the increase in the price of petrol will affect the poor man. I do not see how. It is true that an increase of 10 cents per gallon will affect those who own cars and, therefore, those who have to buy petrol. It has been pointed out that most of our poor people do not own cars, they ride in buses, and it is because we do not want to put a burden on them that we have left alone diesel. Therefore, there is no possibility of the price of diesel rising. Hence, also, there is no possibility of the fares on buses rising. So that is out of the question. The increase in the price of petrol will definitely affect those who use cars, especially the car owners. We have no apologies to make here because those who can afford to buy cars, can afford also to pay slightly higher prices to help in the development of the country.

A lot has been said, Mr. Speaker, about tax on soap. Here, again, the tax has been designed to bring the local firms manufacturing soap on a par with the outside firms. If we continue protecting these firms, they might be charging higher prices than we could get from imported soap. It is because we realize that this might happen that we have put a tax on soap in order that they may give us the best quality soap, as well as the cheapest soap possible.

I hear the Member for Butere, now seeing his arguments are crumbling, beginning to complain again.

I would like to answer some of the points made by the hon. Mr. Oduya. Mr. Oduya complained about the increase in the price of petrol; I feel I have answered that.

He also alleged that landlords are avoiding taxes, and so on. If only the hon. Member could give us instances of landlords avoiding taxes, we would be only too pleased to pursue them and make sure that they pay those taxes.

Mr. Speaker, Sir, the question of airport tax has been raised here and we have been told that in a lot of countries airport taxes are levied. Sir, we know this country better than the outsiders and we do not want to go on blindly copying things from outside. Just because Tanzania levied this airport tax is no reason why we should levy it too. We have our own minds and we are going to levy taxes where we think they are going to be most effective, where we think we are going to realize more revenue. If we relax and allow these people to come in, then when they come in we know that we are going to tax them through hotels, through the taxis and other means; this serves our purpose well. So, there is no need really making so much about the absence of airport tax. We know exactly where we collar them and we know how to get money out of them.

The hon. Mr. Oduya also made a lot about borrowing money from outside. It is true that we do borrow, and it is also true that we only borrow where it is absolutely necessary to borrow. When the Minister for Finance was making his Budget Speech, I think he dwelt on this point at large. He pointed out that we only borrow because we want to use the money in order to further our development; we do not borrow for the sake of borrowing. We borrow only when we are convinced that by borrowing we will be making such effective use of the money borrowed, and in such a way that we are able to pay back the money later. We do not borrow in order to burden ourselves with public debt for reasons that are not sound.

The hon. Mr. Shikuku made a little arithmetical error by complaining that taxes have been rising whereas salaries have not been rising. Now, who pays the salary? It only means giving by that hand and taking it by the other. If Mr. Shikuku says every time taxes—

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering whether I am not entitled to being referred to by the hon. speaker as the hon. Shikuku?

The Speaker (Mr. Slade): Yes; or even better the hon. Member for Butere.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, the hon. Member for Butere made a very simple arithmetical error. If he claims that every time the taxes go up, the salaries must also go up, then there will be a

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spiral. The salaries will be chasing the taxes, so on and so forth, and there will be no end to it. So, it is only fair that the Government must put a brake somewhere in order that we have a straightforward progression. We tax people and we expect them to pay, and so on.

Mr. Speaker, Sir, I think I have answered some of the major points made during the debate. I would like to say that the Opposition could do us a lot of good if, on every occasion they criticized us, they also do produce a suggestion or some alternative.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CUSTOMS AND EXCISE TARIFF (AMENDMENT)
BILL

(Clauses 2, 3 and 4 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Customs and Excise Tariff (Amendment) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE CUSTOMS AND EXCISE TARIFF
(AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Customs and Excise Tariff (Amendment) Bill and its approval of the same without amendment.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Customs and Excise Tariff (Amendment) Bill be now read the Third Time.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

MOTION

FULL-TIME SCHOOLS' INSPECTORS:
APPOINTMENT OF

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

THAT the Kenya Government considers strengthening the headquarters and provincial school inspectorate teams by employment of full-time schools' inspectors who should take over the functions of inspection from the education officers who are responsible for management, administration and supervision of schools under their jurisdiction.

Mr. Speaker, Sir, this Motion came as the result of a question which I asked the Minister regarding the provision for strengthening the inspectorate teams in order to improve the educational standards in Kenya.

Mr. Speaker, Sir, the Minister in reply stated that he could do nothing because he had no money.

Mr. Speaker, Sir, in support of the Motion I would like to tell the House that as far as I know, at the present time, we have from the headquarters in Nairobi one inspector, for each of the following subjects, in the country, particularly in the secondary schools: mathematics, English, science, history, geography, physical education, domestic science, art and junior work; the latter being mainly for the primary schools. These inspectors, I assume, report to the Chief Inspector of Schools. There is also provision for one inspector of schools in each province, i.e. Western, Rift Valley, Nyanza, Coast and Eastern. Nairobi has two inspectors. At the present time there is no inspector for the North-Eastern Province simply because I think that the standard of education

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there is much lower, and probably there are not enough schools to enable the Ministry to post an inspector there.

It is, therefore, assumed, Mr. Speaker, Sir, that the provincial inspectors' report to the provincial education officer and also to the Chief Inspector of Schools, Head Office, Nairobi. In addition, the provincial education officer is also supposed to make a general inspection of all the schools under his jurisdiction. But it is clear, Mr. Speaker, that these officers do not find the time to do this work efficiently and effectively. The district education officer and the assistant education officers are also supposed to inspect, supervise and manage schools under their jurisdiction.

They do not do their work well because there is too much work for them. Mr. Speaker, Sir, I proposed, therefore, to the Ministry of Education that they should strengthen the inspectorate teams so that the work of the education policy can be effectively carried out for the improvement of the people. I therefore hope, Mr. Speaker, Sir, that each inspector of schools would be able to inspect each of the schools under his jurisdiction at least once a year, that means that every school must be given a full inspection at least once a year. If he can manage to visit any school more than once a year that would be very good.

The copies of their reports must be made available at the schools, for public examination. The public would like to know about the progress of their schools. The public would like to know what the Government is doing about their schools. Therefore, it is quite fair that the reports of the inspectors should be made available at the schools they visit so that in any one year, anybody looking at the log-book will be able to see the comments left there by the inspectors.

Mr. Speaker, Sir, I also think that copies of these reports must be made available to the provincial education officers, and to the headquarters in Nairobi. This is in particular regard to the secondary schools, and teacher-training colleges. I, therefore, hope that the inspectors would see fit to report on moral character and academic standards of the pupils as affected by the teachers.

In this respect, it may be possible, Mr. Speaker, for the Ministry of Education to consider having two of his senior education officers in headquarters in Nairobi, to deal with reports affecting secondary schools and teacher-training colleges. These secondary schools include all *Harambee* secondary schools, whether registered or not. Mr. Speaker, Sir, I can hear the Minister

wondering how that could be, but that is exactly what we really want in the country. We would like all the educational institutions to be given attention, and to be inspected so that we understand what is taking place.

The two inspectors, who, I have said, are in the headquarters in Nairobi, will deal with the reports from the schools. They will be able to follow them up, particularly in secondary schools, and find out what is taking place, and see that the recommendations of the inspectors are given attention promptly. Therefore, in each district I suggest that there should be three inspectors wholly responsible for the inspection of schools, apart from the education officers and the assistant education officers, whose main responsibility would be to manage, administer and supervise those schools. The inspectors will also, similarly, see to it that attention is paid to the work which is being done in all the schools, so that each school is paid a visit once a year, leaving all the reports and the recommendations of the inspectors available in the school, and also in the district education office, and, if possible, in the provincial education office.

Mr. Speaker, Sir, this would mean possibly that Nairobi headquarters would have eleven inspectors, dealing in particular subjects in secondary schools. There would, therefore, be eight inspectors in each province dealing with secondary schools, and there would be about 120 inspectors in all the districts, making a total of 139 inspectors in all.

Mr. Speaker, Sir, so far as management of the schools is concerned, I think that all the secondary schools should be under the management, supervision and administration of the provincial education officers. They should be advised by the board of governors, school committees and parent associations. These could be represented on committees or boards of governors so that the advice of the provincial education officer on the policy that is wanted to carry out.

Similarly, the primary schools should be supervised, managed, administered and controlled by the district education officers with the help of the school committees, parent associations and local councils. If possible the district education officer is generally assisted by an assistant education officer, and I have no doubt that the management, supervision and administration of schools under his area would be very effective. It would, therefore, be possible for the provincial education officers, the district education officers and the assistant education officers, in the course of their work to hold regular meetings with committees, boards of governors and parents, to explain to them any

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changes they hope to introduce in educational policy, either on a district basis, or on a country-wide basis, so that parents are fully aware of the policies which are going to affect their schools. Parents will also know how their schools are progressing. It must be realized that parents would like to see their schools inspected, also they would like to see their schools progress properly, and they appreciate whatever recommendations they are given by the Government.

Mr. Speaker, Sir, I would like to say a few words regarding teacher training colleges. I do hope that the tutors in these colleges are men and women who are of excellent character, teachers who are quite experienced and who have proved to be a great success in life as teachers; men and women who have experience either in the field as inspectors of schools or as field education officers, or as headmasters of schools. These people qualify to become tutors in colleges, and I do hope that the Ministry of Education will consider this very seriously in appointing tutors, because the teachers from certain colleges generally reflect the tutors of their colleges. In certain colleges, Mr. Speaker, Sir, we have some men and women who have not had sufficient experience, particularly in Africa and elsewhere, to handle the students, and in certain cases some of the students turned out by these tutors do not prove a success. They prove a failure within the first two or three years of their outside experience. That being the case, it is very evident that these men and women who train our young people in colleges to become teachers should be people who have had experience and whose service in this country and elsewhere has proved a very great success.

Mr. Speaker, Sir, I do hope that the Minister for Education will very much appreciate the need for improving upon the officers, as I am asking him to do, by seeing that these officers are given their place, so that we can get the work of the Ministry of Education well organized, in order that we can get officers finding out the faults of teachers and parents; teachers and parents alike can also be advised of their failures, so that they can better them. I believe that if we do this, we shall be aiming at getting a better performance in public examinations. We shall be able to produce men and women who are suitable for the needs of Kenya. We shall be able to get teachers who will be loyal to the country.

Mr. Speaker, Sir, some time this year certain teachers were criticized for becoming members of a political party: I think it was possibly KPU. Mr. Speaker, Sir, I think this is the case because

teachers, particularly, know that nobody will find fault with them. The education officers in the field are too busy to find out what is happening in schools, and that is why teachers use school time in attending to politics and political problems. Therefore, if these are given the supervision required, there will be no time for such behaviour.

Also, I do hope that with these improvements it will be possible for pupils to respect Kanu, for pupils to respect the Government of Kenya and to respect the National Anthem of Kenya, which is very, very good. We also hope that the character of most of the students throughout the country would be much better. Mr. Speaker, I think it is true that some of the students and some of the boys from colleges, universities and secondary schools do not really have that very good character which some of the Ministers here had when they left their colleges. I think the Minister will agree with me that we need to lay great stress on character training and this can be done through improved educational facilities, through proper supervision, through proper inspection, as I am putting it to the Minister.

As members of the public, particularly leaders of the public, when we meet students in Nairobi, Mombasa, Kakamega or Kisumu, they should prove that they are well-mannered, but at certain times we find that they do not have a good character, they are trying to copy somebody else who does not care, somebody else who is perhaps a drunkard, somebody else who is perhaps teaching them for a short time and then going elsewhere.

Mr. Speaker, these are the things which are spoiling education, and I hope that the Minister for Education will be sympathetic to the country by adopting and accepting my Motion. I am really asking him to strengthen the teams of inspection, at the headquarters level in Nairobi and also at provincial level so as to effect a better performance and better facilities in education.

Mr. Speaker, Sir, I beg to move.

Mr. Kibuga: Mr. Speaker, Sir, in seconding this Motion I would like to point out that the purpose of the inspectorate and of inspecting schools is, first of all, to see that what is happening in the schools is in accordance with what the Ministry has laid down.

Besides that, the people who visit and inspect the schools also go to see that the teaching there is of the right standard and, at the same time, it is not only a question of correcting the wrong teaching taking place or the wrong organization, there is also the question of trying to guide the teachers who are there. It is possible, especially at

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this time of a transitional period in the history of Kenya, to see that so many changes are taking place, and the teachers in the countryside may not be able to keep abreast of what is going on in the country. As a result, it is necessary that these teachers should be visited from time to time, should be inspected, should be guided, and be shown the way.

Again, when they are visited, they will be encouraged to do their work properly and because a teacher is just like any other person in the country doing any other type of job, he would like to get promotion. If his work is not inspected, it will not be possible for whoever the authority is above him to recommend him for promotion. This causes frustration and with frustration our teaching profession suffers. So I very much support this Motion that we must increase the inspectorate, from the headquarters, at the provincial level and the district level.

The education officers in charge of a district will still have a lot of work to do within their districts because they will be in charge of supplying the right type of equipment in the schools, seeing that teachers are housed, seeing that discipline is proper, and all the rest. But because it is necessary for the teachers to be kept up to date, these inspectors, who are up to date with the modern methods of teaching and with Government policy, should be visiting them.

I would like to point out, Mr. Speaker, Sir, that although we are independent, most of the syllabuses used during the colonial times are still there. I hope now that we have a Minister who is a former teacher, he will keep informed of what is going on and that what will be taught in the schools is not a continuation of what was happening during the colonial days. Systems have changed, our Government has changed, our outlook has changed, our emphasis on education has changed, but who is to inform the ordinary teachers in the countryside? The Minister and his inspectorate.

It is unfortunate, Mr. Speaker, Sir, that most of the big bosses in the Ministry of Education, for a long time, have been staying in the head office and getting reports from the country. They have not cared previously to go and see what is happening. In fact, it is no wonder to know that you may go to a big officer in the Ministry of Education and he will not know where a certain school is; he does not know what province or what district. I think it will be necessary, besides the inspectorate going round the schools, seeing the schools, for the Minister, the Assistant Minister and the big bosses in the headquarters to go

round occasionally and see for themselves, not merely to sit here and wait to be told what is happening there.

Mr. Speaker, Sir, in most of our schools, despite the fact that our teachers are working very hard, you will find that in the primary schools some teachers are teaching classes which are much higher than their qualification. It is not their fault. In the *Harambee* schools you get teachers who are not qualified to teach there. It is not their fault; we are without teachers. But if the inspectors have to go round more often, it will mean our teaching will be improved and our educational system will also be better off. *Harambee* schools must not be left uninspected; they need guidance. Although they are not aided by the Government, these schools should be seen to do the right type of job.

Again, I would like to point out, as I have said before—and I would like to stress this today—that we get a lot of private commercial schools in this country. Some of them are doing a very useful job, others are a disgrace to our country. Nobody goes to inspect these schools. Some students go there and then stay there doing nothing. Yet, at the end of two or three years, when they have spent a lot of their parents' money and some of them have made their parents poor, nobody checks as to what type of education they get. When they go out, they are proud, they think they are very educated, but they cannot get a job because they do not have proper qualifications. Then you get a group of people in the country who are frustrated, going against the Government, and asking for things they cannot get. These are a good target for the advocates of free things, which we know we cannot get in Kenya.

So, it is necessary for these commercial schools to be inspected. I have heard some of the managers of these private commercial schools complaining and saying, "We are blamed many times and told that our school is poor, but it is better than the other school." Why should the inspectors not go round and see the school? If the school is not performing the right job, it should be closed. It is better to organize adult literacy classes than to have a poor school which is ruining the country. Some of them are in a very deplorable condition, and I hope that the Minister—and especially the top bosses in the head office—will get acquainted with these schools; they are very poor indeed.

Mr. Speaker, Sir, when we get these inspectors going round, we feel that they themselves should be very up to date. They should go on refresher courses, they should know the Government

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policy, they should know our aspirations, they should know what the country can do and they should be in a position to guide the other teachers and tutors in the country, not people who have left school and then are already out of date. A lot is expected of them. I have known cases where some managers of especially these private schools say, "No, I do not want this inspector coming to my office and telling me, 'Your school is all right, you just continue.'" More is needed than being told that your school is all right. It is necessary to inspect the school and then guide and suggest what is wrong and what could be improved.

Mr. Speaker, I do not wish to take a long time on this one, but I would like to suggest that we must get the right type of education, and if we are to get schools which ruin our students, it is better to close these schools than to allow them to continue. When the Minister replies, I will especially want something to be said about private commercial schools and *Harambee* schools, because their standard must be up to date. There should be a crash programme to train teachers for primary schools, because today you get nearly one-third or one-half of the primary schools staffed by primary teachers. How do you expect these people to produce good results when they are not trained and nobody visits them?

Mr. Speaker, Sir, I beg to second.

(Question proposed)

Mr. arap Biy: Mr. Speaker, Sir, the standard of education in the country during the colonial rule has been tremendously high, but in our own Government of today, the African Government, of which I say I am proud—because politically we have our own Ministers, for example, the able hon. Nyagah, who for a long time was an education officer—I feel it is now the right time for the Minister and his colleagues in the Cabinet or in the Government to formulate a better policy of encouraging or administering education matters in this country.

Mr. Speaker, Sir, during the colonial régime the management of schools ranged from one agency to another. For example, Mr. Speaker, Sir, we had some schools being managed by missionaries and these missionaries acted on a voluntary basis. They employed capable supervisors of their schools who were not paid by the Government, but paid by these various agencies. Mr. Speaker, Sir, those people did a lot of work to see to it that education in African schools was very much encouraged, but today, Mr. Speaker, Sir, when we look around and see what

is happening in our schools, we see that there is not so much progress as in the past.

Mr. Speaker, Sir, I am not, at any time, any minute or at any degree, trying to undermine whatever is being done by the Ministry of Education. I am just pointing out exactly what should be done so that we have a better standard of education. Mr. Speaker, Sir, we also had some schools managed by the district education boards, and by Government authority which were called Government African schools, and these schools, Sir, had very able supervisors. These supervisors, Mr. Speaker, Sir, at the same time, acted on an administration basis.

Mr. Speaker, Sir, these supervisors inspected also what was going on in the schools. On top of these people inspecting, Mr. Speaker, Sir, and teaching in the schools, we also had Government inspectors. Mr. Speaker, Sir, looking back some years, for example, during the years 1956, 1957 and 1958, we had some able officers in the field who were dealing with the inspection of schools. Mr. Speaker, Sir, Mr. Suleman Adagala was an inspector, and as an example, he did a lot of good work to see to it that the teachers taught the right stuff to the children in various schools, particularly in Nyanza, because he was inspecting Nyanza schools. Mr. Speaker, Sir, I am sure the Government had other such inspectors covering some other provinces; Central and the Coast. Mr. Speaker, Sir, those inspectors did all they could to see to it that the high standard of education in the country was very much encouraged.

Now, Mr. Speaker, Sir, we have our own Government; we have our own African Ministers who understand the African culture and who should, by all means, try to formulate better policies than those used in the past, but they seem ignoring all this. Mr. Speaker, Sir, it is already indicated by the Motion, and I hope the Ministry concerned—the Minister and the Assistant Minister who are present—has already understood the wording of the Motion, and I hope the Motion has no quarrel with the Government, the Ministry. What the Motion is requesting the Government to do is to strengthen, if at all there is one, the inspectorate team. To my knowledge, Mr. Speaker, Sir, I do not think there is an inspectorate in Kenya today. I am subject to correction, Mr. Speaker, Sir, and hope the Minister will help me and put me right when he stands to reply on this Motion.

Mr. Speaker, Sir, this inspectorate in the head office should be given double the strength it has today, because, we usually find so many complaints come in from various schools, for

[Mr. arap Biy]

example, only yesterday we had a Motion in this House on the adjournment which was raised by the hon. Makone. This Motion, Mr. Speaker, Sir, pointed out so clearly to the Government that there are so many mistakes which are continuing in various schools in this country. This is not happening only in Kisii, but it must be happening in every corner of this country, and if we had a strong team of inspectors in the head office, and also at the provincial level, I hope that such mistakes would be brushed away so that we have better teaching and better coaching of our children in these schools.

Mr. Speaker, Sir, I do not need to labour very much on this because the Motion is self-explanatory, and explains what is needed in the country.

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

The Speaker (Mr. Slade): Mr. Nyagah, you will require twenty minutes?

The Minister for Education (Mr. Nyagah): I do not think I will need as long as all that.

The Speaker (Mr. Slade): You will claim it, if necessary.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I rise to take part in this Motion and to thank the hon. Mover, his seconder and my friend Mr. Biy for the contributions they have tried to make. I notice that there is not much difference between their thinking and that thinking of the Ministry, except, for the sake of the record, that we must say a few things to straighten out any erroneous statements that might have been put forward in the course of moving, seconding or even taking part in the debate.

Mr. Speaker, Sir, remembering all the time that finance is the bar which stops the Ministry from complying with the Members' very noble wish and also the ideal aim of the Ministry of trying to maintain our standards, not only to the level which my friend, hon. Mr. Biy, suggested but to improve on those standards.

Mr. Speaker, the Mover did make a number of statements which were almost ruinous to the Ministry, trying to indicate that there was inefficiency, ignorance, on the part of the Ministry in some aspects of maintaining the standards. He made a case for what he considered to be a very generous number of officers. He talked of eleven subject specialists to be stationed at Nairobi headquarters. He thinks that eight are enough as provincial inspectors. He mentioned a case for having 120 district inspectors. The total was 139. If I

were to take his figures I would not be satisfied myself. I would like to see more than that in order that we may get our education up to the mark.

He made a case also which can be a little dangerous unless I correct it, that the product from our teacher-training colleges and some secondary schools come out today with bad characters. This insinuation is dangerous to the morale of our teachers and tutors in these colleges. It must be corrected. The best that these teachers and tutors in the colleges can give is being given, both by our own local men and women, and also by the expatriates. Hence I think it is a little unfair, Mr. Speaker, to allow a statement like that to discourage the good work that is being done by these officers under very difficult conditions.

It should also be remembered, Mr. Speaker, that we have inspectors in every district. Most districts have more than one inspector. I would challenge anyone who says that there is a district here, perhaps apart from the North-Eastern Province, which does not have an inspector of schools. Let me put it clearly Sir, that every education officer in charge of a district or county, and the county employees known as assistant education officers, are all people concerned with administration and supervision of schools, which amounts to the same thing as maintaining the standards. They do not manage the schools. The work of managing the schools is left to other bodies like the county councils, boards of governors.

Mr. Speaker, I would like to go on to describe what our Ministry consists of and I would say it is made up of three groups. There is a group which deals with administration, there is a group which deals with directing education, and there is a group which deals with the inspectorate. We do not have enough members to man that department to the satisfaction of Members. Since no criticism has been levelled at the administration side of our Ministry, or at the directing of education section, only at the inspectorate, I will say that we have done very well to get two-thirds through. Mr. Speaker, this one-third where criticism has been levelled at us is taken with good grace. Shall I call it suggestion? All right, I will do so at the hon. Member's request. Having extracted all the elements of criticism that were contained in the debate, I would say that we have taken it with very good grace. I can assure the House that the Ministry will do its best to ensure that this is done.

I consider it most important that the team should be strengthened because the inspectorate has a very important role in the educational

[The Minister for Education]

system of any country. Theirs is the duty to uphold the agreed standards, not only agreed by the Ministry but by the country as a whole. The policy under which we act will also interpret what the country wants. The inspectorate has to be ever vigilant to spot any changes that may be necessary, and in corroboration with the wishes of the leaders of the country and the Ministry, a policy formulated that will be of the greatest benefit to the country. So, again, I would like to say, Mr. Speaker, that I attach a great deal of importance to this particular point that has been raised in this Motion.

Sir, if only we can get more money allocated to the Ministry, we will do more than is being done today, but let us not forget—

An hon. Member: Apply for it.

The Minister for Education (Mr. Nyagah): You cannot ever get water out of a stone, Mr. Speaker. I do not know whether the hon. Members here will be generous enough to tell Mr. Gichuru, the hon. Member for Limuru, to tax us more so that we can get more money. If we get more money, then we will be happy.

We do not know if the hon. Members will get hold of the Members of the Opposition to tell them not to stop us from borrowing money when it is so necessarily needed.

Mr. Speaker, I would like to say a word about the Seconder of the Motion. I entirely agree with the points that he has raised. His aim, or what he considers to be the aim of the inspectorate, I agree with. We need to make our syllabus content truly Kenyan. The review is taking place. The Kenya Education Commission has recommended certain things, and the White Paper will soon be before the House. The training of teachers and the supervision of teachers so that they can expect promotion, guidance and such things, the need not to forget the *Harambee* schools in this exercise of inspection; the need to make sure that the private and commercial schools are not exploiting the children of this country, and are, in fact, giving the right education that is called for. I might report here, Mr. Speaker, that recently a team of my Ministry from the inspectorate has been doing this very thing that we are talking about, trying to go round some of these schools to see that they are doing their work well.

Adult education in general is also taken very seriously and we have a board of adult education under the able hands of my colleague, the hon. Member for Yatta, Mr. Mutiso. Only this morning I was discussing with our United Nations

Educational, Scientific and Cultural Organization expert who has been stationed here in Nairobi to work for East Africa; but his work begins in Kenya first.

One thing, Mr. Speaker, I would like to put right partly—not because I disagree entirely with him—is the group of people he calls big bosses. As he was talking about the big bosses, I thought the hon. Member for Ndia included the Minister and Assistant Ministers. I can assure hon. Members that so far, in the course of one and a half months, we have visited several schools. I can assure him that for a month one of my Assistant Ministers has been engaged in nothing else but visiting schools in those parts of the country where the former administration had forgotten to visit. I can assure my hon. friend from Ndia that my other Assistant Minister and colleague has been equally engaged in making sure that the schools are visited. Only we had to make sure that this House is not left without any representative from the Ministry, and that is why you have seen him so often here. We will do more and more.

Already the people that my hon. friend describes as big bosses have started going out. Today we have planned for the number two from the Director and an inspector to go and inspect the schools in Wajir. We hope he will do so next week. Three or four weeks ago we had one of these people described as “big bosses” going to inspect a school in Marsabit and Isiolo. Recently—and the hon. Member for Ndia is a witness—we went around some of the schools in his district. We had in company an officer solely charged with the task of making sure that the secondary schools go on working well, and the person responsible for the training of teachers.

I welcome timely comments of hon. Members and at the same time say that things have been started, they have been going on, and I take it, Mr. Speaker, that the whole Motion, the spirit of it, is taken with good grace, and the Ministry will do all it can to ensure that the wishes of the Members and the wishes of the country are met.

Mr. Speaker, Sir, I agree and accept the Motion.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 1st July, at 9 a.m.

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

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First Parliament—Fourth Session

VOLUME IX (Part I)

24th May 1966 to 30th June 1966

Explanation of Abbreviations

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N.B.—For the convenience of Members asking questions, the number of the question has been shown in brackets against the question. This number is also shown in brackets against the Minister or Assistant Minister making the official reply. No number is shown when the question is merely a supplementary question.

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(Member for Korossi)
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Sagini, L. G.—

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